

New Team

Confidentiality & Data Protection

Policy

New Team respects the confidentiality of young people, their families, others we interact with, workers, supporters and others we engage with in the course of New Team's work.

When is information confidential?

- When the person sharing the information says it is confidential when they share it, especially when they state it is confidential in advance.
- When the person sharing the information makes this clear non-verbally, for example by trying to limit who hears it eg moves away from a group, whispers etc.

A confidence may seem trivial to the worker, but it IS confidential because the person sharing it wants it to be. If it is shared with the youth work team, the worker must make it clear that this information is confidential. (This also applies to relevant information in other settings, eg employment information that the project leader appropriately shares with a trustee.)

Sensitive information is considered confidential, especially for the purposes of the Data Protection Act 1998 and GDPR which defines sensitive personal data as that which contains information about:

- Racial or ethnic origin
- Political opinions
- Religious or other belief systems
- Trade union membership
- Physical or mental health conditions
- Details about an individual's sexual life
- Commission or alleged commission of any offence (except where Safeguarding or Health and Safety procedures are relevant.)
- Any proceedings for any offence committed or alleged, any proceedings or sentence of any court (except where Safeguarding or Health and Safety procedures are relevant.)

Information is not confidential if it is generally accessible by others.

Collecting Confidential Information

We will only collect and record confidential information when this is in the best interests of the person sharing it. For example, we will not ask young people for confidential information without a good reason for doing so. We will only ask another person or agency for information about someone when it is appropriate and necessary, in most cases this will be with the permission of the person involved. For example collecting confidential information about young people from parents/carers on permission forms that the young people take home to them.

Confidentiality

We will not contact anyone outside of New Team about you without your permission, unless we have to by law, for example where you or someone else may be at significant risk of harm (see New Team's child protection policy for more information). Within New Team information will be shared on a need-to-know basis. This means for example that a young person's information won't be shared outside the youth work team, except in the following cases:

- With a youth worker's supervisor (anonymous where possible). Trustees and other supervisors will not share confidential information outside New Team.
- Information may be shared with other services to receive advice about a situation ONLY if it is possible to be fully anonymous.
- If the worker is seeing a counsellor, they may share information in a confidential counselling session but it must **always** be anonymous.

Before anyone (young person or adult) share confidential information, they can ask that it is not shared with the rest of the team if there is a specific reason for this (for example some information may be gender sensitive, or the person sharing the information may be uncomfortable with a specific worker knowing a piece of confidential information). A request for this kind of partial team confidentiality will always be carefully considered and complied with where possible. Where this request is made after information has been shared, it will also be carefully considered. However, no team member will agree to keep something confidential to them as an individual, because it is important for the well-being of workers and of the team that they are able to receive appropriate supervision and that we are accountable in our actions. Therefore, it may be appropriate to say that a woman will not share a specific piece of information with the men on the team, but that she will share it with female youth workers and/or a female trustee. It should be noted that in this situation, it is important to explain that if a child protection issue is raised, child protection

procedures take precedence.

Back-up youth work volunteers will share confidential information disclosed to them with the team as above (this is especially important as they will not be around to provide ongoing support to young people). However, information the team holds will only be shared with them on a need-to-know basis.

Workers must keep information confidential, after they leave New Team.

New Team will generally only work with young people who are competent to consent to interacting with youth workers. However, if younger children approach youth workers they will engage with them where appropriate. In this case, special care will be taken to suggest children let their parents know about New Team.

Parents/carers will always be asked for written consent when New Team do youth work with those under 16 except in the cases of street work. In all cases children and young people whose parent/carer consents to them accessing the service in any form, will still be entitled to the same level of confidentiality as those able to consent to use the service independently.

Sharing with young people

It is good practice for workers to share some of their own life experiences with young people, but young people should not be asked to keep confidences. Therefore, workers should not share anything with young people, that they are not happy to be public.

Parents/carers

In youth work the best interests of young people come first. So, while workers should try to persuade young people to confide in parents/carers, what a young person shares with New Team should always be confidential. This means workers should be especially careful to maintain confidentiality when they know a parent/carer. This is also true in reverse. If a parent/carer or other adult shares confidentially with New Team, that information should not be passed on to young people without the consent of that adult. This also applies from young person to young person (for example siblings) and between adults, even if they are in the same family.

Other agencies

Where it is in the best interests of a young person or adult for information to be passed on to another agency, this can be done with the young person (or adult's) explicit consent, where possible this should be given in writing, especially where the information passed on is of a sensitive nature. Workers should do their best to ensure young people (and adults) understand who will have access to that information and how it will be used. Where young people are not considered competent to decide which information is passed on to another agency, a parent or carer will be asked to provide the above consent.

Statistical information, quotes, photos and film

New Team will use statistical information and anonymised information (but not of a highly sensitive nature) for fundraising, reporting to funders, recruiting workers and to keep supporters updated. New Team will always ask permission to quote young people/children/adults, or use their photo/film footage, with a clear explanation of what the quote/digital image will be used for and the possibility that it might be passed on beyond that initial purpose, for example if someone external requotes a quote or if a photograph is copied and posted elsewhere without New Team's permission.

Workers right to confidentiality

If workers, job applicants, supporters or others share confidential information with their line manager, the project leader or with a trustee, they have the same rights to confidentiality as stated above. The worker's line manager, the project leader or trustee will be able to share that information with their line manager or with a trustee if necessary for supervision purposes. If a line-manager and a worker agreed that it is relevant to share confidential information about them with other team members for New Team related reasons (eg Health and Safety), that information would remain confidential within the team, however if a worker over the age of 18 chose to share confidential information with another worker without that arrangement in place, that would be a private arrangement between those two individuals. However, special care should be taken where a volunteer might be considered vulnerable and could be considered less able to make those judgements for themselves, or sees the worker/volunteer they confide in as someone having a position or status of authority over them. If in doubt, confirm with the project leader or a trustee whether information could be considered to have been shared in the course of the business of New Team in these scenarios.

What does it mean to keep information confidential?

As well as ensuring confidential information is not explicitly shared without consent, it should be treated in a way that makes it unlikely that it could be accidentally seen or heard.

When non-confidential information is to be handled sensitively

New Team workers will also try to act in ways that increases young people, children and adults confidence that we will not divulge confidential information. This means trying not to share non-confidential information, where sharing it might lead to the suspicion that confidential information may also have been shared. For example, sharing non-confidential information that was shared in the same conversation as confidential information, might lead to the suspicion that that confidential information was shared. Workers will also avoid sharing information that may not fit into the above definition of confidential but could be considered so because of the nature of street youth work, for example sharing the location of a young person with someone else (we don't know for sure why that person wants to know). In general we will avoid sharing one young person/adult's information with another young person/adult, because we recognise the need to build trust and that it is not always clear what someone else considers to be confidential.

All written records will be kept in a secure location and will only be kept for as long as they are relevant. These records will be kept confidentially but any information about a young person or adult should be shown to the them at their request. Records may also be released in the rare circumstance of a child protection investigation.

Key Principles of GDPR

Art. 5 of GDPR lays out the following principles about how we can process personal data:

1. **Lawfully, fairly and in a transparent manner.** (*We have legitimate grounds to collect and use the data and be transparent about how we use the data from the point at which we collect it.*)
2. For **specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes ('purpose limitation'). (*We are clear from the outset about why we are collecting the data and what we intend to do with the data.*)
3. **Adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed ('data minimisation').
4. **Accurate and, where necessary, kept up to date.** Every reasonable step shall be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy').
5. Kept in a form which permits identification of data subjects for **no longer than is necessary** for the purposes for which the personal data are processed ('storage limitation').
6. Processed in a manner that ensures appropriate **security** of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

*** In all New Team policies and documents, "worker" refers to both paid and unpaid workers (i.e. volunteers), except where a distinction needs to be made. In that case paid workers will be referred to as staff and unpaid workers as volunteers. ***

Worker Agreement

Confidentiality & Data Protection

1. I will have access to and use of confidential information.

2. I have read the New Team confidentiality policy and asked about anything I did not understand.

3. I will not (other than as part of my role with New Team), now or ever, directly or indirectly share or permit the sharing of any confidential information, unless I have written permission from the Project Leader or a trustee.

4. I will do my best to protect confidential information and prevent it being unlawfully shared.

5. I agree that I will process personal data as set out in the data protection section of the policy.

6. I must keep personal data securely and delete/securely destroy any personal data I hold, whether on a computer, in an email (or similar) account or a paper copy as soon as I no longer need access to it, whether because a task is completed or because I am no longer working with New Team.

I have read the above and I understand, agree to and will do these things while and after working with New Team.

Signed:-

Dated:-

Name of Worker:-

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