



## Confidentiality, GDPR & Information Sharing

### Eastern Region Training Group Ltd

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<b>Status &amp; review cycle</b>	Statutory Annual
<b>Date approved:</b>	<i>07-09-2020</i>
<b>Review date:</b> <b>Next Review:</b>	<i>7/6/2025 7/2/2026</i>

### Introduction

The aim of this paper is to set out clearly for staff, customers and external agencies how personal information will be managed and shared by Eastern Region Training Group (ERTG)

ERTG's confidential policy/procedure is set out below in accordance with GDPR 2018. All paid staff and Management are expected to abide by this policy. If requested, our customers using our services will have the relevant aspects of the confidentiality policy explained to them.

GDPR governs information storage and sharing. It differs from the Data Protection Act 1998 in that data subjects now have more control over their personal data and must opt into storage of their personal data. Personal data is classed as any two pieces of identifying information.

This policy links to many others at ERTG. The main ones are:

- Staff Vetting and Disclosure Policy
- Discipline and Grievance Policy
- Criminal Convictions Policy

- Equality and Diversity Policy

## **Statement**

The principle of this procedure is to ensure that sensitive and personal data held by ERTG is maintained and that our customers rights are protected in accordance with GDPR 2018. ERTG is committed to maintaining high standards of confidentiality in all aspects of its work; this includes records and information pertaining to employees, customers, and prospective customers. Breaches of confidentiality may jeopardise the wellbeing of staff and customers and consequently will be subject to disciplinary proceedings. ERTG is registered to hold data with the Information Commissioners Office.

The purpose of this procedure is to give guidelines on maintaining confidentiality and the circumstances where disclosures may be necessary and the procedure for doing so.

## **Information relating to members of staff**

Due to the nature of our business, we request DBS checks for all staff. The level is determined by the role in the company. This will be always treated with confidentiality and any safeguarding audits will be told to staff before the time. Only staff who need access to the DBS information will be granted this privilege. Please see out Staff Vetting and Disclosure Policy for further information.

Disclosure of confidential information may require written authorisation by the individual concerned. This should be dated and specify to whom disclosure is authorised.

A request for an employee's home address and telephone number will always be referred to the individual concerned before any information is disclosed. This is done via the line manager. There are some agencies who have the automatic right of access to certain parts of personnel information e.g., HMRC, the Police etc. The line manager will notify any staff member of any legal requirements whereby ERTG is obliged to provide such information. Staff should never divulge a colleague's personal circumstances, including their address, future workplace etc to anyone without permission of the worker.

## **Information relating to customers**

All customers and partners have the right to view any information that ERTG hold on file about themselves. Under no circumstances will ERTG pass on information about their customers to third parties or other without the written consent of the individual concerned. All computer records will be password protected and compliant with the ERTG IT security procedures.

## **Information relating to visitors on the premises**

Separate from enhanced DBS checks and information sharing of specific safeguarding issues which all staff and long-term volunteers must be subject to, under The Rehabilitation of

Offenders Act 1974, any person who enters the building can be asked if they have any unspent convictions and the nature of these pertaining to minors and safeguarding.

Anyone who chooses not to disclose the nature of their offence which is unspent may be asked to leave the premises on a safeguarding basis as we have a zero-tolerance policy at the same time as minors on those individuals on the Sex Offenders Register and those with Offences of a Sexual nature due to the safeguarding of our young people, many of whom can be volatile and unpredictable.

This information will be kept securely, and an individual may request that it is destroyed with immediate effect when they leave the building. However, under normal circumstances we will keep the notification of unspent offences until such a time that we have been inspected by external awarding bodies, Ofsted, or other Safeguarding Partners. After this all information will be securely destroyed.

We will not require disclosure of any spent convictions as per the Rehabilitation of Offenders Act 1974. Please see our Criminal Convictions Policy and Safeguarding Policy in conjunction with this request.

### **Information within ERTG**

This section gives guidance where staff need to discuss client matters amongst themselves to share information and seek guidance:

- Make sure any discussion happens in an appropriate place, e.g., not in an office where other staff are working or where people are coming in and out of the place.
- Only share necessary information about clients with other clients, staff or member of management, no idle gossip.
- Do not discuss personal facts about one client with another client or in the presence of another client.
- Do not write derogatory comments about clients in their files (or anywhere else).
- Do not leave information lying around or on screen but replace it in the appropriate place (locked filing cabinets).

### **Record Keeping**

This procedure covers all records held by ERTG concerning staff, partners, group members and other potential customers.

#### ***Personnel Records***

- All staff will be given a copy of the confidentiality procedure as part of their induction and the implications of the procedure for their work will be explained.
- Access to personnel files can be arranged with the line manager who should make clear the following:
  - Who has access to files?

- Procedures for gaining access
- How the information is stored, e.g., locked cabinet
- Application forms, interview records, medical information and monitoring forms are confidential to ERTG.
- DBS checks are confidential and only used as needed for safeguarding auditing purposes.
- Equal opportunity monitoring forms are anonymous and will be detached from application forms on receipt and kept separate from application forms.
- When seeking references for a new employee it is made clear to the referees that information is sought in confidence.
- Probationary reviews and appraisals. The line manager should make clear who receives information on the review.
- Medical records will be held on personnel files. Copies of medical certificates and self-certification forms will be placed in the personnel files for payroll purposes.
- Breaches of confidentiality by staff will normally be treated within the remit of ERTG's disciplinary and grievance procedure. The nature of any breaches of this procedure will determine the level of disciplinary action, e.g., disclosure of unauthorised staff or client details would be gross misconduct and often result in dismissal.

### ***Customers***

- A file concerning each customer will be kept by ERTG staff.
- This information should be kept in a locked filing cabinet or under password protected files if on a computer.
- If a customer asks to see their file, the relevant staff member should organise this and answer any questions about it and explain what has been written. ERTG asks that customers give at least 48 hours' notice when requesting access to their files.
- All customers are protected under GDPR 2018.
- Customers are expected to respect the rights of other customers confidentiality and privacy, particularly with regards to personal information known about another client.
- Information will be kept for two years once a client has left ERTG or their information has been archived for a maximum period of six years.

### ***Partnerships with other organisations & Information Sharing***

- ERTG and the partner organisation are likely to be shared data controllers and an Information Sharing Agreement will be in place for each new working partner.
- ERTG may be working in partnership with other bodies such as colleges and training providers. Where specific information-sharing protocols exist that affect a particular customer, all parties should be aware of this and a signed agreement in place with permission from the customer.
- ERTG will give all partnership agencies a copy of the confidentiality procedure and will explain the requirements it places on the partnership organisations.

- It will be agreed at the outset which staff in the partner organisation will have access to information and in what circumstances.
- Management agreements will state that breaches of confidentiality by either party will be treated as a breach of the agreement.

### **Training**

Training on the confidentiality policy and its implications should be a standard part of induction procedures for new staff and Management Committee members.

Staff will sign to say that they have been given a copy of the policy or that they have had it verbally explained to them.

Any updates (annual) will be reported to all staff members and the chance to ask questions will be made evident