

Confidentiality Policy

Introduction

British Weight Lifting (BWL) recognises that a guarantee that members' personal information is kept safe and secure is vital to ensure trust and confidence in the organisation.

The purpose of this policy is to:

- establish a clear and agreed understanding of what confidentiality means within BWL
- encourage uniformity in practice
- ensure that BWL members, volunteers and external agencies working with BWL are aware of the standards they can expect

There are some situations where information that is confidential may be shared without consent. These circumstances are set out in BWL Information sharing to safeguard children policy.

This policy applies to all BWL members and continues to apply after their service or involvement with BWL has come to an end.

Responsibilities

The Board has the overall and final responsibility for ensuring that BWL meets its legal responsibilities regarding confidentiality in relation to the Data Protection Act 1998, Human Rights legislation and the common law duty of confidentiality. Board Members must also maintain confidentiality as a requirement of the Company Act 1989.

The Chief Executive has overall responsibility for ensuring that the Confidentiality Policy is put into practice. In particular the Chief Executive will ensure that:

- Line Managers and BWL Officials are aware of their responsibilities to their staff and volunteers
- Arrangements are in place to monitor and implement this policy
- Breaches of the policy are dealt with proportional to the implications of the breach

Under the Data Protection Act 1998 BWL is required to register with the Information Commissioner. The Act regulates the handling of all personal data held on an individual. While the majority of BWL affiliated organisations will be exempt from registration if the data they hold is purely to service their membership, everyone must comply with the eight data protection principals* set out in the Act.

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General Principles

Information belongs to the person or agency entrusting it to a member of staff, a member or volunteer of British Weightlifting/disability powerlifting.

Information provided by an individual or organization should be treated as confidential unless it has been expressly confirmed otherwise.

Once received by British Weightlifting/disability powerlifting, information may not be used for any purpose other than that for which it was given; nor may it be passed on to any person or agency outside British Weightlifting/disability powerlifting without the express permission of the data subject.

Operational Practice

BWL keeps extensive records, using paper files and computers. Where necessary, personal details of BWL Staff and members are recorded in these systems.

Every BWL member or employee has a right of access to any personal information that BWL holds on them in a 'relevant filing system'** and to have changed any information that is inaccurate.

Confidential information that has been provided by a third party may be removed from a file prior to its examination.

BWL will maintain an appropriate level of security, in accordance with the Data Protection Act 1998 and will adequately protect information about individuals that is held in these systems. Paper files will be kept in a locked area and computer-based files will be password protected.

The use of information for reports, monitoring and funding applications will avoid any specific detail about members that might lead to their identification unless they have given their prior consent.

Consent must be obtained from the relevant individuals prior to any personal information being publicised either in print or on a website. The accuracy of the information must also be confirmed.

BWL will seek permission from the relevant member, volunteer, employee or organisation before any information that is held by BWL is passed on to a third party where that information specifically identifies them or might lead to their identification. In the case of employees, this does not include their professional contact details.

Staff or Membership Suspensions

Where a BWL member or member of staff is temporarily suspended, the CEO has overall responsibility for determining who should be informed.

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The suspension and the reasons behind the decision will be treated as a confidential matter and will not be disclosed unless there is a justifiable reason. When deciding whether or not to disclose information, it is vital to consider if a proposed disclosure is a proportionate response to protect the welfare of children or other members. The amount of confidential information disclosed and to whom should be no more than is strictly necessary to ensure the welfare of BWL members and young people.

Sharing information within British Weight Lifting

It is sometimes desirable to share information with other BWL staff or officials to allow them to fulfil their role. Information given to staff members or officials acting on behalf of BWL will only be given on a 'need to know' basis. It should be absolutely clear to all attending meetings or taking on a role on behalf of BWL that they must comply with the rules of confidentiality and ensure confidential matters are not disclosed.

BWL Committee members include individuals from various backgrounds, some of whom are there in a formal capacity on behalf of other agencies which have statutory duties, e.g. members of the Case Referral Management Group. Such representatives should normally regard information that they learn in their capacity as members of a BWL Committee as confidential, however, if, as a result of their membership of the Committee, they become aware of information that they feel needs to be shared, the individual should bring this to the attention of the relevant Committee so that the statutory or other implications can be formally acknowledged.

Subject access requests

The Data Protection Act 1998 provides all data subjects with the right to request access to their personal file. BWL holds membership files and other records for young people under the age of eighteen.

As a general rule a person with parental responsibility will have the right to apply for access to information held on file or in a membership record relating to their child if the young person is under the age of sixteen.

Where a child is considered capable of making their own decisions, their consent will be sought before a person with parental responsibility will be given access to their file or record.

Where an individual is over the age of 16, subject access requests must come direct from the individual unless it can be demonstrated that the data subject has an insufficient level of understanding to make their own decisions.

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Electronic Information

Each user is responsible for securing (or limiting access to) documents and folders, which can be accessed via the BWL network. On no account should confidential work be stored in shared folders. All BWL Computers that contain sensitive or confidential data are password protected. Users should not disclose passwords or security details to others except when required to do so by a manager.

Email Addresses

Personal email addresses should be treated in the same manner as private telephone numbers and should only be given out with the explicit consent from the individual.

BWL staff should use standard signatures, which refer to the confidentiality policy when posting email externally.

***Data Protection Act 1998 - Eight Principles**

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - at least one of the conditions in Schedule 2 is met; and
 - In the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection of the rights and freedoms of data subjects in relation to the processing of personal data.

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Confidentiality and Information sharing

Sharing information is vital to ensure that young people's needs are met and critical in ensuring children are protected from significant harm. However, there is often uncertainty about the circumstances in which information can be lawfully shared. Consent should normally be sought from the subject/s of the information in order for it to be shared, but it may be necessary for information to be shared with the Welfare Officer, Children's Social Care Services/Social Services, the Police and BWL without consent if there is reason to believe that seeking consent could:

- Place the child or others at increased risk of significant harm, or
- Place an adult at risk of serious harm, or

Undermine the prevention, detection or prosecution of a serious crime (i.e. any crime which causes or is likely to cause significant harm to a child or serious harm to an adult) including where seeking consent might lead to interference with any potential investigation.

Following initial enquiries, it may be deemed necessary to share some information with others, particularly those who have contact with the subject of the allegations.

Information must only be passed to those who require access to these details in the course of their safeguarding duties. A record must be maintained of all those to whom information is disclosed, and the details of the information provided. Case information must only be shared on a 'need to know' basis. Further guidance on information sharing can be found within the appendices.

All BWL registered organisations and individual members must ensure that in dealing with information relating to safeguarding concerns, there are no unacceptable breaches of confidentiality.

In addition, there is a responsibility to ensure that parents, lifters and their families understand the need to avoid unnecessary discussion of safeguarding concerns. Not only can such a breach be highly damaging to the young person and others involved but may also prejudice a police investigation.

Case information should:

(Where the call is incoming) only be given out over the telephone where there is absolute certainty of the identity of the person making the call or the identity of the caller is confirmed by returning the call through a switchboard number;

(Where the call is outgoing) only be given out over the telephone and connected through a switchboard, and there is absolute certainty of the identity of the person receiving the call;

- Be backed-up in writing if any significant advice/case details are given over the phone;
- Be securely stored in a locked cabinet in a lockable room and not unnecessarily taken out of the building; and
- Be marked 'private and confidential' and sent retaining proof of postage if sent by post.

** To fall under the Data Protection Act 1998, personal data held manually must be organised into a 'relevant filing system'. Manual files would only fall within the scope of the Act if the filing system is sufficiently sophisticated to provide the same or similar speed of accessibility as computerised files.

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