Confidentiality and Data Protection Policy
Homes for Independent Living

1. Introduction

1.1. This policy outlines the way in which Medway Council (the Council) Landlord Services ensures that the information held about Homes for Independent Living residents is stored in a secure way that meets the principles of the The Data Protection Act (1998) and the Freedom of Information Act (2000).

2. Purpose

2.1. For the purpose of this policy, confidentiality relates to the transmission of personal, sensitive or identifiable information about individuals which comes into the possession of the Council through our work.

2.2. The purpose of this policy is to set out how the Homes for Independent Living team;

2.2.1 Stores residents' personal and confidential information.

2.2.2 Manages the disclosure of personal and confidential information between third parties such as social workers, support workers and residents' family or friends.

2.2.3 Complies with the principles of The Data Protection Act (1998) and the Freedom of Information Act (2000).

3. Scope

3.1. The Confidentiality and Data Protection Policy apply to all Homes for Independent Living tenants and Medway Council staff and contractors..

4. Legislation and Guidance

4.1. Internal

4.1.1. Homes for Independent Living Handbook

4.1.2. Safeguarding Vulnerable Adults Policy

4.1.3. Support Plan Policy

4.1.4. Needs Assessment Policy

4.1.5. Fire and Health & Safety Policy

4.2. External

4.2.1. The Data Protection Act (1998)

4.2.2. The Freedom of Information Act (2000 and 2005)

4.2.3. Caldicott Standard in Social Care (Dept. of Health 2000)

4.2.4. BS7799 (British Standards Institute)

4.2.5. Prevention of Terrorism Act

4.2.6. Human Rights Act 1998 Article 8

4.2.7. Access to medical Reports Act 1998

5. Policy

5.1. New staff members will be introduced to the Confidentiality and Data Protection Policy as part of their induction and training.

5.2. Information held and Data protection

5.3. Landlord Services will keep a paper based file for each resident. The file will contain relevant documents relating to their tenancy.

5.4. Only the resident and Landlord Services staff will have access to this file.   The resident can request to see their own file at any time.

5.5. All personal paper-based and electronic data will be stored in accordance with Data Protection Act (1988) and will be secured against unauthorised access, accidental disclosure, loss or destruction.

5.6. Medway Council are legally bound to keep a residents file for six years after the resident leaves the service, after this time the residents file will be destroyed.

5.7. Sharing information and safeguarding

5.8. Information about residents will be kept confidential and will not be shared with third parties without their permission unless there is good reason to do so for safeguarding reasons.

5.9. Information passed on to third parties will be restricted to that in which the recipient has a legitimate interest.

5.10. Information provided to third parties should only be shared further if the resident has given their consent or the information needs to be passed on to enable support to be coordinated properly.

5.11. If a resident discloses to Landlord Services something about another resident, Landlord Services may have to act on this information if safeguarding issues are involved.

5.12. Freedom of Information request

5.13. Freedom of Information requests must be made in writing, which includes electronic correspondence, and information requests must be fulfilled within 20 working days of receipt of the request or of payment being received if a fee is incurred.

5.14. Complaint process

5.15. Residents have the right to complain if they think anyone in the Housing Team has broken the rules outlined in this policy (see complaints guidelines).

6. Role, Responsibilities and Authority

6.1. The Assistant director of Physical and Cultural Regeneration retains the overall responsibility for the implementation of this policy.

6.2. The Head of Housing Management is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and reviewing, staff awareness and training, policy development and communication to tenants.

7.   Monitoring, Review and Evaluation

7.1.   Regular monitoring will take place to ensure that Scheme Support Officers are dealing with confidential information line with this policy.

7.2.   The results will be used by Housing Services to inform future policy review in this area and drive up service standards. All reviews will consider whether:

7.2.1.   the current policy adheres to legislative and regulatory requirements, and reflects current good practice;

7.2.2.   the aims and objectives of the policy being met;

7.2.3.   the current policy outcomes meet the needs and aspirations of the Council's diverse resident base;

7.2.4.   residents are aware of and understand the policy and believe it to be consistent and fair;

7.2.5.   the policy provides sufficient choice for residents; the service offers value for money;

7.2.6.   partnership arrangements are working effectively.

7.3.   Overall monitoring and review of the policy will be undertaken in consultation with:

7.3.1.   staff groups;

7.3.2.   members;

7.3.3.   existing and future service users;

7.3.4.   resident and community groups.

7.4.   This policy will be reviewed every year or in line with legislative or regulatory changes.

Policy Version Control Sheet
Policy Title: Confidentiality Policy **Policy Author(s):** Homes for independent Living Team Leader, Business Development Officer. **This Version:** June 2017 **Projected Date of Review:** June 2018 **Cross References:** Needs Assessment Policy, Safeguarding Vulnerable Adults Policy, Support Planning Policy, Needs Assessment Policy. **Amendments Made:** This Version: Changes made to previous policy to ensure that it coincides with current legislation.