



Crea Norfolk Confidentiality Policy and Information Sharing Policy  
Latest version November 2024

Parents/carers, children and young people have the right to know that their information is kept securely and in what circumstances it can be shared. Staff and volunteers need to understand what their role is in information sharing. The effective sharing of information between organisations and agencies is essential to keep children safe.

## **1. General principles**

1. Crea Norfolk recognises that colleagues (employees, Freelance professionals, volunteers, and directors gain information about individuals and organisations during the course of their work or activities. In most cases such information will not be stated as confidential and colleagues may have to exercise common sense and discretion in identifying whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from your line manager.
2. Colleagues are able to share information with their line manager in order to discuss issues and seek advice.
3. Colleagues will avoid exchanging personal information or comments about individuals with whom they have a professional relationship.
4. Talking about the private life of a colleague is to be avoided at all times, unless the colleague in question has instigated the conversation.
5. Colleagues will avoid talking about organisations or individuals in social settings.
6. Colleagues will not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation.

7. There may be circumstances where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. The organisation's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.
8. Where there is a legal duty on Crea Norfolk to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

## **2. Why information is held**

1. Most information held by Crea Norfolk relates to individuals, voluntary and community organisations, self-help groups, volunteers, students, employees, trustees or services which support or fund them.
2. Information is kept to enable Crea Norfolk colleagues to understand the history and activities of individuals or organisations in order to deliver the most appropriate services.
3. Crea Norfolk has a role in putting people in touch with voluntary and community organisations and keeps contact details which are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.
4. Information about ethnicity and disability of users is kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.

## **3. Access to information**

1. Information is confidential to Crea Norfolk as an organisation and may be passed to colleagues, line managers or trustees to ensure the best quality service for users.
2. Where information is sensitive, i.e. it involves disputes or legal issues, it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled 'Confidential' and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.
3. Colleagues will not withhold information from their line manager unless it is purely personal.
4. Users may have sight of Crea Norfolk records held in their name or that of their organisation. The request must be in writing to the Board of Directors giving 14 days' notice and be signed by the individual, or in the case of an organisation's records, by the Board of

## Crea Norfolk Confidentiality Policy 2024-25

Directors. Sensitive information as outlined in para 3.2 will only be made available to the person or organisation named on the file.

5. Employees may have sight of their personnel records by giving 14 days' notice in writing to the Board of Directors.
6. When photocopying or working on confidential documents, colleagues must ensure people passing do not see them. This also applies to information on computer screens.

### **4. Storing information**

1. General non-confidential information about the organisation is kept in unlocked filing cabinets and in computer files with open access to all Crea Norfolk colleagues.
2. Personnel information on users, employees, volunteers and other individuals working within Crea Norfolk is kept in physical lockable storage files labelled "confidential", or on a secure, multi-factor authenticated, password protected, intranet system.
3. Within the intranet system, the DSO has a protected file which can only be access by him (Charlie Wall, DSO). All directors have access to the registration forms of all participants, on a need to know basis. The intranet system logs who has accessed what data at what time.
4. In an emergency situation, the Board of Directors may authorise access to files by other people.
5. We retain the registration forms of participants until two years after they last accessed our services.
6. Any safeguarding records of participants are retained until a child's 25th birthday – or 6 years after the last contact.

### **5. Duty to disclose information**

All personal information will be treated as confidential. However confidential information may be shared to other agencies to safeguard and promote the welfare of children.

1. There is a legal duty to disclose some information including:
  1. Where we will a child may be at risk of significant harm due to abuse or neglect this will be reported to the Children's Services, or in an emergency to the Police.
  2. Drug trafficking, money laundering or acts of terrorism will be disclosed to the police.
2. In addition, colleagues believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Designated Safeguarding Officer who will report it to the appropriate authorities.
3. Users should be informed of this disclosure.
4. If a child makes a disclosure, we will never promise the child confidentiality, instead we will explain that the information will need be to be passed on to the appropriate person to help keep them safe.
  5. In some circumstances, seeking consent from a person we believe is neglecting or abusing a child may undermine safeguarding procedures or may increase the risk of harm to the child or another person. In these situations, we will share information without consent.
6. Our organisation is responsible for lawfully sharing the information we hold, and we must not assume that someone else will pass on information that may be critical to safeguard and promote the welfare of a child.

## **6. Disclosure**

6.1 Crea Norfolk complies fully with the Disclosure and Barring Service (DBS) Code of practice (E File) regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

6.2 Disclosure information is always kept separately from an applicant's personnel file in secure storage with access limited to those who are entitled to see it as part of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

6.3 Documents will be kept for a year and then destroyed by secure means. Photocopies will not be kept. However, Crea Norfolk may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## **7. Data Protection Act 2018**

7.1 Data protection law is not a barrier to sharing information when it is necessary, proportionate, and justified to do so. The most important consideration is to safeguard and promote the welfare of the child.

7.2 The Data Protection Act 2018 allows all organisations to process data for safeguarding purposes lawfully and without consent where necessary for the purposes of:

- protecting an individual from neglect or physical and emotional harm; or
- protecting the physical, mental or emotional wellbeing of an individual.

This covers situations where a child may be at risk of significant harm due to neglect or abuse and applies to referrals made to the local authority for any child considered to be a 'child in need'.

## **8. Data Protection Act 2018 Principles**

8.1 Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act and must comply with the data protection principles. These are that personal data must be:

- Obtained and processed fairly and lawfully.
- Held only for specified purposes.
- Adequate, relevant and not excessive.
- Accurate and up to date.
- Not kept longer than necessary.
- Processed in accordance with the Act.
- Kept secure and protected.
- Not transferred out of Europe.

## **9. Principles of Information Sharing**

9.1 Our organisation will adhere to the following principles of information sharing:

Information sharing must be necessary and proportionate to the circumstances of the child or young person.

Information is shared internally by bringing it to a weekly minuted director's meeting, or directly to the DSO via phone call or in person. All directors and DSO are responsible for this process.

Crea Norfolk does not share information externally. We will only share information to the relevant authorities if there is a serious safeguarding concern and then only the information necessary. The DSO is responsible for this.

9.2 When sharing information with any organisation, we will first consider the principles outlined by Government Guidance. We will consult the 7 golden rules for information sharing from 'Information Sharing Advice for Safeguarding Practitioners'

**10. Breach of confidentiality**

10.1 Employees who are dissatisfied with the conduct or actions of other colleagues or Crea Norfolk should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside Crea Norfolk.

10.2 Colleagues accessing unauthorised files or breaching confidentially may face disciplinary action.

**11. Whistle blowing**

12.1 Where the Finance or Admin Worker has concerns about the use of Crea Norfolk funds, they may refer directly to the Board of Directors outside the usual grievance procedure.

12.2 All colleagues hold the right to inform either his or her manager or one of the trustees if they believe that Crea Norfolk is being brought into disrepute by the actions of another colleague or trustee.

Signed and approved by Directors of Crea Norfolk in November 2024