

Good Practice Guides: Developing Further

No. 19 – Volunteers, Data Protection and Confidentiality

Key Points

Most volunteer involving organisations hold information on their staff, volunteers and perhaps their clients. This information is likely to be personal data, and therefore subject to the 1998 Data Protection Act which, gives rights to Data Subjects (the people whose data you have) and creates a framework of good practice for those holding personal data. If you collect and hold personal data on individuals then you are legally required to comply with the Act. This is a very brief guide to the main parts of the Act.

Data Protection Act 1998

The Data Protection Act 1998 regulates the collection, storage, use and disclosure of information about individuals by organisations. Any organisation that keeps information about individuals must comply with the act.

Does it apply to you?

Broadly, if you collect or hold information about an identifiable living individual, or if you use, disclose, retain or destroy that information, you are likely to be processing personal data. You must handle the personal data in accordance with the data protection principles.

Data Protection Principles

Eight principles are defined to ensure “personal data” is handled properly. The act states that data must be:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive

4. Accurate
5. Not kept for longer than is necessary
6. Processed in line with the individual's rights
7. Secure
8. Not transferred to countries without adequate protection

Failure to observe these principles puts the professional reputation of your organisation at risk. It may also result in the Information Commissioner issuing an enforcement notice or criminal prosecution in respect of unlawful disclosure, unlawful obtaining or procuring of personal data, unlawful selling or offering to sell personal data.

The act also allows individuals whose information that you store to obtain access to that information and you should have a mechanism in place to allow this.

Good information handling enhances your organisation's reputation by increasing member, customer and partner confidence in the organisation. Data protection is the responsibility of all members as well as all staff and agency or contract employees.

If your organisation processes personal data you will have to register with the Information Commissioner's office unless you are exempt. See www.ico.gov.uk for more information.

Confidentiality

Confidential information is that which is regarded as 'personal'. It is information which is told to an individual, or a group of people, and is not meant for public or general knowledge. It is the duty of volunteers not to reveal to any other person, outside the specifically expressed person(s) within the organisation, any matter which becomes known to the individual via their involvement with the organisation. This includes information which may be traced back to the individual by identifying them or anyone else involved with them.

Volunteers are bound by the organisation's confidentiality requirements and this should be stated in the volunteering policy, if you have a separate confidentiality policy this should be mentioned in the volunteering policy too. A confidentiality statement should also form part of the volunteer agreement.

Volunteers who have contact with service users should be made aware of the policies regarding confidential information. These suggestions are not exclusive, but provide a checklist of some of the situations where confidentiality could be put at risk. Any breach of confidentiality should be dealt with under your organisation's disciplinary procedure.

- Client confidentiality - clear limits and boundaries should be set.
- Confidential personal records or work plans should be destroyed on completion.



- Volunteers should never become involved in conversations with clients about other clients.
- Volunteers should not offer personal information to clients about themselves or about colleagues.
- Procedures for volunteers 'phoning clients from their own home.
- Protocols for volunteers who will have access to personal files e.g. client detail databases and paper filing system. |

More help?

If you would like more help or advice in relation to this Good Practice Guide please contact the Volunteer Centre Edinburgh on the following details:

Tel: 0131 225 0630

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Or you can drop in and see us:

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