

Carers' Centre

Confidentiality and Data Protection Policy

- That all personal and sensitive organisational information, however received, is treated as confidential with regard to the terms of the Data Protection Act 1998 and the Human Rights Act 1998.

This includes:

- Anything of a personal nature that is not a matter of public record about a carer, the cared for person, applicant, member of staff, volunteer or trustee.
 - sensitive organisational information.
- To comply with the law in obtaining, processing and using personal information and in the protection and disclosure of that information, as defined in the Data Protection Act 1998.

The eight Data Protection Principles are that data is:

1. processed fairly and lawfully
2. obtained and processed for a specific purpose
3. adequate, relevant and not excessive
4. accurate and up to date
5. held for no longer than necessary
6. processed in accordance with the rights of the data subjects
7. kept secure from unauthorised processing or disclosure
8. not transferred outside the EEC area unless the same safeguards apply

- To comply with the Data Protection Act 1998 in relation to the rights of access to data of Data Subjects.

- That sensitive personal information will not be disclosed to a third party without the prior, informed consent of the individual including family members concerned other than in exceptional circumstances. These include:

- To comply with the law or a court order.
- Where there is a clear health or safety risk (or evidence of fraud)
- Anonymously, for statistical research purposes.

- Not to gain or seek to gain access to information other than that for which the Carers' Centre has authority. In general:

- Staff and volunteers will have access to the information they need to know to carry out their work and have a duty to respect the confidentiality of that information.
- The purpose and the people likely to have access to sensitive personal information will, where possible, be explained and informed consent obtained, before such information is recorded.
- References to carers and/or the cared for person in meetings and reports will, normally, be anonymous rather than by name or address.

- That a breach of this policy will be treated as a serious disciplinary matter.

The Information Commissioner

The Carers' Centre will annually lodge with the Information Commissioner describing the purposes for which they process personal information. The details are available from the Commissioner's office at:

Wycliffe House

Water Lane
Wilmslow
Cheshire SK9 5AF
01625 545745
www.dataprotection.gov.uk

Performance Standards:

- Meet the targets set out in PQASSO and/or the Princess Royal Trust for Carers' Quality Mark.
- Compliance with the policy will be reviewed annually by the Trustees.

Data Protection – Requests for Information from Carers

1. Requests for Information:

- Will only be accepted either in writing or by e-mail and will be passed to the Data Protection Officer who, in consultation with the Manager, will action the request.
- Will be recorded in a log of Data Protection Information Requests and subject to an administrative fee of £10, payable by the person requesting the information.

2. Providing Information:

- Information may be in paper or computer form (both are covered by the 1998 Act) and must be provided within *40 days of the receipt of the administration fee (not the request).
- A copy of all information provided will be kept with the log.
- A description will be given of the personal data held, the purpose for which it is being processed and those to whom the data is or may be disclosed.
- A copy of the actual personal data held will be given whenever possible (e.g. extracts from the database).
- The source of personal data held will be supplied with the omission of information which will identify third parties unless their permission has been obtained. (See guide to information that may identify a Third Party.).
- The Carers' Centre will ensure that all relevant information is located and provided.

3. Procedure

- The Data Protection Officer will:
 - Maintain a log of all information requests and will record receipt of the request and fee and all subsequent actions.
 - Acknowledge receipt of the request in writing and give the date by which the information will be provided.
 - Contact relevant staff within the Carers' Centre in order to collect the required information which may be obtained (for example) in any of the following:
 - Carers' database system
 - Quickbooks accounts system.
 - Collate the information provided and forward it to the individual making the request. An accompanying letter will state that a personal meeting can be arranged if further detail/explanation of the data is required.
 - Arrange a personal meeting on receipt of a request in writing or by e-mail. The meeting will be attended by all relevant personnel including the Data Protection Officer.
 - Keep a copy of all information provided and take minutes at any personal meeting. This information will be retained with the log in case of subsequent court action.

4. Amending Personal Data:

- Requests for amendment or correction of the personal data held, should be in writing.

- Where appropriate, the Data Protection Officer may request evidence in support of the amendment or correction.
- In deciding whether an amendment or correction should be made, the Data Protection Officer will liaise with the relevant staff members.
- Where an amendment or correction is refused, a letter explaining the reasons for refusal is sent. A note of the request and reasons for refusal is appended to the file.

Data Protection – Requests for Information from Third Parties (Other than the Data Subject)

Requests for Information:

- Will only be accepted if made in writing

Providing Information:

- In general, information about an individual can only be given out with the consent of that individual.
 - The Data Protection Officer should be informed and asked to log the request.
 - The person or organisation seeking the information should be informed that consent will be obtained from the data subject before the information is disclosed.
 - Write to the person concerned and ask for their written consent, explaining the nature of the information sought.
 - If consent is received, the information can be disclosed.
- The exception to this is where information is requested for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders. The request must be in writing and must clearly state:
 - The reason for the request.
 - The implications of our failure to disclose.

It should be passed to the Data Protection Officer who will:

- Log the request.
 - In consultation with the Manager action the request, if appropriate.
- Any questions with regard to the disclosure of information should be referred to the Data Protection Officer.

Recording Personal Information

- This Procedure relates to all records of personal information

- The Data Protection Act gives the individual rights regarding personal data held about them by others.
- The Act does not distinguish between paper and computer records.
- Individuals have the right to see either type of record provided they apply in writing and provided they pay a £10 administration fee.
- These records will include diary entries made on the Carers' database system
- If an individual objects to the records held or to actions taken as a result of these records, they have the right to take the Carers' Centre to court under the Act.
- Certain types of personal information are classified as 'sensitive' and the Carers' Centre needs the individual's express permission to hold this data. The types of sensitive data as defined under the Act are:

- Racial or ethnic origin
- Political opinions
- Religious beliefs
- Trade Union membership
- Physical or mental health
- Sex Life
- Offences alleged or committed

- When making entries in the Carer's Database system and for inclusion in paper files, ensure that the entry conforms to the following:
 - Relevant & Brief - Use the minimum number of words needed to explain what you want to say.
 - Factual & Accurate - Always ensure that you can prove what you write down. Do not record hearsay from a third party. Record information only if you would be willing to repeat it in court.
 - Do not record 'sensitive' information as defined in the list above unless you know we have written permission from the individual to record that information.

Also see:

The Carers' Centre Safeguarding Vulnerable Adults Policy

Guide to Information that may identify a Third Party:

- When preparing information for disclosure the Data Protection Officer should consider the following questions:

