

# APLE Cambodia

## Confidentiality & Data Protection Policy



DOCUMENT CONTROL DETAILS	
<b>Title</b>	<p><b>Title:</b> Confidentiality and Data Protection Policy</p> <p><b>Version:</b> 1.0</p> <p><b>Reference Number:</b> PP014#</p>
<b>Supersedes</b>	<p><b>Supersedes:</b> All previous “Data Protection” policies within the organisation.</p> <p><b>Significant Changes:</b> Reformatting, revision of content to comply with GDPR</p>
<b>Originator or Modifier</b>	<p><b>Originated By:</b> Evelyn Dykes</p> <p><b>Designation:</b> Chairman, APLE Cambodia</p> <p><b>Modified by:</b> Samleang Seila</p> <p><b>Designation:</b> Executive Director</p>
<b>Ratification</b>	<p><b>Referred for approval by:</b> Samleang Seila</p> <p><b>Date of Referral:</b> 15.11.19</p> <p><b>Referral Destination:</b> Evelyn Dykes</p> <p><b>Date of APLE CAMBODIA Board Approval:</b> 19.11.19</p>
<b>Application</b>	<p>All APLE Cambodia Trustees</p> <p>All APLE Cambodia Employees</p> <p>All APLE Cambodia Volunteers</p>
<b>Circulation</b>	<p><b>Issue Date:</b> 25.11.19</p> <p><b>Circulated by:</b> Samleang Seila (Executive Director)</p> <p><b>Dissemination and Implementation:</b> 25.11.19</p>
<b>Review</b>	<p><b>Review Date:</b> 25.11.19</p> <p><b>Responsibility of:</b> Admin Manager</p>

## PP014# / Confidentiality & Data Protection Policy

### 1. Purpose and Scope

This policy applies to all Trustees, Staff, Consultants and Volunteers of APLE Cambodia. The data covered by the confidentiality policy includes:

- Information about the organisation, for example, its plans or finances
- Information about other organisations
- Information about individuals, for example, clients, volunteers and staff whether recorded electronically or in paper form

All Trustees, Staff, Consultants, Volunteers and others who undertake work for or on behalf of APLE Cambodia must respect the need for confidentiality of information held about anyone who comes into contact with the charity, and about any charity business. This is expected to continue even when contact has ceased with this person, and when the volunteer or staff member no longer works for APLE Cambodia.

All Trustees, Staff, Consultants, Volunteers and others who undertake work for or on behalf of APLE Cambodia, must sign a declaration confirming they have read this policy and will abide by it, even when the individual no longer works for APLE Cambodia.

### 2. Information about Individuals (including clients, victims of CSAE, and those suspected, accused or convicted of CSAE)

APLE Cambodia is committed to ensuring confidential services to all individuals. The confidentiality is between the individual and the organisation, not the members of staff delivering a particular service.

Confidential information will not be sought from a client unless expressly in the interests of that client, i.e. to enable a better service delivery.

Personal information will only be passed to another agency or to other individuals outside of the organisation with the consent of the client, where possible this will be with written consent. If a member of staff or volunteer intends to get information from another agency to help the client or to refer them to another agency, then this must be explained to the client and their permission given.

No personal information about staff, volunteers or clients will be given to any third party without the consent of the individual. Information will only be divulged on a “need to know” basis.

Information will be treated in confidence and will not be divulged to anyone outside the organisation except where extenuating circumstances exist (see below). However, in order that we can provide the best possible help to our clients it may be necessary to share information with other agencies involved in protecting children from CSAE including NGOs, the Police and Government Departments.

All customers and clients are entitled to privacy and will be made aware that they can specifically request to be seen in private.

In no circumstances should details of a client be discussed by anyone outside of the organisation or in an open plan area in such a manner that it is possible to identify the client, this includes speaking outside the office environment on a telephone.

Staff, consultants and volunteers should take due care and attention when speaking to clients and using the telephone or fax. No client should be able to hear a conversation or personal details of another service user.

Where information is transmitted externally to service users, and therefore the risk of an information breach is increased, all practicable measures will be taken to prevent accidental disclosure e.g. APLE Cambodia will not use its logos on any external or viewable material such as envelopes, and will refrain from stating the name of the organisation on any voicemail systems unless specific consent has been granted in advance.

### **3. Use of Client Information for Publicity, Reporting or Training Purposes**

APLE Cambodia does need to be able to give information where appropriate about the impact of our services.

If one of our services has an outcome which would provide useful material for publicity, reporting or training purposes, then wherever possible the permission of the client will be sought in writing before the story is told to anyone else. If permission cannot be obtained, then any details that would enable identification of the client to be made will be removed.

### **4. Limits to Client Confidentiality**

In certain circumstances APLE Cambodia reserves the right to break confidentiality should this be deemed necessary. These circumstances include:

- If a member of staff believes that a client could cause danger to themselves or to others (including self-harm or violence)
- If a member of staff suspects abuse or has knowledge of abuse
- If disclosure is required by law, for example, by the police
- If a person is felt to lack the mental capacity to decide. In such cases staff or volunteers will discuss with a manager and they will only act in the client's best interest
- If the client gives information which indicates a possible terrorist threat

The decision on whether to break confidentiality will be decided on a case by case basis and always in conjunction with a member of the Senior Management team. Such decisions must also consider the organisation's responsibilities under the General Data Protection Regulation (GDPR) and the relevant Data Protection legislation in Cambodia. The rationale and decision to breach confidentiality must be recorded clearly in every case.

## **5. Internal Access to Data**

This Policy operates on a “*need to know*” basis and apart from staff and volunteers in the office of APLE Cambodia, no-one will have access to client or organisational information unless it is relevant to the service or their work.

Any workers disclosing information must always be prepared to justify any decision to breach a client’s confidentiality.

All clients and customers have the right to request access to all information stored about them, and have a right to see a copy of this confidentiality policy on request.

If any party concerned has a sensory or physical impairment, efforts should be made to ensure that all aspects of this policy and exchanges between parties are understood.

Significant breaches of this policy will be handled under APLE Cambodia’s Disciplinary procedures.

## **6. Evaluation and Monitoring**

All trustees, staff, consultants and volunteers will be given a copy of the policy when they join APLE Cambodia and will sign the confidentiality statement that they will abide by this policy. APLE Cambodia will ensure that all trustees, staff and volunteers are appropriately trained in the application of this policy.

The policy will be reviewed annually, and in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

## **7. Information Requests**

It is possible that on occasions, particularly but not solely for the purposes of a criminal justice case, that client records may need to be obtained by the Police, CPS or other party.

All information requests will be handled by the relevant Programme Manager and Information Governance Lead in accordance with other policies, including but not exclusively the ‘Communications’ Policy and Media Policy.

Client information will only be released if one or more of the following conditions are satisfied:

- (a) Where the written consent of the client has been obtained
- (b) Where disclosure is required by a relevant order of the Court or other official authority, or where disclosure is otherwise required by law.

## **8. Safe Disposal of Information**

APLE Cambodia will dispose of all client files and information relating to an individual, both in paper and electronic form after 7 years of last contact with client, in adherence with the Data Protection Act 2018 and as best practice as set out by ICO.

All paper files and information will be shredded, using cross shredder; and electronic files will be permanently erased from the case management data base and backup drives.

However, anonymised statistical data that includes all individuals engaged with the service will be retained for service development, funding and reporting on.

## **9. Use of data and statistics for Monitoring, Evaluation and Research Purposes**

Anonymised data relating to clients, victims, offenders and programme activities will be collected and monitored by APLE Cambodia in line with donor requirements for Monitoring and Evaluation. In addition, such data may also be retained and analysed for research purposes.

All data retained or used for the above purposes, including any summarised results, will be kept securely within the organisation in locked or password protected locations.

All such data will remain the property of APLE Cambodia and may not be used or shared outside the organisation for any purpose without the written consent of APLE Cambodia.

Staff, volunteers, visitors and donors are not permitted to share or retain any such data after their interaction or employment with APLE Cambodia has concluded.