

# Oasis North London

## CONFIDENTIALITY POLICY

### SOME BASIC PREMISES...

It is often implied that '**personal details**' are name, address, phone etc. and "**private information**" can include circumstances, issues and problems, which are sometimes highly sensitive.

We often use the terms interchangeably, but there are subtle differences which impact how we handle the information given to us, as individuals and as an organization. Also, the owner of the information may have expectations about the **degree** of confidentiality pertaining to different types of information.

### WHY HAVE A POLICY? /ISSUES RELATING TO CONFIDENTIALITY.

#### *ISSUES FOR THE SERVICE USER*

(regardless of sero-status, but in particular, HIV positive people who have come to Oasis for help, involvement or support);

- Enabling **self-help, empowerment** or the opportunity for either, giving out or 'giving up' information to Oasis should not be an embarrassing or disempowering action. The individual service user is always the best judge of this.
- Confidence in the **safety** provided by Oasis in protecting individuals and,
- **Respect** - a clear knowledge of how information about them is used and by whom.

#### *ISSUES FOR STAFF;*

- **Ability to do their job** effectively and efficiently!
- **Communicating** easily with people (e.g. making contact/keeping people informed, etc.)
- **Monitoring** to keep track of our numbers and justify our existence to external funders
- **Keeping aware** of 'need to know' information about some individuals so that services and circumstances can be handled well and appropriately.

#### *ISSUES FOR THE BOARD of TRUSTEES;*

- To **protect and enable** all of the above at the same time by setting down sensitive, workable parameters.

#### *POINTS TO REMEMBER;*

##### **Sometimes, it's a Judgement Call**

- Someone may handle one circumstance different than another.

##### **Prevention is the best medicine**

- Place a high priority on the importance of training
- Constantly set an example. Be a living reminder rather than a verbal one.
- All staff and volunteers should be imbued with the principles and the *meaning* of 'Oasis'.
- Actively seek the perspective of HIV positive people – if not already on the Board – when drafting & reviewing any aspect of the Policy.

## The Responsible Handling of Information

### 1. Purpose and Scope

- 1.1 OASIS recognises the issues of confidentiality in relation to all its work.
- 1.2 OASIS must pay particular attention to strict confidentiality relating to people living with, or affected by, HIV and AIDS and in particular to people's status, be it positive, negative or untested.
- 1.3 Within OASIS, some people publicly declare themselves to be HIV positive. This is important for a self-help organisation, but OASIS does not disclose the HIV status of any individual.
- 1.4 As an employer of paid and unpaid staff, OASIS has a responsibility to ensure that information about staff and volunteers is held and used properly.
- 1.5 As an organisation, OASIS may deal with internal issues, which are not appropriate for public discussion.
- 1.6 **It is the right of individuals to judge for themselves what personal information may or may not be disclosed and passed on and to whom.** An individual may choose to keep private any personal issues, whether or not a disclosure is damaging to her/him. Personal information should only be passed on with the specific consent of the person concerned.

### 2. Holding and Use of Information

As a general principle, information should be held on a 'need to know' basis. To determine whether someone needs to know a piece of information, we need to ask ourselves questions such as: **'Is there a legal requirement for the person to know?'** **'Is the person unable to use or provide a service unless they know?'** The latter applies in the case of the Learning Centre, where the declaration of a positive diagnosis is necessary, in order to access the service.

- 2.1 OASIS will regularly publicise to its users how their personal information is stored and managed.
- 2.2 OASIS will adhere to the guidelines set out in the Data Protection Act (1984) and maintain its registration with the Office of Data Protection Registrar. Registration no. X3378130.
- 2.3 The list of individuals who receive the newsletter or who access services, which includes name and address, is only available to the Director, the chair of the Board, and authorised staff, as appropriate.
- 2.4 Names, addresses and telephone numbers of individuals of specific groups (i.e. volunteers, catering, World Aids Day, women's project, Mixed support group, Learning Centre) are kept on file accessible only to the Director and designated staff, as appropriate.
- 2.5 OASIS must by law keep records of the names and addresses of staff, along with other staff information. These records are not public and are accessible only to the Director or to those delegated or having legal right of access.

2.6 OASIS complies with the legal requirement to keep a public record of Trustees and of any Member groups.

2.7 Staff and volunteers are expected to raise personnel issues with their line manager and not to discuss individuals.

2.8 Formal meetings between management and staff (such as appraisals, grievance or disciplinary meetings) are set up as directed in conditions of employment and no other people should be involved. Board of Trustees meetings and other meetings are not intended to be used for discussion about individual staff, except in circumstances specified in conditions of employment.

2.9 Minutes of the Board of Trustees Annual General meetings are held as a public record and are available to OASIS members on request.

2.10 Information about people using services or taking part in activities may be passed on in circumstances where this is necessary to implement internal disciplinary or grievance procedures.

Personal information may be passed on to the appropriate authority where, if it were not, significant damage would be caused to OASIS or service users. Such passing of information shall only be done to the extent that it is necessary to protect the organisation or people in it.

2.11 Where child abuse is suspected, the OASIS Child Protection Policy must be put into operation.

Whereas no blanket assurance of confidentiality can or should be given, the child(ren) should be reassured that the matter will be dealt with sensitively.

2.12 Where it may be helpful to pass on information, permission must be sought from the person concerned.

However

There may be occasions where, due to the delicacy of the situation, the permission of the person concerned cannot be sought, yet advice either needs to be given, or the information-bearer needs to share the load with a trusted second person. At such times,

- the information-bearer needs to clarify that the second party is also willing to abide by this policy, before sharing the information.
- Any information given must be as sparse as possible.
- If, for any reason, any information must be passed on further, the advice/permission of the information-bearer must be sought.

2.13 It must *not* be presumed that private information shared with one person/group/activity within OASIS can be shared with any other person/group/activity within the organisation. Whilst obviously part of the whole organisation, each activity *must* be treated as a separate entity as far as the passing on of confidential information is concerned. This means that the person's permission must be sought (or follow 2.10).

2.14 Any private information of *any* kind should only be shared with any other organisation, using the same premises as OASIS, with the express permission of the individual concerned. This should be made clear both to the individuals and the organisations concerned.

2.15 The only people who are allowed to speak to the press or mass media on behalf of OASIS are: the Chair **and** the Director, or those properly authorised by them. [To speak 'on behalf of' includes making any connection between oneself and OASIS. *NB: to be reworded*]

### 3. Interpretation and Review

- The Board of Trustees is charged with interpretation and review of this policy where there is lack of clarity or dispute. In such cases, the Board may appoint one or more Trustees to investigate the situation. The latter will then report their findings and recommendations to the Board.
- The Board are also responsible for reviewing the policy annually. It is the duty of *all* managers, staff and unpaid staff to ensure the policy is advertised and understood.

#### Notes

These notes aim to highlight circumstances which might result in a breach of confidentiality and around which OASIS expects all of its representatives to be conscious of the issues of confidentiality. It is sometimes the case that information, even if it is disguised, about an individual can lead to recognition of that individual. It is helpful to remember that **the vast majority of breaches of confidentiality occur from good motives, usually the desire to seek or give support or to improve the organisation's efficiency. Some examples;**

- Information collected about individuals in the course of work for OASIS, e.g. at the office, in a support group or at a conference or workshop, or through the newsletter.
- Discussion of OASIS business in a social setting.
- Volunteers or staff being approached for support outside OASIS.
- Volunteers and staff on external training.
- Inappropriate discussion about other staff, volunteers, including Trustees or users, whether implied or direct.
- Individual support and personal discussions being held in an open or general space where others may overhear.
- Where advice relating to an individual is sought from a supervisor or volunteer or support group (as detailed above in section 1).
- Where names and addresses are recorded for one purpose and used for another.
- Where tasks are delegated, involving passing on information, without clarifying the confidentiality of this information.
- Concern among service users or Trustees about a volunteer or member of staff, such concern being shared inappropriately.
- Papers, diaries, memos, names and addresses being visible in offices. (This includes information on computer screens).
- Care should be exercised when accessing and recording telephone messages, ensuring that messages are relayed only to the named person. In the case of a general message or

enquiry, the message should be relayed to the staff or board member who holds this area of responsibility.

- The Suggestion Box should be emptied only by one authorised, designated person or, in the protracted absence of this person, by a named deputy.

#### **4. Breaches of confidentiality**

Breaches of confidentiality by staff, volunteers, or Trustees will be treated as a disciplinary offence and may lead to suspension or termination of contract as gross misconduct.

Confid.doc

Endorsed by the Director & Trustees – January 2002

Reviewed by the Trustees – January 2003