



## Confidentiality Policy and Agreement

<b>Adopted Date:</b>	10 July 2023
<b>Policy Reviewed:</b>	12 March 2026
<b>Review Date:</b>	12 March 2028

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### Introduction

The aim of the policy are to ensure:

- all information held about Staff, Councillors, Volunteers and residents is confidential, whether held electronically or in hard copy
- other information about Ilfracombe Town Council (for example its financial matters, staff records) is confidential
- staff and Councillors will by necessity have access to such confidential information from time to time

### Applicability

The policy applies to all employees, Councillors, volunteers and partners, and also applies in principle\* to other people who work within and for Ilfracombe Town Council and its premises e.g. self-employed staff, temporary staff and contractors – collectively referred to herein as 'workers'.

*\*the council will ensure that workers who are not employees or Councillors are aware of and agree to abide by this policy in principle. In instances that require action, and if the worker is an employee of another organisation, the worker's employer should also be involved.*

### Policy

- Workers must not under any circumstances disclose personal information to anyone outside the Organisation, except to other Staff on a need to know basis, or where written consent has been provided.
- All personal information about workers is confidential. This includes information about their families or others associated with them.

- Workers must not under any circumstances disclose other confidential information about the council to anyone outside the organisation unless with the express consent of the chair of Council and/or the Proper Officer
- Workers should limit any discussion about confidential information only to those who need to know within the Organisation
- The duty of confidentiality owed to a person under 16 is as great as the duty owed to any other person.
- Workers must be aware of and conform to the requirements of GDPR as found in the Data Protection Policy
- All individuals can expect that their personal information will not be disclosed without their permission (except in the most exceptional circumstances when disclosure is required when a person is at grave risk of serious harm or a criminal offence has occurred).
- Where disclosure of information is required which is non-routine in nature the individual will, where possible, be fully informed of the nature of the disclosure prior to this being released.
- Electronic transfer of any confidential information, once approved by the Proper Officer and/or Chair of the council, must be transmitted via the ITC network. Workers must take particular care that confidential information is not transmitted in error by email or over the Internet.
- Workers must not take data from the organisation's computer systems (e.g. on a memory stick or removable drive) off the premises unless authorised to do so by the Chair of the Council and/or the Proper Officer.
- Anybody who suspects a breach of confidentiality must inform the Proper Officer immediately.
- Any breach of confidentiality will be considered as a serious disciplinary offence and may lead to dismissal or in the case of Councillor's referral to the Monitoring Officer.
- Workers remain bound by a requirement to keep information confidential even if they are no longer employed within the organisation. Any breach, or suspected breach of confidentiality after the worker has left the organisation's employment will be passed to the council's lawyers for action.

### Responsibilities of Workers

All workers must follow their professional codes of practice and the law. This means that they must make every effort to protect confidentiality. It also means that no identifiable information about a person is passed to anyone or any agency without the express permission of that person, except when this is essential for providing support for that person or to protect somebody's health, safety or well-being.

All workers are individually accountable for their own actions. They should, however, also work together as a team to ensure that standards of confidentiality are upheld, and that improper disclosures are avoided.

Additionally, Ilfracombe Town Council, as Employers:

- are responsible for ensuring that everybody employed by the council understands the need for and maintains confidentiality.
- have overall responsibility for ensuring that systems and mechanisms are in place to protect confidentiality.
- have vicarious liability for the actions of those working in the council – including councillors, volunteers and employed staff

Standards of confidentiality apply to all administrative and ancillary staff - including receptionists, secretaries, cleaners and maintenance staff who are bound by contracts of employment to maintain confidentiality. They must not reveal personal information they learn in the course of their work, or due to their presence in the council's premises, to anybody outside the council without the person's consent. Nor will they discuss with colleagues any aspect of a person's attendance at the council in a way that might allow identification of the person unless to do so is necessary for the person's support.

#### If Disclosure is Necessary

If a person or another person is at grave risk of serious harm that disclosure to an appropriate person would prevent serious harm, the relevant employee can take advice from colleagues within the council, of from a professional / regulatory / defence body, in order to decide whether disclosure without consent is justified to protect the person or another person. If a decision is taken to disclose, the person should always be informed before disclosure is made, unless to do so could be dangerous or against current law. If at all possible, any such decisions should be shared with another senior member of the council.

Any decision to disclose information to protect health, safety or well-being will be based on the degree of current or potential harm.

## **Confidentiality Agreement**

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A copy of this agreement is to be signed by every staff member, volunteer, councillor). This is attached at appendix 1

### **Confidentiality guidelines:**

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- Be aware that careless talk can lead to a breach of confidentiality – discuss your work only with authorised personnel, preferably in private.
- Always keep confidential documents away from prying eyes.
- Verbal reporting should be carried out in private. If this is not possible, it should be delivered in a volume such that it can only be heard by those for whom it is intended.
- When asking for confidential information in circumstances where the conversation can be overheard by others, conduct the interview in as quiet and discreet a manner as possible and preferably find somewhere private for the discussion.
- Precautions should be taken to prevent telephone conversations being overheard and in all cases personal information should be avoided where possible.
- The duty of confidentiality owed to any person, regardless of protected characteristics, is as great as the duty owed to any other person.
- When using computers, unauthorised access should be prevented by password protection and physical security such as locking the doors when offices are left unattended. Where possible, VDU screens should be positioned so they are visible only to the user. Unwanted paper records should be disposed of safely by shredding on site and computer files on hard or floppy disks should be wiped clean when no longer required.
- If unsure about authorisation to disclose, or a person's authorisation to receive confidential information, always seek authorisation from the Chair of council and/or the Proper Officer before disclosing any personal information.

Appendix 1

**Confidentiality agreement.**

**I confirm that I have read and understand my responsibilities under the confidentiality policy.**

Any information obtained by myself whilst in the employ or service of Ilfracombe Town Council, in any of its premises will be treated as strictly confidential and should not be used, disclosed to any third party, or exposed in the public domain, except under the terms of the confidentiality and data protection policies.

Please sign below to indicate your acceptance of this agreement.

Signed.....

Date.....

Organisation .....

Print Name.....