



# CONFIDENTIALITY AND PRIVACY POLICY AND PROCEDURE

---

## Introduction

The purpose of this policy document is to establish a clear and agreed understanding of what confidentiality means within KidsAid, to encourage uniformity in practice and ensure that service users know what they can expect from the organisation.

The term service-user refers not only to individuals who use KidsAid's services, but also groups and organisations which consult KidsAid and share with it confidential information about their agency. The policy applies to all trustees, staff, therapists, and volunteers of KidsAid and continues to apply after their service or involvement with KidsAid has ended.

## Responsibility

The Board of Trustees has overall and final responsibility for ensuring that KidsAid meets its legal responsibilities regarding confidentiality in relation to criminal record checks, the Data Protection Act and any current or subsequent human rights legislation, which guarantees a right of privacy.

The CEO is responsible for ensuring that the policy and the procedures in this document are implemented efficiently and effectively. All staff, therapists and volunteers are expected to facilitate this process.

In particular, the CEO will ensure that:

- Line managers are aware of their responsibilities to their staff, freelance therapists, and volunteers.
- Arrangements are in place to monitor and implement this policy.

## General Principles

In the course of our work, KidsAid will be party to highly sensitive information and hold a range of contact and other details about individuals, which is necessary for our work. KidsAid recognises that confidentiality is an important factor in determining the level of trust and security clients and other service

users have in the service provided. Furthermore, for the therapy interventions we provide to be successful, we understand that clients must have a high degree of trust in their therapist and in KidsAid.

## **Information Recorded**

Information is kept enabling KidsAid's trustees, staff, therapists and volunteers to carry out our work, and in particular to provide therapeutic intervention and support for children and young people.

We collect, process and store three main types of personal information:

- Clinical records to ensure the children, young people, and parents we work with are provided with an appropriate and supportive service.
- Recruitment and HR records about our trustees, employees, contracted therapists, and volunteers to fulfil our recordkeeping obligations as employers and contractors.
- Supporter records relating to our fundraising activities to thank them, keep them informed and comply with financial obligations.

## **Record Keeping**

KidsAid keeps extensive record systems on a secure cloud storage service and CRM. Where necessary, personal details of clients and KidsAid's trustees, staff, therapists, and volunteers are recorded within these systems.

The type of information KidsAid collects will vary according to the type of engagement individuals have with KidsAid and information is only collected to fulfil this engagement.

## **Clinical Records**

KidsAid recognises that the information we collect to support our clinical work is likely to include sensitive personal data of children, young people, and parents so clinical records are handled very carefully in the following ways, including but not limited to:

- Parent/guardian/client written consent and verbal consent is obtained prior to our work starting to grant permission to process and store personal data.
- Any brief and factual notes written about clients or families are stored securely.
- All information is kept securely, and access is highly restricted to trained staff and therapists bound by confidentiality agreements.
- Documents shared externally are encrypted and information is anonymised when used for evaluation/reporting.

- Data is only shared where KidsAid has a legal obligation to do so or to protect the vital interests of an individual or family.
- Personal information is anonymised when using it for monitoring, evaluation or improving current and future delivery of services.

Clinical information is deleted/destroyed after seven years.

## **HR and Recruitment Records**

KidsAid uses personal data provided by trustees, staff, therapists, and volunteers to:

- Process an application for membership, employment, volunteering, placement, or freelance therapist role.
- Process data to ascertain suitability and for the performance of contract (or prior to entering a contract).
- Share appropriate data with a third party, external payroll bureau, pension provider and HM Revenue & Customs.
- Maintain an employment relationship.

The above list is supplied for illustration and is not exhaustive.

## **Fundraising Data**

KidsAid uses personal information to fundraise, process donations and stay in touch with our supporters to thank them and keep them updated on what we have achieved with their support.

Our electronic marketing (email and telephone) is only undertaken with prior consent and postal marketing is undertaken where there are legitimate interests.

We store personal information in respect of any financial transaction for as long as the law requires us to for tax or accounting purposes (which may be for up to seven years).

We retain any personal information for no longer than necessary for the purposes for which it was collected, considering guidance issued by the Information Commissioner's Office (ICO).

Only relevant information will be kept. When information becomes irrelevant, it will be destroyed.

## **Sharing of Information**

### Internally

Information is confidential to KidsAid as an organisation and may be passed to trustees, managers, colleagues, therapists, or volunteers to ensure the best quality service for users. Similarly, it is important that in supervision meetings, staff, therapists, and volunteers should feel able to talk freely about their experiences. However, it should be clear to all attending such meetings that they are bound by KidsAid's rules of confidentiality and that confidential matters must not be discussed outside of KidsAid.

Casual or social discussion about clients that is conducted amongst KidsAid's staff, therapists, or volunteers and outside KidsAid's premises is strictly prohibited.

### Externally

Information about KidsAid's trustees, staff, therapists, and volunteers is held in confidence.

KidsAid's clients must give their permission before any information KidsAid holds about them can be passed on to a third party, where that information specifically identifies them, or might lead to their identification.

## **Disclosure of Information to External Agencies**

In accordance with the confidentiality policy, any outside agency requesting information about a Child Client from KidsAid must first provide an official document to authorise the release of such information. For requests from the Police, the document must be titled "Disclosure of Information to the Police" (Data Protection Act 2018, Schedule 2, Part 1 (2)). For requests from the Family Courts, the request for information will be included within the Court Order.

When responding to these requests, all documents must be saved as a PDF. The information must then be transmitted securely and confidentially, using either the Egress platform or by sending an encrypted PDF via email.

## **Breaching Confidentiality**

KidsAid will not disclose sensitive information to a third party without the individual's consent except in a situation where there is a risk of harm to an individual or to others or where there is a legal duty to do so.

There is a legal duty to breach confidentiality in cases of:

- Safeguarding concerns: where a member of staff, therapist or volunteer is concerned for a client's safety. Staff, therapists, and volunteers will follow KidsAid's Safeguarding and Child Protection Policy in these circumstances.
- Situations where it will be in the client's best interests for other professionals involved in their care, or family members to be aware of issues that have arisen within therapy sessions, so that they can be supported further.
- Drug trafficking, money laundering, acts of terrorism or treason, which will be disclosed to the police.

Confidentiality may also be broken in situations where trustees, staff, therapists, or volunteers believe an illegal act has taken place.

In each of these circumstances, KidsAid's staff member, therapist or volunteer will warn the client of these limitations to confidentiality and of the need to disclose information, unless making such a warning would place the staff member, therapist, or volunteer in danger. The staff member or therapist should then advise the Clinical Lead of the circumstances and a course of action will be agreed. If that is not possible within an appropriate time limit, then the CEO should be consulted before disclosure is made.

Decisions about disclosure/non-disclosure and the reasons for them must be recorded.

## **Volunteers**

Volunteers should regard all personal information/information about individuals they have access to or are given as a result of their volunteering as being confidential unless advised otherwise. No information of this sort should be released to a third party without first seeking the agreement of the CEO and the individual concerned.

Should a volunteer be concerned about the safety or wellbeing of an individual as a result of the information they have been given, they should speak with the Clinical Lead.

## **Access to Information**

### Information about Individuals

Service users may have sight of KidsAid's records held in their name. The request must be made in writing to the Case Manager or Placement Manager giving 14 days' notice and be signed by the individual. Sensitive information, i.e., involving disputes or legal issues will only be made available to the person or organisation named on the file. Confidential information that has been provided by a third party may be removed from a file prior to its examination.

### Information about Staff

Personnel information about staff is stored on a secure cloud storage service. All staff are free to see their own personnel file but are expected to respect privacy relating to other staff members.

### **Monitoring and Evaluation**

KidsAid reports to a range of funders and produces information to show the work the organisation has completed and the benefits this has brought.

Where possible, anonymous information will be collected from service users.

Reports will not include information which identifies individuals or could be used to identify individuals, unless specific consent has been sought from the individual concerned or their guardian.

### **Data Protection**

All personal information (computerised or otherwise recorded) collected and held by KidsAid is covered by the Data Protection Act. The Act requires all those using or collecting the information to abide by certain key principles. Broadly, the Principles state that personal data must be:

- Obtained and processed fairly and lawfully.
- Held for the lawful purpose described in the registration.
- Used only for those purposes and disclosed only to appropriate people.
- Adequate, relevant, and not excessive in relation to the purpose for which they are held accurate, and where necessary, kept up to date.
- Held no longer than is necessary.
- Accessible to the individual concerned who, where appropriate, has the right to have information about themselves corrected or erased properly safeguarded.

KidsAid recognises that the Data Protection Act applies not only to computer systems but also to manual (paper) filing systems that are structured by reference to individuals.

### **Security of Information**

KidsAid will maintain an appropriate level of security in accordance with the Data Protection Act and this policy to adequately protect information about individuals that is held in the systems. Sensitive paper files will be kept in a locked area and access to computer files and databases will be restricted by passwords.

## **Complaints/Breaches of this Policy**

Staff who are dissatisfied with the conduct or actions of other colleagues or KidsAid should raise this with the CEO using the grievance procedure if necessary, and not discuss their dissatisfaction outside of KidsAid.

Service users who are unhappy with practice or suspect a breach of confidentiality has occurred may complain through KidsAid's complaints procedure.

Breaches of confidentiality will be treated very seriously. Staff accessing unauthorised files or breaching confidentiality are likely to face disciplinary action. Ex-employees breaching confidentiality may face legal action.