



OPENNESS & CONFIDENTIALITY POLICY

POLICY NO. 8

Date of Review	June 2023
Date of Next Review	June 2026
Regulatory Standards of Governance and Financial Management	RS 1 <i>The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</i> Guidance: 1.6 RS 2: <i>The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</i> Guidance: 2.1, 2.2, 2.3, 2.4, 2.5 RS 5 <i>The RSL conducts its affairs with honesty and integrity.</i> Guidance: 5.1, 5.2, 5.3, 5.4,

1. INTRODUCTION

- 1.1 Glen Housing Association recognises that as a public funded body it should be as open as possible about its actions, and accountable for its decisions, at the same time, recognising the duty to ensure that personal and other sensitive information is kept confidential, and in particular complies with the Data Protection Act 2018 (which protects the privacy of the individual against the misuse of personal data by organisations). These duties relate to dealings with Applicants, Tenants, Service Users, Staff, Board Members, Local and National Agencies and Authorities and all Commercial Contacts.
- 1.2 The Committee on Standards in Public Life promotes high standards of behaviour in the public sphere through the Seven Principles of Public Life, also known as the “Nolan Principles” – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. These principles apply to all aspects of public life and have been set out for the benefit of all who serve the public in any way.
- 1.3 In formulating and implementing this policy, the Scottish Housing Regulator requirements have been incorporated where required.
- 1.4 Open appointments are guaranteed by the Association’s Rules and there is a Whistleblowing Policy in force to provide a mechanism for anyone with legitimate concerns about the standards of openness, probity and accountability, to come forward and speak up without fear of reprisal.
- 1.5 It should be noted that all references to requirements for staff also apply to Board members (where applicable).

2. OPENNESS

- 2.1 The Association’s aim is to conduct its affairs openly and to make information publicly available unless there are justifiable reasons for withholding it. A variety of methods are used to achieve this aim which are subject to appropriate review in light of legislative changes and ongoing developments in technology etc.
- 2.2 Information will be made available in the following ways:

Annual Report – this will include information on recent activities, performance and future plans of the Association. This will be circulated widely, in particular to all tenants and will be available on request to others.

Annual General Meeting – will be used as an opportunity to provide members and other attendees with current information on the Association’s activities, performance and plans for the future.

2. **OPENNESS** (Continued)

Board Minutes – will be available on our website. Any items in the Minute which are regarded as ‘confidential’ will be marked as such and will be redacted from the Public Minute.

Board reports will only be marked **CONFIDENTIAL** where they concern:

- Contemplated or actual legal proceedings
- Commercial negotiations or transactions
- Information relating to any individual (staff or public), private or public company

Leaflets – relevant information leaflets will be displayed in the public areas of our offices and will be made available on request.

Website – will provide on line access for those wishing to find out more information about the Association’s services, activities, employment opportunities, future developments etc.

Tenant Handbook – will provide information covering all aspects of housing management and maintenance services and how to access them, setting out the rights and responsibilities of tenants and those of the Association as landlord.

Newsletters – will be produced at least twice yearly and will include information on current activities, relevant and recent Board decisions, future plans and will also encourage comments and suggestions from tenants on the services provided.

Policies – all policies relevant to tenants and service users will be available on the website to download with a selection on display as hard copies within public areas of the office. Hard copies of any policy will also be made available on request.

Annual Accounts – these will be published on our website, displayed in a public area within the office and made available on request.

- 2.3 No charge will be made for copying documents. However, the time and cost of meeting such requests will be monitored and if necessary a charging structure introduced to recover costs.
- 2.4 The requirements of the Data Protection Act will be upheld and a procedure for dealing with its requirements maintained.

- 2.5 The Guide to Information which is published on the website to comply with our duties under the Freedom of Information Scotland) Act 2002 (FOISA) will be maintained.

3. CONFIDENTIALITY

- 3.1 Confidentiality does not mean secrecy, as personal information is required from applicants, tenants and staff in order to give relevant advice, assess personal circumstances and make effective decisions.
- 3.2 Confidentiality is a matter of good professional and personal conduct, in expression of the principle of respect that underlies all our work.
- 3.3 During the course of work, staff will have access to facts and opinions about tenants, applicants, members of staff and the Association in general. These will not be divulged, intentionally or unintentionally, to anyone who does not both need and have a right to know them.
- 3.4 Personal or sensitive information will only be collected if it is necessary to:
- comply with current statutory regulations;
 - enable the Association to meet its responsibilities;
 - enable the Association to provide the services required by service users, tenants or staff.
- 3.5 Staff have:
- A responsibility to ensure that any conversation about confidential matters takes place without being overheard.
 - A responsibility to ensure that confidential documents are kept secure from unauthorised access.
 - A responsibility to ensure that the information to be recorded and the manner in which it is recorded complies with the Data Protection Act.
- 3.6 Information held on file will be reviewed on a regular basis and any outdated or irrelevant information will be destroyed as per the Document Retention & Disposals Policy. Information containing personal data will be destroyed by shredding or by Confidential Waste uplift by an approved organisation.
- 3.7 Manual records containing personal and/or sensitive information will never be left unattended or insecure in areas where unauthorised persons can access them.
- 3.8 Access to computerised personal records will be restricted as per the Association's IT Security Policy and staff will take precautions to prevent unauthorised access to machines by clearing their screens and locking their machines before leaving unattended.

3. CONFIDENTIALITY (Continued)

- 3.9 Office security will be taken seriously, no access to unoccupied offices should be allowed to personnel without authority to be there. Both the main office and the part-time office are protected by a security alarm system which is linked directly to the local Police.

Confidentiality: Tenants and Applicants

- 3.10 Whilst tenants and applicants' right to privacy will be respected, staff have a responsibility to inform other staff of any significant risks they are aware of that may be posed through contact with a client, (e.g. because of an infectious illness or dangerous behaviour). If possible, the client's permission should be sought before passing on such information and any information recorded on an individual's file should be coded in such a way that it is not easily identifiable to those who do not have a need to know.
- 3.11 Any organisation, agency or individual requesting personal information about a tenant or applicant will be required to complete a consent form authorised by the tenant or applicant concerned. The only exceptions will be where the passing on of such information is:
- covered by an Agreement, Protocol or Contract that complies with the principals of the Data Protection Act, entered into with third parties with whom the Association's staff need to share information;
 - permitted by law, e.g. where a Police investigation into criminal activity requires the divulging of information held by the Association, including where such a request is accompanied by a Court Order.
- 3.12 Where appropriate, the tenant's/applicant's permission will be requested to disclose information, but in some circumstances their wishes may not be binding. As a matter of course, staff may discuss tenants/applicants with managers or colleagues where working as part of a team.
- 3.13 In accordance with the Data Protection Act, the Association will comply with requests from service users, tenants, applicants or employees, or those authorised on their behalf, for access to their personal data. (Subject Access Request).

Appropriate checks should be made by any member of staff dealing with an enquiry of a 'routine nature', such as a tenant making enquiries about their rent account, to ensure the person making the enquiry is entitled to the information.

Confidentiality: Staff and Board Members

- 3.14 Working relationships are based on trust and mutual respect. Staff members will not talk about one another in ways that might damage this.

3. CONFIDENTIALITY (Continued)

- 3.15 A confidentiality clause is included in the staff contract of employment. A deliberate breach of confidentiality will be grounds for disciplinary action.

A deliberate breach of confidentiality by a Board Member will be grounds for Board censure and may result in the removal of the offending Member from the Board of Management as per the protocol for dealing with breaches of the Code of Conduct for Governing Body Members.

- 3.16 No information concerning the private affairs of a member of staff shall be supplied to any person or organisation outwith the Association without the express permission of the staff member concerned.
- 3.17 Board Members will have no access to names and addresses of tenants or applicants in respect of Management papers, reports and office files etc.
- 3.18 The proceedings of the Board of Management and any other Committee or Working Group meeting will be regarded by all those present as being confidential, with the approved Minutes being the publicly available record of each discussion.
- 3.19 Formal processes including staff recruitment, appraisal, grievance and disciplinary action will be treated as confidential, and will not be discussed with anyone, within or outwith the Association, other than appropriate staff.
- 3.20 Staff and Board Members will not engage with the media (press, radio, TV, social networking sites) about the Association, its' interest, staff or clients without prior authorisation from the Director or Chairperson.
- 3.21 All Contractors and Consultants must also comply with the requirements of this Openness and Confidentiality Policy.
- 3.22 A copy of this Confidentiality Policy will be provided to all Board Members, permanent staff, temporary staff, students on placement and contractors/consultants, who should confirm by signing, that the Policy has been read, understood and accepted.

4. EQUALITY

The Association will ensure that in implementing its Openness and Confidentiality Policy it will not unfairly discriminate against any individual, in accordance with the Equality & Diversity Policy.

5. TRAINING

- 5.1 Staff will receive the necessary training in the operation of the Data Protection Act as it relates to their specific duties, and in the maintenance of the confidentiality and security of the manual and computer data we hold.
- 5.2 The main training should be carried out as part of the induction process for all new staff. Refresher training will be given at regular intervals as required.

6. POLICY REVIEW

This Openness and Confidentiality Policy will be reviewed at least every three years.