

Policy on openness and confidentiality



Openness and Confidentiality Policy

Review date: **June 2021**

Date of next review: **June 2025**

This policy document can be produced in various formats, for instance, in larger print or audio-format; and it can also be translated into other languages, as appropriate.

Our equality and human rights policy statement describes our key equality commitments that we use to develop all organisational services; this includes employment services and services to tenants and other customers.

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1. Introduction

- 1.1 This policy sets out how Drumchapel Housing Co-operative will conduct its business in an open and accountable manner whilst, at the same time, ensuring that personal and commercial confidentiality is maintained where appropriate. The success of this policy is likely to rest upon getting the balance right and it is therefore important that all staff and Board fully understand and embrace the principles outlined in this policy.

2. Legal and regulatory framework

- 2.1 The Regulatory Standards of Governance and Financial Management require every RSL to:
- be open about and accountable for what it does; understand and take account of the need and priorities of its tenants, service users and stakeholders; and have, as its primary focus, the sustainable achievement of these priorities (Standard 2).
 - conduct its affairs with honesty and integrity (Standard 5).
- 2.2 The Co-operative has taken account of these Standard in developing this policy statement.

3. Risk management

- 3.1 We have considered the potential risks involved where the Co-operative's commitment to the highest standards of openness, probity and accountability may be called into question. We reinforce our balanced approach to confidentiality and openness by publicising tenants' rights to access information as well as their right to have their personal information kept confidential by the Co-operative. Customers are able to download a data subject request form from the Co-operative's website and this is publicised in newsletters from time to time and is emphasised during tenancy sign ups.

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- 3.2 Failure to do so may result in lack of confidence in the Co-operative by tenants and other agencies, which could adversely affect the Co-operative's reputation.

4. Equality and diversity

- 4.1 The Co-operative's equality and human rights policy outlines our commitment to promote a zero tolerance approach in relation to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics¹. This includes ensuring that everyone has equal access to information and services, and, to this end, the Co-operative will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 4.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out equality impact assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the equality and human rights policy for more information).
- 4.3 In line with section 6.2 of the equality and human rights policy, the Co-operative will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy, and it was decided that an impact assessment is not required.
- 4.4 Whilst we have not carried out an impact assessment, we will, of course, provide a copy of the policy in a range of alternative formats on request. This could be in large print, in another language or in a voice format.

5. Aims and objectives

- 5.1 The Co-operative believes that its members, tenants, applicants for housing and any other interested parties should have access to information on how it

¹ The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

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conducts its business. This means that unless information requested is considered commercially/financially sensitive or personally confidential it will be made available on request. This will include information on:

- Performance against operational targets
- Performance in relation to strategic objectives
- How to become a member of the Board or tenant panel, or influence decisions in other ways
- Details of complaints received and how we have responded to these
- Details of any Ombudsman's findings against the Co-operative, for example if there is found to have been maladministration
- Information on how we spend rental income received from tenants and other income received for services provided to others
- Decisions by the Regulator to engage with/invoke action against the Co-operative
- Policies and procedures
- Non-confidential Board papers and minutes
- Results of the annual external audit

5.2 The above list is not exhaustive, and the Co-operative will action any request for information within a reasonable timescale, unless it is prevented from doing so by the confidentiality section of this policy. Any requests outwith the list should be authorised by a member of the Management Team.

5.3 Whilst we will seek to provide information requested, we are unable to divulge information that is personal in nature or commercially sensitive. For example, we cannot provide:

- Information relating to applicants for housing
- Information relating to other tenants and service users (unless you have a written mandate or a legal right to receive this information)
- Information relating to staff salaries, other than that which is publicly available in the audited accounts
- Personal information relating to staff or Board, for example medical information or dates of birth/marital status, etc
- Prices tendered for works (as these may be commercially sensitive)

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- 5.4 Anyone who believes that we are refusing to divulge information that we should reasonably make available should discuss this with the Co-operative's Director and, in his/her absence, the Depute Director or most senior member of staff available at the time.

6. Procedure on achieving the policy objectives

- 6.1 This section outlines some of the main steps the Co-operative will take to ensure compliance with this policy.
- (i) **Performance against operational targets:** This will be done mainly on the website, in the Annual Report/Annual Report on Charter Outcomes and quarterly newsletters/bulletins. Monthly figures will be available on request but will not routinely be distributed as this would be impractical and may result in tenants being given too much information. The degree to which tenants feel that they are kept appropriately informed is explored in our tenant satisfaction surveys, and the Co-operative would increase the amount of information being circulated if any of the surveys suggested this.
 - (ii) **How to become a Board member or influence decisions in other ways:** The Co-operative is continually trying to boost Board membership to the maximum fifteen. This is addressed by the membership policy. Sometimes tenants may wish to influence certain decisions without necessarily joining the Board. This is acknowledged and actively encouraged in the Co-operative's Tenant Participation Policy. In addition, staff discuss methods of participation during tenancy sign ups and this information is also available on the website.
 - (iii) **Policies and procedures:** The tenant participation policy is displayed in both of the interview rooms within the office and appropriate staff documents, such as Health & Safety Statement and whistleblowing policy are displayed on the staff notice board. Various policy documents are contained within the Co-operative's website, <https://drumchapelhc.org.uk> and any interested party is able to download these directly from the website.

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Tenants are notified of service policy reviews and are encouraged to participate in the review process.

- (iv) **Non-confidential Board papers and minutes:** The most recent set of adopted Board minutes (minus any confidential sections) are available on the Co-operative's website and will be available to any member on request. Where such a request is made, the Co-operative will normally provide the document(s) within ten working days, but no later than 20 working days following receipt of the request.
- (v) **Results of the annual external audit:** The external auditor will present the audited accounts at the AGM and respond to any questions raised.

7. Confidentiality

7.1 It is not possible to produce a prescriptive and definite list of all items considered confidential. The following, however, are considered confidential and should, at no time, be divulged inappropriately:

- (a) Personal confidentiality of tenants and other members of the public will be respected. This means that the names, addresses, details on family composition or economic status (or any other means of identification) of individuals will not be given in Board reports or minutes or in any way divulged to anyone other than staff members, or other professionals, on a 'need to know' basis.
- (b) All data records (both paper and computer) will be kept confidential to the appropriate staff members. No Board member will view an individual's data records.
- (c) Items deemed, on an *ad hoc* basis, to be confidential.

7.2 Exceptions to the above are:

- (a) Where a tenant or other member divulges their own identity relating to the matter.
- (b) Where the Co-operative has a legal obligation to provide information to a third party.

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- 7.3 Where it is not clear whether information should be divulged, the Co-operative will err on the side of caution and keep the information confidential pending professional data protection and/or legal advice.

8. Breaches of confidentiality

- 8.1 Any breach of confidentiality, whether deliberate or inadvertent, will be dealt with seriously by the Co-operative. The circumstances surrounding the breach will, of course, be taken into account. All breaches will be dealt with via the staff and Board disciplinary statements and may result in (i) the staff member(s) being issued with a warning or dismissed or (ii) the Board member(s) being requested to leave the Board. Where required we will notify the relevant regulatory body and also where personal data is affected, we will notify impacted individuals in cases of high risk to those individuals.
- 8.2 All staff and Board are required to sign Codes of Conduct that outline the requirement for confidentiality.

9. Data Protection

- 9.1 The Co-operative will gather and use certain information about individuals in accordance with the Data Protection Act (DPA) 2018 and UK GDPR. Staff members have a responsibility to ensure compliance with the terms of the privacy policy and to collect, handle and store personal information in accordance with relevant legislation. The Fair Processing Note (FPN) details how personal data is held and processed.
- 9.2 Under the Data protection Act and in line with the Co-operative's privacy policy, tenants, prospective tenants, employees and other individuals about whom the Co-operative holds personal information have a number of rights relating to this information, including the right to access the information, unless it is exempt under the Data Protection Act. We will provide copies of any such information we hold within one calendar month (normally within thirty days) of receiving a request.
- 9.3 A copy of the privacy policy is available on request.

10. Policy review

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- 10.1 The openness and confidentiality policy will be reviewed every four years or sooner in line with legal, regulatory or best practice requirements. The next review will take place in or before June 2025.