

Advocacy Service Confidentiality & Data Protection Policy

Introduction

Confidentiality is the protection of information given by or about a service user working with Mind in Croydon Advocacy Service. Confidentiality is between the service user and the service, not simply between the service user and advocate. This includes how personal information is stored in line with the General Data Protection Regulations (GDPR) 2018. It is the responsibility of staff to inform both service users, external agencies and other third parties of this policy. This takes into account how information is shared and stored for those deemed to lack the mental capacity, as defined by the Mental Capacity Act 2005.

1.0 Sharing information

All advocates will ensure that information received from service users is kept in a confidential manner. Advocates should be aware of their responsibilities in relation to the Safeguarding Adults / children legislation (see Safeguarding Adults and Children Protection policies). Advocates will discuss confidentiality with all new service users and give clear examples of where confidentiality would be broken, listed as follows:

- Intention to harm self or others, including immediate dangers to life
- Vulnerable Adult issues (Safeguarding)
- Vulnerable children issues (Safeguarding)
- Intention to break security rules such as an intention to abscond from an in-patient ward
- Intention to commit a crime, including possession of illegal substances
- Acts of terrorism

1.1 If an advocate feels that they may have to disclose confidential information they must bring this to the attention of their manager (if time permits beforehand or immediately after the disclosure has taken place). If it is decided that the information must be disclosed, the advocate will firstly inform the service user and allow them the opportunity to disclose the information, if the service user is unwilling to do this the advocate will bring the information to the attention of the appropriate person. If it is not possible to contact the service user prior to disclosure they will be informed of that disclosure has taken place as soon as possible after the event.

- 1.2 Advocates will work with service users who are deemed to lack the mental capacity (deemed under the Mental Capacity Act 2005) to consent to information being shared.
In this instance the advocate is to ensure that steps are taken to ensure that information received is kept in a confidential manner and to take appropriate action to break confidentiality to safeguard vulnerable adults, where necessary, (refer to Safeguarding Adults policy and exceptions listed above).
- 1.3 Information concerning a service user will not be shared with other services of Mind in Croydon unless there is a requirement to do so by line management to address risk minimisation to staff.

2.0 Process of disclosing information to Third Parties

- 2.1 Third parties, in this context include statutory and voluntary agencies, service user's friends and families. Third parties should not pass on information relating to a client of Mind in Croydon Advocacy Service that they are not happy to be shared with the service user.
- 2.2 Information given to staff by service users will be treated in confidence and will not be disclosed to external agencies/ third parties without the express consent of the service user.
- 2.3 In relation to service users who are judged to lack the mental capacity to consent to sharing information (as assessed under the MCA 2005), information will only be shared with third parties that is necessary/proportionate for the advocate to carry out their role in relation to the service user. Similarly the advocate will accept information from third parties that is necessary/ proportionate for them to carry out their role. All of the information shared and received will be kept in a confidential manner (see exceptions above). The advocate will inform the third party if any inappropriate or unnecessary information has been shared on behalf of a service user and will dispose of this immediately.
When making decisions for sharing information where a person cannot provide consent, the advocate will refer to the best interest decision making framework of the MCA 2005 to inform their practice and to make good best interest decisions. This is in accordance with the MCA 2005, best interest principles and checklist.
- 2.4 In the event that the advocacy service requires the use of external supervisors, these will be deemed to be employees of Mind in Croydon



Advocacy Service and subject to this policy. Information that is revealed in the context of supervision will not be shared with the organisation. See exceptions above

3.0 Data Protection

- 3.1 All information received will be kept on the advocacy database in line with the General Data Protection Regulations (GDPR) 2018, which is a secure database that is password protected. Only the advocacy team have access to this database to ensure that service user information remains confidential within the team and in conjunction with the advocacy principle of confidentiality.
- 3.2 In keeping in line with the General Data Protection Regulations (GDPR) 2018 Article 5 (e) personal data shall be kept for no longer than is necessary for the purposes for which it is being processed. Any confidential paper waste is disposed of using a shredder within the department.
- 3.3 Advocates will explain to service users in their initial meeting that they have the right to access any records/information held about them by making a subject access request. This request must be put in writing and the service user can expect to receive this information within the next 40 days.

