

**WE ARE  
SURVIVORS.**

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**Governance Policy**

**Confidentiality Policy**

DOCUMENT CONTROL PAGE	
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<b>Supersedes</b>	<p><b>Supersedes:</b> All previous 'Confidentiality Policy' within the organisation</p> <p><b>Significant Changes:</b> GDPR Compliance check, ICO check.</p>
<b>Originator or Modifier</b>	<p><b>Originated By:</b> Evan Chiswell</p> <p><b>Designation:</b> Trustee, We Are Survivors</p> <p><b>Modified by:</b> Duncan Craig</p> <p><b>Designation:</b> Chief Executive Officer</p>
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<b>Application</b>	<p>All We Are Survivors Trustees</p> <p>All We Are Survivors Employees</p> <p>All We Are Survivors Volunteers</p>
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## OGP004 / CONFIDENTIALITY POLICY

### 1. Statement

This policy applies to all Trustees, Staff, Consultants and Volunteers of We Are Survivors. The data covered by the confidentiality policy includes:

- Information about the organisation, for example, its plans or finances
- Information about other organisations
- Information about individuals, for example, clients, volunteers and staff whether recorded electronically or in paper form

All Trustees, Staff, Consultants, Volunteers and others who undertake work for or on behalf of We Are Survivors must respect the need for confidentiality of information held about anyone who comes into contact with the charity, and about any charity business. This is expected to continue even when contact has ceased with this person, and when the volunteer or staff member no longer works for We Are Survivors.

This policy should be read in conjunction with the General Data Protection Policy (OPG050).

The whole organisations workforce, regardless of employment status, must sign a copy of the Confidentiality Statement (Annex 1), which is held in the staff members HR file on BreatheHR or in HR Folder in the digital file store.

### 2. Information about Individuals

We Are Survivors is committed to ensuring services are confidential for all individuals. The confidentiality is between the individual and the organisation, not the members of staff delivering a particular service.

Confidential information will not be sought from a client unless expressly in the interests of that client, i.e. to enable a better service delivery.

Information will only be passed to another agency or to other individuals outside of the charity with the consent of the client, where possible this will be with written consent. If a member of staff or volunteer intends to get information from another agency to help the client or to refer them to another agency, then this must be explained to the client and their permission given.

No personal information about staff, volunteers or clients will be given to any third party without the consent of the individual. Information will only be divulged on a “*need to know*” basis.

Information will be treated in confidence and will not be divulged to anyone outside the organisation except where extenuating circumstances exist. However, in order that we can provide the best possible help to our clients it may be necessary to appropriately share information with relevant colleagues for specific purposes, e.g. risk management, safeguarding.



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All clients are entitled to privacy and will be made aware that they can specifically request to be seen in private.

In no circumstances should details of a client be discussed by anyone outside of the organisation or in an open plan area in such a manner that it is possible to identify the client, this includes speaking outside the office environment on a telephone.

Staff, consultants and volunteers should take due care and attention when speaking to clients and using the telephone or fax. No client should be able to hear a conversation or personal details of another service user.

Where information is transmitted externally to service users, and therefore the risk of an information breach is increased, all practicable measures will be taken to prevent accidental disclosure e.g. We Are Survivors will not use its logos on any external or viewable material such as envelopes, and will refrain from stating the name of the organisation on any voicemail systems unless specific consent has been granted in advance.

### **3. Use of Client Information for Publicity, Reporting or Training Purposes**

We Are Survivors does need to be able to give information where appropriate about the impact of our services and help society as a whole understand male sexual violence.

If one of our services has an outcome which would provide useful material for publicity, reporting or training purposes, then wherever possible the permission of the client will be sought in writing before the story is told to anyone else. If permission cannot be obtained, then any details that would enable identification of the client to be made will be removed.

Client information can often be used in case study material and we will ensure that we provide any client with 'sight' before publication.

Further clarification for clients can be found in the booklet 'Your Information: A guide to how it's used and how you can gain access to it'.

### **4. Limits to Client Confidentiality**

In certain circumstances We Are Survivors reserves the right to break confidentiality should this be deemed necessary. These circumstances include:

- If a member of staff believes that a client could cause danger to themselves or to others (including self-harm or violence)
- If a member of staff suspects abuse or has knowledge of abuse
- If disclosure is required by law, for example, by the police (to be read in conjunction with *OPG052 - Counselling and Client Records Disclosure Policy*)



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- If a person is felt to lack the mental capacity to decide (to be read in conjunction with *OPG008 – Mental Capacity Policy*). In such cases staff or volunteers will discuss with a manager and they will only act in the client's best interest
- If the client gives information which indicates a possible terrorist threat

The decision on whether to break confidentiality will be decided on a case by case basis and always in conjunction with the client's 'worker' and Line Manager. In the event of a safeguarding risk, the Safeguarding Lead may also be part of the decision making process, as may a member of the Executive Leadership Team.

Such decisions must also consider the charity's responsibilities under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The rationale and decision to breach confidentiality must be recorded clearly in the clients VIEWS record and Risk Register.

In the event that a client was not informed of the intended breach of confidentiality, e.g. risk created to the public, to staff or to the individual from reporting, the decision and rationale not to inform the client of the breach must be clearly recorded in the clients VIEWS record and Risk Register.

The limits to our confidentiality are governed by the Children's Act 1989 and 2004, Prevention of Terrorism Act 2005, Mental Health Act 2005 and Police and Criminal Evidence Act 1984.

Limits to confidentiality may also be extended when working from within a secure unit or the prison estate.

## 5. Internal Access to Data

This Policy operates on a "need to know" basis and apart from staff and volunteers in the office of We Are Survivors, no-one will have access to client or organisational information unless it is relevant to the service or their work.

Any workers disclosing information must always be prepared to justify any decision to breach a client's confidentiality.

All clients and customers have the right to request access to all information stored about them, and have a right to see a copy of this confidentiality policy on request.

If any party concerned has a sensory or physical impairment, efforts should be made to ensure that all aspects of this policy and exchanges between parties are understood.

Significant breaches of this policy will be handled under People Conduct Policy (OGP002).

## 6. Evaluation and Monitoring

All trustees, staff, consultants and volunteers will be given a copy of the policy when they join We Are Survivors and will sign the confidentiality statement that they will abide by this policy, a copy of which will be stored in their employee file on BreatheHR. We Are Survivors will ensure that all trustees, staff and volunteers are appropriately trained in the application of this policy at induction.



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The policy will be reviewed annually, and in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

## 7. Information Requests

It is possible that on occasions, particularly but not solely for the purposes of a criminal justice case, that client records may need to be obtained by the Police, CPS or other party.

All information requests will be handled by the Information Governance Lead in accordance with other policies, including but not exclusively the General Data Protection Policy (OPG050) and Counselling & Client Record Disclosure Policy (OPG052).

Client information will only be released if one or more of the following conditions are satisfied:

- a) Where the written consent from the client has been obtained; and/or
- b) Where disclosure is required by a relevant order of the Court or other official authority, or where disclosure is otherwise required by law

A client is entitled to request their own records, known as 'subject access request' (SAR) of which they are entitled to ask for under section 45 of the Data Protection Act 2018. Only information relating directly to the individual will be permitted to be seen whilst information relating to others, e.g. in a group setting, would be redacted.

All information requests are processed as per General Data Protection Policy (OPG050).

## 8. Safe Disposal of Information

We Are Survivors will dispose of all client files and information relating to an individual, both in paper and electronic form after 7 years of last contact with client, in adherence with the General Data Protection Act 2018 and as best practice as set out by ICO.

All paper files and information will be shredded, using cross shredder; and electronic files will be permanently erased from the case management data base and backup drives.

However, anonymised statistical data that includes all individuals engaged with the service will be retained for service development, funding and reporting on.

## Confidentiality Statement

Document Control			
Doc Name:	Confidentiality Statement	Author:	Duncan Craig
Doc Ref:	CS00121	Audience:	We Are Survivors Workforce, Trustees, Consultants
Doc Version:	002	Status:	Standard

When undertaking work for or on behalf of We Are Survivors, you will often need to have access to confidential, restricted or sensitive information which may include, for example:

- Personal information about individuals who are clients or otherwise involved in the activities organised by We Are Survivors
- Information about the internal business of We Are Survivors
- Personal information about staff or volunteers working for We Are Survivors

We Are Survivors is committed to keeping this information confidential, in order to protect people and We Are Survivors itself. Confidential means that all access to information must be on a 'need to know' basis and properly authorised basis. You must use only the information you have been authorised to use, and for purposes that have been authorised. You may not during or after the termination of your employment / volunteering / consultancy, disclose to anyone other than in the proper course of your work at We Are Survivors or where required by law, any information of a confidential nature relating to the company or its business or customers. Breach of this clause may lead to dismissal / termination of consultancy without notice.

You should also be aware that under the latest General Data Protection Act, unauthorised access to data about individuals is a criminal offence. You must assume that information is confidential unless you know that it is intended by We Are Survivors to be made public and you have permission to make this information available. You must also be particularly careful not to disclose confidential information to unauthorised people or cause a breach of security. In particular you must:

- not compromise or seek to evade security measures (including computer passwords)
- be particularly careful when sending information to other agencies and organisations
- not gossip about confidential information, either with colleagues or people outside We Are Survivors;
- not disclose information — especially over the telephone — unless you are sure that you know who you are disclosing it to, and that they are authorised to have it.

If you are in doubt about whether to disclose information or not, **do not** guess. Instead, withhold the information while you check with an appropriate person whether the disclosure is appropriate. Your confidentiality obligations continue to apply indefinitely after you have stopped working, volunteering or consulting for We Are Survivors.

Please confirm you have read and understand the above statement and accept your responsibilities regarding confidentiality.

Signature / Date

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