



## CONFIDENTIALITY POLICY

Advice & Support at Keele SU (ASK) is committed to providing a confidential advice service. We ensure that confidentiality is built into everything we do, including how the service is managed.

Confidentiality means creating a relationship of trust between us and our clients. We will keep your personal information private and will not share it with anyone else without your express permission.

Protecting your privacy is especially important when dealing with sensitive or highly personal information. That's why we use secure systems and limit access to client records to authorised staff only.

The data covered by this confidentiality policy includes:

- Information about the organisation, for example, its plans or finances
- Information about other organisations
- Information about staff whether recorded electronically or in paper form.
- Information about clients, their files and supporting documents.

All staff and Elected Officers who work in ASK will respect the confidentiality of anyone who uses our service. This duty of confidentiality continues even after contact with a client has ended. It also still applies if a staff member or Elected Officer leaves ASK or Keele SU, or if a client is no longer using our services.

### Contact with Clients

ASK ensures we have permission to contact clients and will only contact clients by telephone, email, post, and Microsoft Teams where we have permission to do so.

We do not leave messages on telephone or Microsoft Teams voicemail unless we have specific consent, as we do not know who has access to them.

ASK will only send emails where we have consent to do so. If a client uses email to contact ASK for advice we will assume we have consent to reply by email.

## Confidentiality in the Advice Service

Within Keele SU, only members of staff involved in providing information, giving advice or supervising or managing ASK (including the Chief Executive Officer) can take part in discussions relating to the enquiry and access records.

All relevant staff receive training on this Confidentiality Policy.

ASK uses IT systems to store confidential data about clients. The IT systems are hosted and/or maintained by external organisations (including Keele University). At times, IT staff within those organisations may need to access confidential information for maintenance, repair, or system development purposes.

### **Trustee Board**

The Trustee Board is not part of the staff team. Unless they are acting as supervisors, legitimate file reviewers or advisers they do not have access to clients' records and are not aware of any individual who has come into the organisation.

However, they

- are aware of this policy and receive training as new members
- are responsible for addressing any potential breaches of confidentiality
- are responsible for ensuring that this policy is properly implemented

Individual client cases are not discussed by the whole Trustee Board unless it is to deal with a complaint, breach of confidentiality issue, or another issue which fits into the Trustee strategic role.

### **Premises**

Waiting areas are in The Hub, away from the ASK interview rooms, to avoid any possibility of others overhearing details of another client's case.

Interview rooms are discrete and private rooms. If there is no private interview space available for an in-person appointment, ASK Advisers check with the client whether they are happy with that situation.

ASK ensures that advice staff making telephone calls, discussing cases, etc, cannot be overheard by anyone who is not included in this policy.

### **Outreach Sessions**

If ASK Advisers need to take client records to an outreach session or make notes, etc, they will try and bring them back to the organisation to store them on the same day.

If files/notes must be taken home, staff will make sure they are not left where family members or any other third party will be able to read them. The records will be brought back to the ASK office at the first available opportunity.

### **Discussions off the premises**

Details of a client are not 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.

Staff take reasonable care and attention to maintain confidentiality when speaking to clients and using the telephone or Microsoft Teams. ASK takes steps to ensure that no client can hear a conversation or personal details of another service user.

### **Storage of Records**

Client records are stored on password-protected computers. All physical client documents are locked away at the end of the day.

Client files are kept for a minimum of 6 years.

## **Confidentiality and Other People**

If a client asks someone to act on their behalf, it is the ASK Adviser's responsibility to ensure that the client has given permission. Wherever possible, this permission should be obtained in writing.

ASK will not confirm that a client has used our service without their consent. This applies to anyone, including:

- Partner
- Parents or guardians

- Members of the extended family
- Children
- Friends

The same approach applies to requests from organisations such as the police or social services. We will only share information where we are legally required to do so, or in the situations outlined in '**Breaching Client Confidentiality**'.

## Client Consent

In many cases, where a client is simply given general information, provided with leaflets, or signposted to another organisation, there is no need to obtain formal consent to act.

We will only share information with another organisation or individuals outside of ASK with the client's permission. Where possible, we will seek written consent.

If a member of staff needs to contact another organisation on the client's behalf, or refer them to another service, this will be explained clearly and the client's permission will be obtained first.

## Breaching Client Confidentiality

There are very rare, exceptional circumstances where we may need to break confidentiality. This would only happen when there is a serious concern, including:

- If a member of staff believes a client could cause danger to themselves or to others
- If a member of staff suspects abuse or has knowledge of abuse
- If a client gives information indicating that a crime has been committed
- If we are legally required to share information (for example, by the police)
- If a person is believed to lack the mental capacity to make a decision. In such cases, staff will discuss this with the Head of Student Engagement or Chief Executive Officer and they will only act in the client's best interest
- If the client gives information which indicates a possible terrorist threat

Any decision to break confidentiality will be made on a case-by-case basis. Wherever possible, this will first be discussed with the Head of Student Engagement.

### **Risk of Harm**

If there is a possibility that a client may harm themselves or others, ASK Advisers will discuss this with the Head of Student Engagement and consider the appropriate action.

- If there is an imminent risk of harm to someone, ASK should call the police. Staff will inform the client that you are doing this (if appropriate) or if they feel that this would be unsafe, they can decide not to inform the client.
- It may be appropriate to contact the Keele University Safeguarding Lead or suitable alternative staff member in their absence, Social Services, or a doctor. ASK should generally only do this with the client's consent. Again, if ASK staff feel that asking for the client's consent would be unsafe or the client refuses consent, they may decide to proceed without consent.

### **Terrorism**

The legislation regarding terrorist activities is constantly changing and being updated by the Government. **The Terrorism Act 2000, The Anti-Terrorism Crime and Security Act 2001 (ATCSA), Terrorism Act 2006, Counter Terrorism Act 2008, Terrorism Prevention and Investigation Measures Act 2011 and Counter Terrorism Act 2015** and other more recent legislation have made it a criminal offence not to inform on others where you suspect them of being involved in an act of terrorism.

### **Drug trafficking**

**The Drug Trafficking Act 1994** makes it a criminal offence not to report to the police suspicion or knowledge of drug money laundering gained during the course of contact with a client.

### **The Social Security Administration (Fraud) Act 1997**

ASK must not knowingly assist with a fraudulent claim for benefits in any way.

## **Child Protection Legislation**

The Children Act 1989 (updated 2004), Protection of Children Act 1999 and Safeguarding Vulnerable Groups Act 2006 are just some of the relevant pieces of legislation regarding the protection of children.

ASK Advisers may come across these issues in several ways:

- We may suspect that a child is in need or being abused.
- An accusation of abuse may be made about a member of staff or a volunteer.
- An adult client may reveal an incident of abuse about a child.

Advisers should discuss any information about child abuse with the Head of Student Engagement before informing Social Services or other outside bodies, where time permits. In emergency situations all staff can inform authorities about abuse or suspected abuse.

## **General Data Protection Regulations (GDPR) 2018**

The General Data Protection Regulation (GDPR) is EU legislation relating to data protection, which applies from 25th May 2018. It replaces the Data Protection Act 1998 (DPA) and introduces greater protections for how personal data is used and stored. GDPR was transferred to the UK statute books upon the UK's exit from the European Union and remains in force.

ASK ensures its systems and processes are compliant with the new regulations and meet the essential privacy by design and accountability principle concepts.

## **Police and Criminal Evidence Act 1984 (PACE)**

This Act gives the police powers, lawfully in any premises to seize anything they reasonably believe is evidence in relation to an offence under investigation which otherwise might be concealed, lost, altered or destroyed.

The police can summon a member of staff as a witness. ASK should inform the client that the summons has been received but will not discuss the evidence to be given with the client.

## **Crimes committed in the Organisation**

If client records are stolen, ASK will inform the police they are confidential and should be returned unread.

Employees raising a concern should be aware of the need to follow the whistleblowing procedure and in particular to maintain confidentiality.

Allegations of unauthorised breaches in confidentiality will be dealt with in accordance with the Keele SU Disciplinary Procedure.

## Client Access to Data

All clients have the right to request access to the information we hold about them. They can also request a copy of this confidentiality policy at any time.

For further information on access to data please see a copy of Keele SU's [Privacy Policy on the Keele SU website](#).

Where clients, service users or staff have a sensory or physical impairment, efforts will be made to ensure that all aspects of this policy are understood.

## Client Information for Publicity, Reporting or Training Purposes

From time to time, ASK may need to share information about the impact of our services. For example, outcomes may be used for publicity, reporting, or training purposes.

Where possible, we will always ask for the client's permission before using this information. If permission cannot be obtained, any details that could identify the client will be removed or changed.