

## Confidentiality Policy

### 1. Introduction

Confidentiality entails protecting people's privacy, ensuring that information is not shared other than in specific circumstances. It ensures any information regarding members or the organisation itself is only shared when strictly relevant, necessary and appropriate.

Note: It is important that members also understand Data Protection, which addresses how and why Collings Park Trust (CPT) gathers and stores information. This is covered in a separate policy and also relates to specific legislation.

### 2. Sharing information - general

CPT recognises confidentiality as a very important element of running a charitable organisation and therefore operates under strict rules. Non-confidential information may be published on the CPT website and is therefore for public consumption, otherwise information held will be treated as strictly confidential. This might include:

- the affairs of the Trust, for example its plans or finances
- CPT resources, such as information, reports, gathered material that CPT has not otherwise published and which may be sensitive in some way or other
- visitors who use the services of the Trust, including visitors to the park
- members of the Trust
- information about other organisations that CPT has a relationship with.

Such information may not be disclosed to anyone outside the Trust without the person whom the information concerns freely giving their prior consent or without due reason (see below).

### 3. Sharing information within the Trust

When information is passed within the Trust it will be only to those for whom that information is necessary and relevant in terms of the operation of the Trust.

### 4. Sharing information outside the Trust

When disclosing information externally the following issues should be considered to ensure there is no unreasonable invasion of privacy:

- Is the disclosure necessary and proportionate to the request? If the answer is no, then the information should not be disclosed.

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- What is the receiving party intending to do with the information? If the purpose for which the information is being sought is for an unreasonable purpose then the information should not be disclosed.
- Does disclosure of this information affect CPT commercially?

For the Trust to share information about a person, that should have given written consent, having been told the reasons for and implications of sharing.

No personal information about members, volunteers or visitors will be given to any third party including a member of their family, without the consent of the person concerned. Information will only be divulged on a “need to know” basis.

The only exceptions to the above are when one or more of the following apply:

- There is overriding public interest to disclose the confidential information;
- Disclosure is necessary to:
  - protect minors or other vulnerable groups
  - prevent life threatening situations (i.e. a risk of death or serious harm)
  - detect, investigate or prevent a serious offence from being committed.

## 5. Disclosure to Authorities

CPT is not obliged to disclose any information, unless ordered to do so by a court or if a police warrant is obtained. However, it is CPT policy to co-operate with authorities such as the Police, social services, the probation service, courts, the Health and Safety Executive and the National Health Service and to provide such authorities with confidential information relating to visitors if one of the criteria listed in the previous section is present.

Before disclosing to a court or the police, consideration should be given as to whether they have reasonable grounds to suspect that a serious crime may be committed and/or has been committed, unless there are statutory obligations to disclose the information. Information may also be disclosed to other third parties if required to do so by law.

Examples of serious crimes may include but are not limited to:

- Abusing and/or assaulting third parties (including children)
- Drug trafficking
- Assault, rape or murder
- Fraud.

## **6. Making a disclosure of confidential information**

In the event that confidential information should be disclosed, CPT will ensure that:

- the Chair of the Management Committee approves the disclosure
- the person's consent to disclose the information has been obtained
- if no consent is obtained, ensure that the disclosure of the confidential information:
  - is anonymised in so far as is reasonable
  - keeps the disclosures to a minimum (i.e. only disclose information required for the purpose for which the information is sought
  - discloses the information only to the person who needs to know.

## **7. Checklist**

This checklist should be used when a request for information from a third party is received.

1. What is the type of request?
2. Have you identified the person making the request for information?
3. Can the information be anonymised to achieve the same result?
4. Has the subject signed the consent form?
5. Has the subject revoked consent?
6. If there is no consent is the disclosure justified?
7. Has the Chair of the Management Committee signed off any disclosure?

All decisions in relation to disclosure of confidential information and/or personal data should be recorded so that an audit trail is available should a complaint be received from the subject of that information.

## **8. Breaching this policy**

Any breach of confidentiality will result in an investigation which may lead to action being taken against the person or persons who are responsible for that breach of confidentiality. The nature of this action will be proportional to the seriousness of the breach and agreed with the Board of Trustees, but may result in termination of membership (in accordance with section 9(4) of the Trust's governing document) in serious cases.

Relevant other policies: Data Protection.