Confidentiality Policy

# Introduction

* 1. This policy outlines the way in which Medway Council (the Council) Housing Services ensures that the information held about Homes for Independent Living residents is stored in a secure way that meets the principles of the legislation requirements as set out in point 4.

# Purpose

* 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. The purpose of this policy is to set out how the Homes for Independent Living team;
     1. Stores residents’ personal and confidential information.
     2. Manages the disclosure of personal and confidential information between third parties such as social workers, support workers and residents’ family or friends.
     3. Complies with the principles of the General Data Protection Regulation (GDPR) 2018, The Data Protection Act (2018) and the Freedom of Information Act (2000).

# Scope

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

# Legislation and Guidance

* 1. Internal
     1. Homes for Independent Living Handbook
     2. Safeguarding Vulnerable Adults Policy
     3. HFIL Support Document
     4. Needs Assessment Policy
     5. Fire and Health & Safety Policy
  2. External
     1. General Data Protection Regulation (GDPR) 2018
     2. The Data Protection Act (2018)
     3. The Freedom of Information Act (2000 and 2005)
     4. Caldicott Standard in Social Care (Dept. of Health 2000)
     5. BS7799 (British Standards Institute)
     6. Prevention of Terrorism Act
     7. Human Rights Act 1998 Article 8
     8. Access to medical Reports Act 1998

# Policy

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

**Information held and Data protection**

* 1. Housing Services will keep a paper based file for each resident. The file will contain relevant documents relating to their tenancy.
  2. Only the resident and Housing Services staff will have access to this file. The resident can request to see their own file at any time.
  3. All personal paper-based and electronic data will be stored in accordance with GDPR and the Data Protection Act 2018 and will be secured against unauthorised access, accidental disclosure, loss or destruction.
  4. 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. If Housing Services, or a member of staff is found to be in breach of the policy this will be dealt with in line with Medway Council’s disciplinary procedures.

**Sharing information and safeguarding**

* 1. 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.
  2. Information passed on to third parties will be restricted to that in which the recipient has a legitimate interest.
  3. 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.
  4. If a resident discloses to Housing Services something about another resident, Housing Services may have to act on this information if safeguarding issues are involved.

**Freedom of Information request**

* 1. Freedom of Information requests must be made in writing to customer.relations@medway.gov.uk, 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.

**Complaint process**

* 1. 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).

# Role, responsibilities and authority

* 1. The Assistant Director RCET retains the overall responsibility for the implementation of this policy.
  2. The Tenant Services Operational Manager is responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and review, staff awareness and training, policy development and communication to customers.

# Monitoring, review and evaluation

* 1. This policy will be reviewed on a biennial basis or in line with legislative or regulatory changes.

This version published: April 2025

Next review due: April 2027