

# **Confidentiality Policy**

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## **1.0 Policy Statement**

Confidentiality is a central and integral part of the ethos of the Diocese of Killaloe. The Diocese is committed to ensuring that all information relating to Church Personnel or volunteers which is generated or obtained in the course of, or relating to Church or Parish activities is managed in line with accepted good practice and relevant data protection legislation.

## **2.0 Principles**

The following principles underline this policy:

- To ensure that the confidentiality of Church Personnel and volunteers are protected in a consistent and appropriate manner.
- To provide Church Personnel and volunteers with the Diocesan understanding of confidentiality; clear guidelines regarding handling of information, including the extension of confidentiality.
- To ensure that all information of a personal nature generated or received in the course of Diocesan or Parish activities is protected in accordance with this policy.
- To ensure all information that is obtained through the course of Church and Parish activities is confidential and Church Personnel and volunteers shall not at any time, whether before or after their involvement, disclose such information in any form to any person without written consent.
- To assign responsibilities for the management of confidentiality.

## **3.0 Scope of Policy**

This policy is addressed to all Church Personnel in the *Diocese of Killaloe* and to all those working in a voluntary capacity within the Diocese in any church or parish related activity.

## **4.0 General**

- Confidentiality can never be absolute and therefore absolute confidence can never be guaranteed.
- All Church Personnel and volunteers are to be made aware of the Diocesan confidentiality policy and have access to this confidentiality policy.
- Save as may be provided by law, Church Personnel and volunteers have the right to have a copy of any information held regarding them by the Diocese / Parish. This must be requested in writing by the individual, and will be dealt with by the Bishop / Parish Priest, Director of Safeguarding. All requests will be responded to within ten working days.
- Confidentiality is between the individual and the Bishop / Parish Priest.

No information about an individual will be passed on to any third party except in the following cases:

- Where consent has been obtained.
- Where there is a legal obligation to extend confidentiality. In certain circumstances information can be passed on to a third party without consent of the individual whose information it is. These circumstances are described in legislation and relate to the safety of the individual or others.

- Where a decision is taken by the Diocese to extend confidentiality as per the terms of this policy.
- All Church Personnel and volunteers have the right to withdraw consent for the sharing of information at any time, except where there is a legal obligation for confidentiality to be extended.
- All Church Personnel/volunteer files are to be kept in a secure place within the Diocese / Parish. Church Personnel and volunteers are expected to exercise care in keeping safe all documentation or other material containing confidential information.
- All Church Personnel files should be kept in a locked filing cabinet.
- Computer files should be password protected.

## **5.0 Roles and Responsibilities**

The Diocese of Killaloe is responsible for ensuring that all Church Personnel involved in handling confidential information and data, receive appropriate training, supervision and support regarding this policy and their legal responsibilities.

The Bishop / Parish Priest is responsible for ensuring that a copy of this document is available to all Church Personnel and volunteers. It is the responsibility of the Bishop / Parish Priest to ensure that all staff sign to confirm they have understood the confidentiality policy and that they receive training as necessary.

All Church Personnel and volunteers are required to act in accordance with the policy, failure to do so will be considered as an act of gross misconduct and will result in disciplinary action.

## **6.0 Informing Parents / Guardians of Children and Young People**

All parents/guardians of children and young people should be made aware of the following:

- Confidentiality is between the individual and the Diocese / Parish.
- Their right to have a copy of all information concerning them.
- Circumstances, in which confidentiality may be extended.

## **7.0 Obtaining Consent to Share Information**

- Information held by the Diocese / Parish, and not independently available to a third party, cannot be disclosed without the individual's written consent.
- Consent must be sought in writing using a standardised consent form. Thereafter it should be sought verbally.

The consent form should stipulate:

- The third party with whom the information is to be shared.
- The timeframe that the consent form applies to.
- The organisations covered by the consent form.
- The date and signature.

The individual should verbally be informed of:

- The third party with whom the information is to be shared.
- Whether the third party has a confidentiality policy.
- The reason for sharing the information.

The Diocese of Killaloe has no control over the information once it is given to a third party in accordance with the terms of this policy.

## **8.0 Limits to Confidentiality**

Confidentiality can never be absolute and therefore absolute confidentiality can never be guaranteed. Limits to confidentiality exist to protect Church Personnel from withholding information that may require immediate action in the interest of public or individual safety. Application of extensions of confidentiality will in all cases be decided by the Bishop / Parish Priest or Director of Safeguarding.

Confidentiality may be extended when an individual discloses that:

- They have perpetrated sexual / physical abuse on another person.
- They intend to perpetrate sexual / physical abuse on another person.
- Any other issues in relation to Child Protection, as described in Children First.
- They have committed a criminal act (Criminal Law Act, 1997).
- They intend to commit a criminal act (Criminal Law Act, 1997).
- They have self-harmed / attempted suicide.
- They intend to self-harm / attempt suicide

In the event of a disclosure of any of the above, the informed person should notify the Director of Safeguarding. If it is necessary to pass on the information the individuals consent should be obtained if possible. If this is not possible, the individual should still be informed of the decision to share information, if possible.

Other situations where consent may be extended:

- As required by law, including though not limited to court appearances.

## **9.0 Sharing Information with Other Organisations**

- In all cases, requests for information from organisations must be accompanied by a written consent to share information form.
- If the Diocese / Parish is requested to write a report, where possible this will be shown to the individual concerned, for comment prior to it being sent.
- Care must be taken with phone calls in relation to queries around individuals to ensure that information is not unintentionally passed on to a third party..
- If an individual is aware of pertinent information relating to Church Personnel from sources outside the Diocese / Parish, this information should be reported in line with diocesan reporting procedures.
- Church Personnel called to give evidence in court should contact the Bishop/Parish Priest or Director of Safeguarding who will provide support in this area.
- Any requests for Church Personnel involvement in research, evaluation or for other data collection purposes need to ensure complete confidentiality.
- All requests for Church Personnel involvement in research or evaluations, etc, by external agencies must be approved by the Bishop / Parish Priest or Director of Safeguarding, prior to these being facilitated.

## **10.0 Wrongful Disclosure**

Wrongful disclosure can occur in at least two ways. It can be by either act or omission. The first would be where confidential information is deliberately passed on to a third party. The second would be where confidential information is disclosed to a third party through negligence. Wrongful disclosure will be considered as an act of gross misconduct and may result in disciplinary action.

## **11.0 Data Protection Responsibilities**

In addition to the duty of care regarding confidentiality outlined above, the Data Protection Acts imposes legal obligations on the Diocese of Killaloe, its staff and volunteers. The Diocese of Killaloe takes seriously its responsibilities under the Data Protection Acts. The organisation is aware of and acts in accordance with the following eight Data Protection principles regarding information:

- Obtain and process information fairly.
- Keep it only for one or more specified, explicit and lawful purposes.
- Use and disclose information only in ways compatible with these purposes.
- Keep it safe and secure.
- Keep it accurate, complete and up-to-date.
- Ensure it is adequate, relevant and not excessive.
- Retain for no longer than is necessary.
- Allow individual's access to their personal data, on request subject to any legal constraints.

## **12.0 Information Technology and Confidentiality**

- **Phone Usage**

Care should be exercised not to unintentionally disclose information of a confidential nature when communicating by phone. Text messaging should never be used to pass on sensitive information to others.

- **Fax Usage**

Fax messages containing sensitive information should only be sent to specified individuals at confirmed numbers. All faxes should contain a cover sheet containing the recipient's name. Receipt of the fax should be confirmed by phone.

- **Email Usage**

Sensitive case specific information that includes personal information should not be sent by email.

### **13.0 Requests for Information**

- If an individual wishes to have access to their file, they must complete a written request.
- The request will be processed by the Diocesan Office / Parish Office who will process the request within ten working days.
- In these cases care will be taken to ensure that any information relating to other persons that is held within the individuals file is blanked out.

### **14.0 Parish Record Keeping**

- When appointing personnel/volunteers the Parish has a responsibility to receive from each individual concerned, a completed 'declaration form'. The application forms, declaration forms and all other documentation should be stored securely in the Parish /Diocesan Office. Access will be restricted to the Parish Priest and / or the Parish Safeguarding Rep and / or the Diocesan Director of Safeguarding.
- Each Parish activity/group will be responsible for storing in a confidential way an accurate record for each activity involving children including, but not limited to, activity details, attendance records, parental consent forms, necessary medical information, etc.
- The Data Protection Rules as outlined in the European Communities (Data Protection) Regulations. 2001 must be adhered to in retaining records.