

## Turn2us

### Confidentiality Policy

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#### 1. Policy Statement

- 1.1 Turn2us is bound by the UK's Data Protection Act 1998. This protects personal data and places restrictions on an organisation's ability to disclose personal data within the UK and overseas. Personal data is information relating to an individual from which they can be identified, e.g. name, address, tax details or national insurance number.
- 1.2 Turn2us staff will often be entrusted with personal information given to them in confidence by an individual using Turn2us services. Anyone working for Turn2us has a duty to treat that information with respect, to protect the confidentiality of personal information and to process that information fairly.
- 1.3 This Confidentiality Policy also applies to helpline employees.

#### 2. Data Protection Act

- 2.1 The Data Protection Act regulates when and how an individual's 'personal data' may be obtained, held, used, disclosed and generally processed. It applies to computerised processing of personal data and paper based files and records held in a relevant filing system.
- 2.2 To comply with the law, information must be collected and used fairly, stored securely and not disclosed to any other person unlawfully. To do this, Turn2us staff must comply with the Data Protection Principles, which are set out in the Data Protection Act. In summary, these state that personal data shall be:
  - Processed fairly and lawfully and shall not be processed unless certain conditions are met
  - Obtained only for specified and lawful purposes and not further processed in a manner which is incompatible with that purpose
  - Adequate, relevant and not excessive in relation to the purpose for which it is processed
  - Accurate and, where necessary, kept up to date
  - Kept for no longer than is necessary
  - Processed in accordance with the data subject's rights
  - Protected by appropriate security against unauthorised or unlawful processing, accidental loss, destruction or damage
  - Not transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

### **3. Requests by Data Subjects for Access to Data Held**

3.1 If an individual wishes to see any personal information about them held by Turn2us, this can be shown to him or her and a copy made if one is requested. S/he is entitled to see a description of the personal data; the purposes for which they are being processed; and the disclosees, or potential disclosees, of the personal data. To ensure that the request is a genuine one, a request email or form should be sent to the person to complete. If a third party is acting on behalf of the individual, proof of the third party's identity and the individual's authority to disclose their information to their representative, must be obtained in writing. All requests must be responded to within 20 working days.

### **4. Confidentiality and the Turn2us Helpline**

4.1 The Turn2us helpline is bound by this confidentiality policy.

4.2 The following general statement about confidentiality will be stated by the adviser during the course of each telephone call:

*The information you give me will be dealt with confidentially. However if you want assistance to make grant enquiries or applications, we will need your agreement to pass some of your personal details to charities that may be able to help you.*

4.3 A line will be included on all emails sent by the helpline to say:

*Turn2us helpline services are confidential and secure. However if you want assistance to make grant enquiries or applications, we will need your agreement to pass some of your personal details to charities that may be able to help you.*

4.4 Many of the calls that Turn2us helpline advisers handle will involve discussion of callers' personal information and circumstances, in particular benefits checks and grants searches. When undertaking these services on behalf of callers, helpline advisers should remind callers of the confidential nature of the service and that their agreement to the sharing of this information may be needed in order to apply for grants on their behalf. It should be made clear to the caller which charities the information will be sent to. Callers should also be sent a copy of any letters, forms, emails or other communications containing their personal information that have been sent to charities.

4.5 There are certain other circumstances in which confidentiality may need to be broken. These are outlined in this policy under 'breaking confidentiality' together with the procedures that helpline advisers should follow.

### **5. Breaking Confidentiality**

5.1 Confidentiality may be broken in the following circumstances:

- Where the person from whom the information was obtained, and (if different) the person to whom it relates, consents
- Where the information is already available to the public from other sources
- Where the information is in the form of a summary or collection of information so framed that it is not possible to ascertain from it information relating to any particular person
- When there is a serious risk of harm to the individual, as in a threatened suicide
- To protect others. For example, information about possible child abuse should be disclosed to the appropriate agency. See the *Turn2us Safeguarding Children Policy*.
- To prevent a serious criminal act, especially where others may be endangered, for example an act of terrorism.

5.2 There is no obligation in general to pass on knowledge of a crime. However, it is a criminal offence to:

- Deliberately mislead the police
- Receive a reward of any kind in return for not notifying the police about a criminal act
- Fail to notify the police about an act that could be construed as an act of terrorism
- Fail to notify the police about an act that could be construed as drug trafficking
- Knowingly take monies from a benefits agency fraudulently.

5.3 If a member of Turn2us staff has to break confidentiality, or consider breaking it, then the person whose personal information it is must be told that this is going to happen, verbally if possible, or in writing if suitable. The member of staff should only do so after all attempts to persuade the individual to disclose the information voluntarily have failed. The Turn2us Director should be consulted before disclosure. She will be responsible for making the final decision about breaching confidentiality and ensuring that the correct action is taken.

## 6. Data Sharing

In order to provide the most effective support package for service users, there may be times when it is necessary to share users' personal information with other Agencies. Any requests for information made to Turn2us through an Agency will be obtained in writing and data will only be provided once the service user has consented to the data being collected and in accordance with the Agencies' own Data Protection, confidentiality and privacy policies.

## 7. Publication of this Policy

7.1 This policy will be published on the Turn2us website, [www.turn2us.org.uk](http://www.turn2us.org.uk)

7.2 The fact that Turn2us services, e.g. the helpline and website, are *confidential and secure* will be stated in all publicity and information materials.

Review/revised: April 2014

Review Date: April 2015

Policy Owner: Turn2us Director.

The following related policies should be read in conjunction with this policy:

- Data Protection Policy
- Safeguarding Children Policy