

**Deafblind Scotland vision – “A society in which deafblind people have the permanent support and recognition necessary to be equal citizens”**

## **Deafblind Scotland Policy on Confidentiality**

### **What do we mean by Confidentiality?**

Personal information regarding service users, staff, volunteers and directors will become known to Deafblind Scotland Staff in the course of their work. All such information is regarded as having been given in confidence and treated accordingly.

### **Policy Statement**

Deafblind Scotland recognises that service-users, staff, volunteers and directors should at all times enjoy and rely on confidentiality in all their dealings with Deafblind Scotland.

Deafblind Scotland will ensure service-users, staff, volunteers and directors recognize the importance of confidentiality at all times.

Deafblind Scotland will not disclose confidential information concerning anyone without their prior express permission unless in permitted exceptions.

Deafblind Scotland will only store relevant information that is received from their board members, staff, volunteers, members and service users in compliance with the Data Protection Act 1998 and General Data Protection Regulations 2017.

- Information will be stored electronically and protected using passwords and/or in hard copy and stored in locked cabinets.
- Staff members will take care to ensure that discussion or transfer of information of a personal nature relating to an identifiable individual only occurs in a secure way and/or in a secure place.
- Information will be accessed only by those with a legitimate need to do so.
- A clear desk policy means that all confidential material must be stored securely.
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### **Exceptions to the principle of confidentiality**

The disclosure of confidential information will be allowed:

- With the prior consent of the individual involved.
- If Deafblind Scotland has reason to believe that a person may be a serious risk to themselves or to other people.
- If information regarding a criminal offence has been received by Deafblind Scotland.
- If it is necessary for a Tribunal.
- If specifically requested by a regulation or monitoring organisation of Deafblind Scotland

- if required by law.

Where information is disclosed with prior agreement, this information should remain confidential to the receiver.

### **Legislative Context**

Key legislation relating to confidentiality includes:

- The General Data Protection Regulation 2017
- The Public Records (Scotland) Act 2011,
- The Adults with Incapacity (Scotland) Act 2000,
- Mental Health (Scotland) Act 2015,
- Data Protection Act 1998
- Human Rights Act 1998

### **Data Protection Act 1998 and the General Data Protection Regulation 2017**

GDPR gives seven rights to individuals in respect of their own personal data held by others. They are:

- **Right of access** – you have the right to request a copy of the information that we hold about you.
- **Right of rectification** – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- **Right to be forgotten** – in certain circumstances you can ask for the data we hold about you to be erased from our records.
- **Right to restriction of processing** – where certain conditions apply you have a right to restrict the processing.
- **Right of portability** – you have the right to have the data we hold about you transferred to another organisation.
- **Right to object** – you have the right to object to certain types of processing such as direct marketing.
- **Right to object to automated processing, including profiling** – you also have the right not to be subject to the legal effects of automated processing or profiling.

In addition, the Act stipulates that anyone processing personal data comply with eight legally enforceable principles of good practice. These are:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified lawful purposes
- Personal data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept longer than is necessary for that or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under this regulation, including the right to access their own record.

- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss.
- Data shall not be transferred outside of the European Economic Area

### **Human Rights Act 1998**

Article 8.1 of the Human Rights Act 1998 (HRA) provides  
“Everyone has the right to respect for his private and family life, his home and his correspondence”.