



Confidentiality Policy

1. Introduction

Trent & Dove holds extensive levels of personal information on paper and in electronic format concerning current and former customers, agencies and contacts. The company will ensure that the confidentiality of this information is respected.

This is an overarching policy on the organisations legal responsibility of confidentiality. All related policies and procedures applying to this should be referenced in conjunction with this policy.

2. Legal Compliance and Regulation

Trent & Dove will take into account all associated law and regulations which relate to confidentiality.

The Human Rights Act 1998, Article 8 Right to respect for private and family life states;

“Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Compliance with the Data Protection Act 1998 and Access to Personal Files (Housing) Regulations 1989 (Statutory Instrument 1989/503) is considered and further associated policies, see section 5.

3. Policy Statement

Trent & Dove will conduct its business in an open and accountable manner, at the same time, ensuring personal and commercial confidentiality is maintained where appropriate.

Trent & Dove will ensure that access to confidential information about current and former customers, agencies and contacts is restricted to people who are authorised and who need it as part of their roles and responsibilities.

4. Scope

This policy relates to; current and former employees (including permanent, temporary and contract staff), non-executive directors, involved residents, customers (tenants, leaseholders, applicants for accommodation), consultants, contractors, suppliers, agencies and, all other persons and organisations with whom the company comes into contact during its day-to-day business.

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This policy covers:

- Information such as; personal, financial, medical, accidents, rent arrears and other debts, domestic violence, child abuse, criminal behaviour, harassment and neighbour disputes, etc.
- Security of filing systems, the transfer and passing of information internally between departments, externally, between agencies and the disclosure of information to customers.

5. Associated Policies, Procedures and Strategies and Guidance

For further guidance and to be read, in conjunction with, the following policies. They are available to all staff and can be accessed via the Tap (Intranet). For Non-Executive Directors access is via the Extranet:

- Data Protection and supported policies
- Complaints Policy
- Customer Care Policy
- Information Security Policy
- Communications Strategy
- Social Media Policy
- IT Acceptable Use Procedure
- Mobile Phone Guidelines for Employees
- Code of Conduct for Staff & Board Members
- Violent and Aggressive Incident Reporting and Safety Alert Register Referral Procedures
- Safeguarding Policy

6. Responsibilities and Implementation

The Confidentiality Policy is approved by the Executive Team. All directors and managers are responsible for implementing the policy within their areas of responsibility.

All new employees will receive induction training and existing employees have access, are notified of revisions to this policy and are responsible for complying with this Policy.

All staff, non-executive directors, involved residents and associates are placed in a position of trust when dealing with information held about current and former customers, agencies, contacts, etc.

7. General Principles

Only information that is relevant and appropriate to the business of Trent & Dove will be held on file, computer and other media.

Personal Information is only given to staff and other persons or agencies when expressly authorised by a customer to do so and where there is an essential need to know and require them to observe confidentiality principles and that such confidential information is:

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- a) Not given to another current or former tenant, applicant for housing, leaseholder, etc. Enquirers may be advised that Trent & Dove will forward correspondence on their behalf.
- b) Not given to contractors or other agents acting on behalf of the Company, unless the information is essential to allow the contractor, etc. to undertake work at a property in a safe and correct manner.
- c) Not, in principle, given to other organisations without the consent of the tenant, leaseholder or applicant for accommodation, etc. other than in the exceptional circumstances as stated in Section 8.
- d) Not disclosed to anyone via any medium, where the authenticity of the requestor and the purpose for disclosure cannot be reliability established. Particular care is taken where disclosure is requested via telephone or facsimilie transmission.

Specific guidance is detailed within the Disclosing Personal Data Policy.

Trent & Dove will inform customers of the confidentiality policy at the first point of contact and seek their consent to pass on information to other agencies on a need to know basis.

Trent & Dove will ensure that interviews and conversations with customers about personal, confidential or contentious issues are carried out in private.

Visitors to the offices are regulated by the Customer Services Team and processes in place are reviewed annually. Persons applying for housing or have an enquiry which is sensitive, are taken to a private interview room to discuss their situation. If meetings are to be held in individual offices, any sensitive information is cleared from view and any computer monitors are locked.

Reception checks are in place and documents which are received are removed to ensure that visitors cannot reach over, etc.

Customers are allowed the right to inspect information about them held by Trent & Dove, in accordance with their legal rights under the Data Protection Act 1998. See Subject Access Policy for current procedure.

An electronic management system, Docuware, is in place to reduce hard copies of documents and files. Access for key staff only with certain access levels relevant to the information they need. Access to the computer system is password protected.

8. Exceptions to the General Principles of Confidentiality

In order to provide an effective service for the benefit of all customers, it is necessary for certain information to be exchanged with other agencies with which the Company works.

Personal information (data) will only be disclosed to 3rd parties (i.e. any person or organisation other than the data subject, staff of Trent & Dove or their data processors) when one of the conditions for processing is met. See the Data Protection Policy and Disclosure of Personal Data Policy for further guidance.

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The sharing of confidential information with partner agencies is sometimes necessary but will be done in accordance with the Data Protection Act 1998 and with the consent of the client wherever possible. The only time information will be shared without consent is if the details held pose a risk to Trent & Dove staff or contractors working on behalf of Trent & Dove, other agencies, or residents. Trent & Dove have a Safer Estates Information Sharing Agreement with the Police who will provide information at our request if it is used to facilitate effective housing management. Information will be disclosed without prior consent of the client to the relevant authorities in the event that a Safeguarding referral for a child or vulnerable adult is made.

9. Clients with Specialist/Support Needs

Personal Information held about people with specialist/support needs will be regularly reviewed and kept up to date in accordance with the Data Protection Act 1998.

Confidential information held about vulnerable clients is restricted and can only be viewed by the Independent Living Team and senior managers within Housing Services. If it is deemed necessary to share with other staff due to risk this will be relevant information only and on a need to know basis. The information is held electronically with all paper copies being shredded once scanned. Where it is necessary to keep paper copies to use as a working document, these will be held in lockable cabinets.

Documents kept in sheltered schemes and support projects must be held under lock and key to prevent residents seeing other information about other residents and other unauthorised persons.

The FirstCall service operated by Trent & Dove is on site at the Head Office. Access to this office is restricted to key staff. The office is locked and entry is by a key code. The team have their own service protocol and procedures.

10. Risks to Staff/Safety Alert Register (SAR)

Trent & Dove maintains a Safety Alert Register (SAR) which is a register of persons (or animals) that present a personal safety risk to our staff, contractors or other associates.

Individuals may be on the Register if they have been involved in an incident of work-related violence; or via a referral if information or intelligence from other agencies received at application indicates a potential risk to staff. Dogs that have bitten staff or threatened to bite may also be on the SAR.

For further guidance, refer to the Violent and Aggressive Incident Reporting and Safety Alert Register Referral Procedures. These have been developed in accordance with the Information Commissioner's compliance advice on violent warning markers.

Information is shared with staff and contractors that need to visit and work in the properties on the SAR. Contractors are provided with information in contract documentation about Trent & Dove's expectations in relation to how they should manage the information provided.

11. Arrears of Rent and Other Debts

Where monies or other debts are owed to the Company, information about current and former tenants may be supplied to the following agencies in pursuance of direct payments of charges due, or arrears outstanding - the information to be restricted to address only:

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- Local Authority housing benefit departments
- Appointed debt collection agencies and their appointed debt recovery agents
- Department for Work and Pensions (DWP)
- Government approved suppliers of electricity and gas and water services
- Registered Social Landlords

The Income Management Team provide information to the at East Staffordshire Borough Council (ESBC) and South Derbyshire District Council (SDDC), it is only the Housing Benefit Team who make contact, however it is usually the Income Management Team who instigate contact.

12. Applications for Housing

The Company works in partnership with the local authority and other housing organisations, including Registered Providers operating in the area or close vicinity, to provide affordable housing opportunities for applicants on the housing register, and personal information about applicants for housing, and with the applicant's knowledge, such information may be supplied to the Council and/or housing association in accordance with nomination agreements between the parties.

Applicants applying for housing are required to complete a housing application form which includes a signed declaration. This signed disclaimer is mandatory and gives consent to the information provided being held on computer and/or paper, together with any relevant supporting information, and to the information being shared with, and processed by East Staffordshire Housing Partners, for the purpose of securing re-housing, for audit and statistical purposes, and for fraud prevention.

13. Enquiries from Third Parties

The enquirer will be given a pro-forma, which is to be completed and signed by the customer, to authorise them to be given information by Trent & Dove about the customer.

13.1 Agencies

Information may be disclosed to the following agencies on a discretionary basis without the consent of applicants, tenants or former tenants:

Local Authority Social Service Departments
 Department of Social Security
 Area Health Authorities
 The Courts and bailiffs acting for the Courts
 HM Customs and Excise
 Probation Service

This list is not exhaustive and can be added to at the discretion of the Director of Housing Services. This policy would be updated to reflect any changes.

Information may be provided to these agencies where staff are satisfied there are important reasons for providing it. In these cases staff are allowed to confirm information volunteered by the enquirer. Additional information must not be volunteered and the identity of the enquirer must be established before the information is confirmed.

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In certain circumstances a member of staff may initiate contact with the above agencies to provide information about applicants, tenants and former tenants. Information may only be volunteered where there is evidence to suggest that the welfare of an individual is being abused or is at risk.

13.2 The Police

The Company has signed up to a “Safer Estates Agreement” with Staffordshire and Derbyshire Police. The Agreement is a framework for a multi-agency approach to tackle cases of vulnerability, anti-social behaviour and crime on the Company estates etc and provides, amongst other things, for the formal passing of relevant information between parties.

It is the policy of the Company to disclose personal information to those agencies signed up to the shared information agreement concerning applicants, tenants, leaseholders and former tenants if it has been confirmed that the information is required, or is demanded by the Courts, and is in compliance with the provisions of the Data Protection Act 1998 and Data Exchange Protocol as part of the Safer Estates Agreement.

13.3 Member of Parliament or Local Councillor

Where an enquiry from a Member of Parliament or local councillor has been made at the request of a customer, replies will normally disclose personal information concerning the individual involved and his or her family. Assuming in the case of a written enquiry, that the MP will forward a copy of the reply to the individual concerned it is important that:

The information supplied should only relate to the constituent that the Member is representing.

Replies to enquiries from MPs and local councillors that involve third parties; as for example in respect of neighbour disputes, will be marked “Confidential”.

It is recognised that it is difficult to deal adequately with complaints or, for example, enquiries from the Press that involve third persons without disclosing personal information. Discretion will be used and the reply will be limited to factual data that is strictly relevant to the enquiry.

14. Accident and Incident Reports

The Health & Safety Team maintains records of all accidents & incidents. Copies of employee accident & incident information are also held securely within the Personnel Team.

All hard copies of ongoing accident & incident investigations are marked ‘Private and Confidential’ and kept in a locked cupboard. At the end of each Calendar year, records are transferred to Docuware and hard copies are destroyed. All electronic copies are password protected with only those who require access having the password. Managers, Directors and Health & Safety Reps. do not keep records once an investigation is complete.

Relevant investigation records may also be shared with our insurers.

Accident records will be kept for a minimum of 3 years or longer where necessary for insurance purposes.

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15. Personnel Records and Medical Information

Advice will be sought from appropriate health and social services professionals, before deciding whether to disclose medical or personal information to an individual or to other agencies.

16 Consultation and Review

Any proposed changes to this Policy will, before implementation, be fully discussed with relevant managers, the Policy and Scrutiny Panel and the Executive Team.

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Equality Impact Assessment Checklist

Title	Confidentiality Policy
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1. Describe the aims, objectives and purpose of the policy					
Trent & Dove Housing holds much personal information on file and on computer concerning current & former customers, agencies and contacts. The company will ensure that the confidentiality of this information is respected.					
2. Who is intended to benefit from the policy and in what way?					
All stakeholders have the assurance that Trent & Dove Housing has taken due regard of the requirements of the Data Protection Act to protect personal Data and given its staff training and guidance in understanding their responsibilities to protect such data.					
3. What outcomes are required from this policy?					
That personal data is protected in accordance with the Data Protection Act so that personal data is processed fairly and lawfully.					
4. Who are the main stakeholders in relation to the policy?					
The individual whose personal data is processed, individuals or organisations that use personal data provided by Trent & Dove, staff, partners, customers and the Board.					
5. Who implements the policy and who is responsible for the policy?					
Data Protection issues are the remit of the company solicitor (Data Protection Officer). Senior Managers are responsible for the implementation of controls, with all Managers responsible for compliance within their own business area. With this in mind the maintenance of the Confidentiality Policy sits within the Chief Executive's Department.					
6. Could this policy have a differential impact based upon any of the following factors?					
	Y/N		Y/N		Y/N
Gender	N	Age	N	Gender reassignment	Y
Disability	Y	Religious Belief	Y	Pregnancy & maternity	N
Race	Y	Sexual Orientation	Y	Marriage/Civil Partnership	N
7. If no differential impact is anticipated, please explain why.					
8. If a differential impact is anticipated, provide a detailed justification.					
As the indicated areas are classed as sensitive personal information, greater care is required in processing such data. Breaches would result in disciplinary action and would be recorded.					
9. Recommendation					
Implement					
The policy positively promotes fairness and equality of opportunity					√
There is no differential impact arising from the Policy					
Any differential impact is insignificant or justified in order to achieve a wider goal					
Do Not Implement					
Policy may produce a negative differential impact – further investigation required					

10.	Name	Title / Organisation	Date
Lead Assessor	Claire Smithard	Governance Officer (Trent & Dove)	July 2016
Consultees	Rachel Bassett	Personnel Manager	July 2016
	Anna Hickman	Head of Health and Safety/CDM	July 2016
	Ali Millard	Housing Needs Manager	July 2016
	Cindy Gleghorn	Tenancy Services Manager	July 2016
	Jane Stokes	Independent Living Manager	July 2016
	Emma Beeston-Bligh	Tenancy Enforcement Officer	July 2016
	Paul Oakes	Supported Housing Manager	July 2016
	Jenny Upton	Finance Manager	July 2016
	Katie Lloyd	Income Manager	October 2016

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