



CHRYsalis GROUP & SUBSIDIARIES

Chrysalis Group Services Limited
Touchstone Developments & Investments Ltd
Chrysalis Supported Housing Limited
Opoka CIO
Compass Project CIC
Blackfields Furniture Ltd

CONFIDENTIALITY & ACCESS TO INFORMATION POLICY (Tenants & Services Users)

Contents

1.	Introduction	3
2.	Scope	3
3.	Legislation	4
4	General	4
5	Tenants, Service Users, Volunteers and Programme Participants.....	4
6	Information about previous tenants, service users, volunteers and programme participants.....	6
7	Vulnerable Adults	6
8	People alleged to have caused harm (alleged perpetrators) – Opoka CIO	6
9	Telephone calls	7
10	Storing information	7
11	Requests to access information – previous tenant, service user, volunteer or programme participant	7
12	Requests to access information – current tenants, service users, volunteers and programme participants	8
13	Disclosure of personal information about tenants, service users, volunteers and programme participants to external agencies	8
14	Breaches of Confidentiality	9
15	Breaches of Data Security	9

Within the Group, there is:

- A private Non-Profit Registered Social Landlord (RSL), regulated and registered by the Regulator of Social Housing and the Financial Conduct Authority, providing specialist supported homes and related services to vulnerable people across England & Wales.
- A Charitable Incorporated Organisation (CIO), Opoka, regulated and registered by the Charities Commission, that supports Polish women and children escaping domestic abuse, helping them establish their recoveries and build new lives free from the threat of abuse.
- A Community Interest Company (CIC), The Compass Project 2012, an addiction recovery-driven project offering a range of support services, providing a pragmatic solution to those recovering from addiction by giving direct interpersonal peer mentorship, counselling, group support, and structured supported homes, alongside a variety of work and retail-based training opportunities.
- A specialist commercial investment, consultancy and property management company, Touchstone Development & Investments Ltd, that supports the wider strategy and property management requirements of the Group.
- A commercial cabinetry and furniture manufacturing company, Blackfields Furniture, offering both internal and external services, adding value within the group.

It is therefore essential that the Governance Framework used within the Group is fit for all of the entities and their stakeholders, recognising the regulatory requirements and specific needs of each organisation within the group. It is also essential that, as service users may access services of more than one organisation within the group, policies and procedures, wherever possible, are consistently applied across the group, that staff are trained using the same guidelines, and that proper information sharing protocols are in place.

For this reason, it has been agreed that all governance-based policies are group-wide but will apply to all entities within the group to meet our mission:

To safeguard and promote the well-being of our service users and communities across the UK, providing appropriately designed high-quality, good-value, sustainable services and homes, demonstrating that all activities through the group can underpin our commitment to deliver for social good whilst being underpinned by a sound commercial ethos.

1. Introduction

This policy sets out the approach of Chrysalis Group (“Chrysalis” or “Group”) with regards to maintaining confidentiality and accessing information in respect of tenants, service users, volunteers and programme participants, service users, volunteers and programme participants. It should be read in conjunction with the Information Governance & Record Keeping Policy (CM01).

2. Scope

- 2.1 The Group is committed to maintaining the highest standards of confidentiality in all its work to ensure the safety and well-being of tenants, service users, volunteers, programme participants and all those involved with the organisation.
- 2.2 The Group is committed to safeguarding the rights of tenants, service users, volunteers and programme participants adhering to the principles of openness and accountability.

- 2.3 The Group is committed to the principles of safeguarding adults and children against all forms of abuse.
- 2.4 The Group is committed to providing a high standard of training to all staff members, volunteers, and trustees to ensure that confidentiality and access to information are always dealt with appropriately.

3. Legislation

3.1 The Group will work within the requirements of the following legislation:

- General Data Protection Regulation 2018
- Freedom of Information Act 2000
- Limitation Act 1980
- The Human Rights Act 1998
- The Public Interest Disclosure Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Common Law Duty of Confidentiality
- The Crime and Disorder Act 1998

4 General

- 4.1 Breaches of confidentiality may have life-threatening consequences. They also present a risk to the rights and freedoms of the individual. Where the risk is significant breaches will be reported to the Group Company Secretary.
- 4.2 Breaches of confidentiality by staff members will normally be subject to disciplinary action.
- 4.3 Breaches of confidentiality by tenants, service users, volunteers and programme participants will be dealt with using the appropriate policy.
- 4.4 Tenants, service users, volunteers and programme participant's rights under this policy, and under General Data Protections regulation, should be clearly explained as soon as it is practical to do so. This should include an explanation of the information we will hold and when and to whom this will be disclosed.

5 Tenants, Service Users, Volunteers and Programme Participants

- 5.1 Permission will be obtained before disclosing personal data about a tenant, service user, volunteer and programme participant to a third party.
- 5.2 The form below should be used as evidence that we have consent to hold and share information. Please refer to the confidentiality and information sharing agreement Form.
- 5.3 Chrysalis will only share information in the best interests of its tenants, service users, volunteers and programme participants.
- 5.4 A confidentiality and information sharing agreement form is always uploaded on to the Oasis system for Opoka service users.

- 5.5 Tenants, service users, volunteers and programme participants must be made aware that they can withdraw their consent at any time and how they can do so. Please refer to the Right to erasure request Form.
- 5.6 An individual's right to confidentiality will be overridden if:
- There is a serious safeguarding concern
 - There is a need to protect the vital interests of the tenant
 - Chrysalis is required by law to share information
 - Chrysalis is assisting in the prevention or detection of a crime by sharing information.
- 5.7 Under no circumstances should the identity of a previous tenant, service users, volunteers and programme participants be discussed in a non-professional situation outside of the working environment. This includes general conversation with work colleagues, friends and family.
- 5.8 Information about tenants, service users, volunteers and programme participants should be shared with your line manager routinely during formal and informal supervision and support sessions.
- 5.9 Information about tenants, service users, volunteers and programme participants will be shared with other staff and volunteers on a need to-know basis. Personal details disclosed by a tenant or service user where they are asked for confidentiality, should remain confidential unless the following circumstances prevail:
- There is a direct effect on the safety of the organisation or on individuals using it by not sharing information
 - There are safeguarding concerns for the tenant, service user, volunteer or programme participant
 - A tenant, service user or volunteer is threatening to harm themselves or other people.
- 5.10 Where an external agency has ongoing relationships with a tenant, service user, volunteer or programme participant, and is involved in providing them with support alongside Chrysalis staff, all parties concerned should agree boundaries of confidentiality. This will be recorded in the confidentiality and information sharing agreement form unless it is specifically covered in the licence / contract documentation. Pyramid/Oasis will be updated to record the form of agreement that is in place for all third-party agencies working with Chrysalis.
- 5.11 Where individuals access the Opoka helpline for support a statement to explain how information given is recorded and used and to explain the recording of details and the support given.
- 5.12 Where agencies request information about how we are supporting or have supported a tenant, service user, volunteer or programme participant, for example case notes, this will only be shared with the tenant, service user, volunteer or programme participant's specific consent. We will seek to agree the content of the information to be shared prior to providing this.
- 5.13 Agency requests for sharing information should always be authorised by a Director.

- 5.14 We reserve the right not to share information if we do not believe it to be in the tenant, service user, volunteer or programme participant's best interests to do so or if there is a conflict of interest.
- 5.15 Where information is to be shared at MARAC without the consent of a service user, volunteer or programme participant an 'Information Sharing without Consent Form' should be completed. The need for referring the case to MARAC should, wherever possible, be explained to the service user, volunteer or programme participant.
- 5.16 Information recorded on Pyramid for CSA and Oasis for Opoka should be accessed on a need-to-know basis.
- 5.17 Access controls and password protocols set out in the Chrysalis Group Data Protection Policy should be always observed.

6 Information about previous tenants, service users, volunteers and programme participants

- 6.1 Confidentiality is just as vital for previous tenant of the service provider. Ex-tenants, service users, volunteers and programme participants details will not be disclosed or discussed within the team or with external agencies without their consent unless there is a genuine reason to do so. This could be for one of the following:
- They have been re-referred Chrysalis
 - There is a serious safeguarding concern,
 - There is a need to protect the vital interests of a tenant, service user, volunteer or programme participant, Chrysalis is required by law to share information,
 - Chrysalis is assisting in the prevention or detection of a crime by sharing information.

7 Vulnerable Adults

- 7.1 When working with vulnerable adults, it is essential that the term "confidentiality" is explained and that they understand the situations when this would need to be breached. They must also be made aware of the personal information we need to hold about them to provide them with a safe service; and situations where we may need to share their information with organisations outside Chrysalis.
- 7.2 To share information, consent must be gained, unless there is a safeguarding issue. In this case, and if it is safe to do so, we should ensure the vulnerable person aware of the reason for sharing information.
- 7.3 Vulnerable adults with capacity to understand and make their own decisions can give consent. However a child, under the age of 13, or vulnerable adult who does not have capacity would need a nominated person consent to the sharing of information.

8 People alleged to have caused harm (alleged perpetrators) – Opoka CIO

- 8.1 Opoka retains basic information on people alleged to have caused harm to people referred to our service. This is held to enable us to safeguard the people we support.

- 8.2 If an alleged perpetrator requests a copy of any records relating to themselves, they should be asked to put their request in writing to the Group Company Secretary.
- 8.3 As a charity, Opoka does not have to respond to Freedom of Information requests about employees, and the Board. Under no circumstances should information relating to employees, or board members be given to any individual or organisation without the permission of that person.

9 Telephone calls

- 9.1 Telephone messages should not be left on the phones of people referred to the organisation unless it is certain that we have a safe contact number for them.
- 9.2 Where telephone messages are left on tenant, service user, volunteer or programme participant's answer machines as these should contain minimal details.
- 9.3 You should never leave personal details about a tenant, service user, volunteer or programme participant on other agencies' answer machines. Any messages left should contain minimal details.

10 Storing information

- 10.1 The Data Protection Policy outlines the measures we will take to store information confidentially.

11 Requests to access information – previous tenant, service user, volunteer or programme participant

- 11.1 Previous tenants, service users, volunteers and programme participants' tenant have a right to know what information is being held about them by Chrysalis. We will therefore provide the following information to people if they request it:
- A description of personal details held about them,
 - The purposes for which Chrysalis uses this personal data,
 - Details of those to whom Chrysalis may disclose this personal data.
- 11.2 Chrysalis may refuse to provide this information in the following circumstances:
- The information may cause harm to the tenant, service user, volunteer or programme participant (or another person's) mental or physical condition
 - (If an ex-tenant/ex-service user/ex-volunteer's) identity of the individual has not been confirmed,
 - Chrysalis has complied with a similar request within the last seven days. Where the person requesting access to personal data is a child or young person, Chrysalis will give them access to this if:
 - They are deemed mature enough to understand the nature of their request or;
 - The request for access to personal data held on the child/young person has been made by a non-abusive party and Chrysalis is satisfied with the identity request and believes it to be in the best interests of the child to release this information.

12 Requests to access information – current tenants, service users, volunteers and programme participants

- 12.1 You should respond positively and on a timely basis to requests from tenants, service users, volunteers and programme participants to see personal information held about them on their files. The law requires that a response to requests should be provided within one calendar month, unless the SAR is complex and/or numerous requests are made, in which case this can be extended by up to two months. If such additional time is required, the data subject shall be informed.

The support plan is the individual's support plan – not just a Chrysalis document. The person dealing with the request must arrange a convenient place and time for the tenant to go through their file and should remain with them while they do this so that the Chrysalis employee can answer any questions the tenant, service user, volunteer or programme participant may have. If the file contains confidential information about another tenant (e.g. in the case of MARAC minutes) this should be redacted prior to the file being shared.

- 12.2 Tenants, service users, volunteers and programme participants also have a right to request that their data is transferred or deleted. The decision as to whether the deletion / transfer is permissible will depend upon several factors concerning risk and compliance.

Tenants, service users, volunteers and programme participants should be asked to complete a Right to Erase Request Form which should be passed to the Group Company Secretary for approval before any deletion or transfer of information is made.

13 Disclosure of personal information about tenants, service users, volunteers and programme participants to external agencies

- 13.1 In cases where you feel there is a need to disclose confidential information about a tenant to a third party, you must inform the person concerned why there is a need to share information, with whom, and what the likely consequences of their agreeing or not agreeing to disclosures are. Consent to share the information should be gained verbally wherever possible. The exceptions to this are outlined previously.
- 13.2 Once consent has been obtained, it is your responsibility to ensure that disclosure only takes place on the terms agreed with the tenant, service user, volunteer or programme participant it concerns. Information sharing will be done in the tenant, service user, volunteer or programme participant's best interests.
- 13.3 Some organisations, for example housing associations, may require details about a tenant, service user, volunteer or programme participant if they are being referred to them, including criminal record or level of rent arrears. You should tell them the reasons why disclosure of such information is necessary. They should be told the consequences of agreeing, or not, to having the information passed on.
- 13.4 We may be approached by external agencies such as housing benefit by telephone seeking information to verify a claim. In these instances, you should be clear with the individual concerned about what sort of information may be required, e.g. date of moving in or services provided. If further is required, it will not be given without the permission of the tenant concerned.

- 13.5 Information will not be transferred to any third-party organisation that does not have documented confidentiality status on Pyramid/Oasis.

14 Breaches of Confidentiality

Any breaches of confidentiality will be taken seriously and should be reported to your line manager. Action may be taken in accordance with the Disciplinary Policy. Where it is more appropriate to deal with confidentiality breaches through training or supervision this will be provided.

15 Breaches of Data Security

- 15.1 Where you become aware of any breaches of security you should report it immediately to your line manager, as well as the Group Company Secretary, using the Chrysalis Group Data Breach Reporting Form. Your line manager must confirm that the Group Company Secretary has been informed of the breach.
- 15.2 If the breach could result in significant risk to the safety, rights or an individual the Group Company Secretary will report it to the individual(s) concerned and, if appropriate, to the appropriate external organisations in line with Information Governance & Record Keeping Policy

Related Documents

HF03/OF01	Client Confidentiality & Information Sharing Form
CP11	Sharing Information Appropriately & Legally Procedure
OP03	Opoka Sharing Information Appropriately & Legally Procedure
CF10	Right to Erase Request Form
CM01	Information Governance & Record Keeping Policy – Data Protection Policy
CF01	Data Breach Reporting Form
HM01	Disciplinary Policy (Employee Handbook)
CM16	IT-Security-Policy
CM17	Data Privacy Policy
CP01	Data Protection Impact Assessment
CF03	DPIA Questionnaire v2
CP04	Data Protection Audit Guidance Notes
CF04	Data Protection Audit Checklist Form
CP05	Data Breach Procedure
CP08	Data Breach Guidance Notes
CP06	Data Subject Access Request Procedure
CF02	Subject Access Request Form
CP07	Data Retention and Disposal Procedure
CP09	Data Retention Guidance Notes
CF09	Combined Data Change Request
CF11	Client Confidentiality Info Sharing Agreement Form
CR08	Data Register