



Working with children
for children

CONFIDENTIALITY POLICY

THE DUTY OF CONFIDENTIALITY

Anyone working for or with NCB is under a general duty of confidentiality as well as a duty to support professional ethical standards of confidentiality.

The duty of confidentiality is conferred by common law, statute, contracts of employment, NCB policies and procedures (of which this is one) and professional regulation. Our ability to comply with it is dependant (amongst other things) on:

- Data owners creating suitable processes for storing confidential information and effectively controlling access to it, e.g. information on children or staff.
- Data owners making themselves familiar with the requirements of the Data Protection Act (and Freedom of information Act as it impacts on our Government clients) and the obligations this imposes on them as employees and citizens.
- All staff being sensitive to the requirements of NCB to treat its internal organisation and business conversations with due care and avoid unnecessarily involving outsiders in what are essentially private, internal matters.

WHAT IS CONFIDENTIAL INFORMATION?

Confidential information is information entrusted in confidence, where there is a general obligation not to disclose that information without consent. It includes:

- Any trade secret or confidential information in the nature of a trade secret which comes to your knowledge during the course of, or in connection with, your working relationship with NCB and which concerns NCB or its business and/or any partner, supplier, client, customer, contractor or employee of NCB or any other third party for which NCB is responsible or has an obligation not to disclose.
- Personal information such as a person's name, age, address, and personal circumstances as well as sensitive personal information regarding, for example, someone's race, health and sexuality.

Confidential information may be known, or stored, on any medium.

Confidential information is acquired and maintained by NCB in a range of areas including the following and in respect of which due care must always be taken:

- Children and young people
- NCB stakeholders (including members/trustees)
- NCB Customers (including Government Departments/Local Authorities/ Conference Delegates/ Library Users)
- NCB Employees
- Interviewees
- Information collected or received by Electronic media
- Contents /Promises placed in Service Level Agreements and Contracts.

AWARENESS AND COMPLIANCE

Anyone working for or with NCB must be aware of the importance of confidentiality.

In order to ensure that the commitment to protect confidentiality is not just a matter of lip service all **Staff** are responsible for:

- Making themselves sufficiently aware of their responsibilities for safeguarding confidentiality and keeping information secure.
- Familiarising themselves and complying with the requirements of the Data Protection and Freedom of Information Acts (A summary of the DPA is available on the intranet).
- Understanding and following this policy and the NCB's Participation Guidelines, Child Protection Policy and Procedures and Electronic Communication Media Policy.
- Ensuring they seek and follow advice and guidance from the Head of Communications when dealing with enquiries from journalists etc.
- Understanding and following the Research Department's guidelines on Data Protection and Confidentiality.
- Ensuring that they do not knowingly misuse any information or allow anyone else to do so. Individual staff members are personally responsible for any decision to pass on information that they may make. No information which is given or received in confidence may

(without due cause) be passed to anyone else without the consent of the provider of the information. No information which is given or received in confidence for one purpose may (without due cause) be used for a different purpose without the consent of the provider of the information.

- Safeguarding the confidentiality of all personal information and NCB information to which they have access, however it is transmitted or recorded.

Breaches of confidentiality are a serious matter. Non-compliance with this policy and/or any confidentiality breach by any person employed by NCB may result in disciplinary action being taken up to and including summary dismissal for gross misconduct without notice or pay in lieu of notice.

To support this policy, the **Manager** of each unit or department is responsible for ensuring that:

- Adequate protocols and processes exist in their departments to control the storage and access to sensitive information (in particular that relating to Children and Young People, Staff and Interviewees), that they are sufficiently known and that they are followed.
- Their department contains one appropriate person with whom an NCB or external auditor can liaise concerning the matters of data protection and confidentiality.
- Staff within their unit or department are aware of any and all files kept relating to them.
- All staff within their unit or department have signed this policy to indicate that they have read and understand the obligations it places upon them.
- All of the following working from time to time for or with their unit or department also sign this policy to confirm that they know and are committed to maintaining NCB's requirements for confidentiality and protecting information:

Volunteers

Temps

Consultants

Self-Employed Trainers

Photographers

Free Lance Journalists

Maintenance Contractors

This list is not exhaustive.

To support this policy, the **Senior Leadership Team** will ensure that:

- The IT Systems Support Officer in his role of Data Protection Officer and Confidentiality Coordinator, is given full responsibility to be the auditor and arbiter of all matters relating to the interpretation and implementation of this policy and the necessary resources to carry it out.
- Clauses are placed in all employment contracts, to remind all new staff of the importance of confidentiality

POINTS TO NOTE

Managers and staff should note that it is not the purpose of this policy to stifle the free interchange of information within the organisation. Legislation recognises that information has to be shared in order for organisations to function properly. NCB encourages this and it is not the intention that internal communications and meeting exchanges or training will be stifled because staff are worried about what they can and cannot share.

Managers and staff should also note that in some circumstances confidential disclosures have to be made known, and this is particularly pertinent on issues related to health and safety, whistleblowing and/or conduct. The HR Manager is available to provide advice and guidance prior to any such matter going "public".

In certain instances (but not always), a complainant's wish to remain anonymous may need to be respected, having balanced that wish alongside the legitimate right of anyone that the complaint impacts on to be provided with full information on it.