

Policies & Procedures

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Policy No. 105

Confidentiality Policy

[June 2005] [Supported Housing Service Review Nov 2006](Reviewed June 2008)April 2009, Reviewed April 2010, Reviewed April 2011

Policies & Procedures are to be read and signed in central policy file every six months

Wiltshire Council
Department for Economic Development, Planning and Housing
Housing Management Section

Policy for Confidentiality relating to sheltered housing
owned and managed by Wiltshire Council.

1.0 Introduction

1.1 The attached policy sets out the policy for confidentiality relating to sheltered housing owned and managed by Wiltshire Council.

2.0 Environmental Impact

2.1 There is no significant environmental impact associated with this policy.

3.0 Equalities Impact

3.1 This policy is consistent with treating all members of the community in a fair and equal way.

4.0 Financial Implications

4.1 There are no significant financial implications associated with this report.

5.0 Legal Implications and Risk Assessment

5.1 By having a policy on this issue the Council deals with the legal implications and risks associated with it.

Wiltshire Council
Sheltered Housing - Confidentiality Policy

1. Statement of Intent

The term WC SHS applies to **Wiltshire Council Sheltered Housing Services** except where otherwise stated.

The aim of this policy is to set out how WC SHS treats confidential information that may be held in the course of our activities. By nature of its business WC SHS must maintain a position of trust with its customers, staff and others with whom it deals.

2. Objectives

In the context of this policy WC SHS has a responsibility to ensure that it abides by the following statutory and regulatory requirements:

- Data Protection Act 1998
- Housing Act 1996
- Human Rights Act 1998 Article 8
- Access to Medical Reports Act 1998
- Freedom of Information Act 2005

Information we hold must be accurate and up to date and necessary to enable the provision of our services to our customers. WC SHS has a responsibility not to divulge any information about any individual to any person or organisation that does not have the right to the information. WC SHS will ensure that any contractors acting on our behalf will adhere to this policy.

This policy will ensure that the information retained by WC SHS is:

- Valid
- Remains confidential
- Only shared where there is a requirement either by consent of the party concerned, or by order of a court, or to seek legal advice.

WC SHS will also ensure that unauthorised persons cannot access information. Sensitive confidential information will be marked appropriately.

WC SHS will comply with the eight data protection principles as set out in the Data Protection Act 1998:

- *Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:*
 - a) *at least one of the conditions in Schedule 2 is met, and,*
 - b) *in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met;*

- *personal data shall be obtained only for one or more specified and lawful purpose, and shall not be further processed in any manner incompatible with that purpose or those purposes;*
- *personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;*
- *personal data shall be accurate, and where necessary, kept up to date;*
- *personal data processed for any purpose or purposes shall not be kept any longer than is necessary for that purpose or those purposes;*
- *personal data shall be processed in accordance with the rights of data subjects under this Act;*
- *appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;*
- personal data shall not be transferred to a country or territory outside the European Economic Area [EEC] unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

3. Information Held

Information that is subject to this policy will relate to details concerning individuals and may be held on:

- Computer
- Hard copy files
- E-mailed
- Submitted by website
- Recorded on voicemail.

WC SHS will ensure that:

- Staff, Members, Tenants' Panel, and Sheltered Housing Forum members are provided with ongoing Data Protection guidance;
- An adequate procedure guides staff so that they do not misuse or inappropriately pass information to unauthorised third parties;
- Members and Tenants' Panel, and Sheltered Housing Forum members do not inappropriately use information during or after their term of office;
- Staff do not misuse information about current or former tenants of WC SHS, or misuse personal information about other staff;

- Publication of information concerning tenants by staff or Members is approved by the Chief Executive, Director of Housing, or Head of Housing Management;
- Staff have security procedures to identify telephone and visitor requests for information to ensure they only impart information to an authorised person.

4. Access to Information

This policy is based on the principle that an exchange, provision or receipt of information is on a 'need to know' basis. Information is required to ensure that WC SHS services are carried out to the best standard possible.

i) Members:

Members will have access to necessary information at all reasonable times for the performance of their duties in line with this policy. However, there will be no automatic right of access to individual files.

ii) Customers:

Tenants of a Wiltshire Council property have a right to access the information held by the Council, about them and their agreements with us, subject to a written request. A charge will not normally be made unless the request involves a very substantial workload to provide the information requested. Customers will be informed of this right on request or in the Tenants' Handbook.

Not all information that is held by WC SHS can be made available to the person concerned such as where information would identify a third party who:

- is not a member of the family unit;
- is a health or other professional providing information;

Information will not be given to an individual where it may:

- affect a family member's physical or mental health;
- affect the physical or mental well-being of anyone;
- prejudice the outcome of the prevention or detection of crime, or the pending prosecution of criminals;
- be subject to legal professional privilege in civil proceedings;

WC SHS will ensure that a customers' right to deletion or correction of information held about them is upheld, subject to the provision of evidence to support their claim.

5. Third Party requests for Information:

WC SHS will ensure that adequate means are taken to certify that third party requests for information from WC SHS are made in writing and comply with Information Sharing Protocols and/or legislation.

It is the responsibility of the relevant Neighbourhood Manager, Senior Housing Support Officer, or Housing Support Officer to ensure that the council's customers are aware of their rights under our Data Protection Policy.

Where a third party, such as a carer or advocate is requesting information on behalf of a customer, WC SHS will ensure that written consent, containing details of whom the third party is and what information we are allowed to impart, has been received from the resident. This would also apply to agencies and partners such as the Citizens' Advice Bureau and relevant Mediation Services.

6. WC SHS Requests to Third Parties:

WC SHS will ensure that any information that it requests from other agencies concerning an individual shall be made in writing stating the reason for the request and, that the information obtained will be kept confidential. Also, except where crime or possible crime is concerned, WC SHS will ensure that the individual has given written consent for the information to be obtained from a third party.

7. Protecting Confidential Information

WC SHS guarantees to safeguard information and to dispose of any unwanted material by:

- Disposing of confidential information in an approved manner including shredding paper files;
- Implementing password protection to safeguard sensitive personal computer files;
- Locking filing cabinets where sensitive information may be stored;
- Carrying out interviews where personal information may be discussed in rooms away from others;
- Using offices with closed doors to discuss sensitive issues

8. Breaches of Confidentiality

A breach of confidentiality is considered by WC SHS as a serious matter and disciplinary action will be taken against any member of staff who commits this breach. Where a Member, Tenants' Panel or Sheltered Housing Forum representative is considered to have breached confidentiality action will be taken under the rules of the relevant Constitutions.

9. Monitoring and Review

Responsibility for ensuring that staff are trained to administer this policy will lie with the relevant manager.

This Policy will be reviewed at least every three years.



Equality and Diversity

WC SHS recognises that individuals and groups of people have been and continue to face prejudice and be discriminated against on the basis of race, colour, ethnicity, sex, class, creed, marital status, disability, caring responsibilities, medical status, sexual orientation, age and religious belief.

In aiming to achieve equality of opportunity, WC SHS will introduce positive measures to combat all forms of discrimination and inequality as a service provider.

WC SHS will comply with the provisions of the:

- Sex Discrimination Act 1975
- Race Relations Act 1976 and the Race (Amendment) Act 2000
- Disability Discrimination Act 2005
- Protection from Harassment Act 1997
- Human Rights Act 1998
- and all subsequent relevant legislation.

and will implement, as far as is practicable, the provisions of:

- the Commission for Racial Equality Code of Practice in Rented Accommodation
- the Race Equality Policy.

As a Local Authority and as an employer, WC SHS Equal Opportunities Policy applies equally to the following areas of its activities:

- The provision of housing and services
- Contractors, suppliers and consultants
- Management Board and Committee Members
- Tenant Constitutions

SHS also undertakes to abide by any further corporate Diversity and Equal Opportunities policies set by Wiltshire Council.

Wiltshire Council, in all its service areas believes that listening and responding to our customers will enable us to ensure high quality services are delivered in line with the needs and aspirations of our service users.

We are committed to ensuring Best Value for our customers and strive for continual improvement and excellence in all areas of our work. In our relationships with customers, suppliers, staff and other stakeholders we will aim to work collaboratively with honesty, equality and integrity.

We actively seek opportunities to work with our customers and stakeholders in examining our systems and working methods to ensure that WC SHS strives for best practice and continuous improvement.