

Openness and Confidentiality Policy

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Version Control

Date	Owner	Version	Reason for Change
June 2023	David Boucher	4.0	Cyclical Review

Summary of Changes

Section	Change
7 – 10	Aligned with the Data Protection Act 2018
Appendix 1	Publications
Appendix 2	Key principles of the General Data Protection Regulation/Data Protection Act UK 2018

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1.0 Ark's Values

Ark's values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

This policy describes how Ark will seek to ensure openness and accountability in all of our activities, while maintaining the confidentiality of personal and sensitive details including commercially confidential information.

3.0 Policy Statement

Ark is fully committed to being open and transparent about our actions, and to be accountable for our decisions. We also recognise that we have a legal duty to ensure that personal and sensitive information is kept confidential, and that we fully comply with any laws which relate to data protection and the processing of personal data and privacy, including guidance issued by the UK Information Commissioner's Office or ICO.

4.0 Scope

With regard to openness and confidentiality our legal duty relates to our all of our dealings with the following groups:

- Tenants and supported people;
- Applicants who wish to access and use Ark services;
- All staff, including agency and/or relief staff, and applicants for employment;
- Ark Board Members;
- Members of the public;
- All organisations whom we engage with in the course of our work, both local & national;
- All commercial contacts.

5.0 Legal/Regulatory Framework

This policy complies with the following legislation, frameworks and guidance.

- The General Data Protection Regulation (GDPR)/Data Protection Act 2018: Provides rights to individuals in relation to personal data held about them and regulates the use of personal data;
- Freedom of Information (Scotland) Act 2002: Entitles members of the public to receive information that they request from a public authority subject to certain exemptions.

Under FOI legislation public authorities are required to make adopt and use a publication scheme as part of its normal business activities;

- Housing (Scotland) Act 2001, 2006, 2010 & 2014: Provides a statutory right to all tenants to receive information about their landlord's policies and procedures, and obliges landlords to consult and provide tenants with information in the development of Tenant Participation Strategies. The 2010 Act introduced the Scottish Social Housing Charter which obliges landlords to consult with tenants in respect of desired standards and outcomes;
- Scottish Public Services Ombudsman Act 2002: Describes the statutory arrangements for conducting investigations of complaints including Registered Social Landlords;
- Human Rights Act 1998: gives individuals a right to respect for their privacy;
- Health and Social Care Standards: 2018.

6.0 Responsibilities

6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy.

6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required, in particular in relation to any changes in legislation or statutory guidance which relate to this policy and/or any associated policies and procedures.

6.3 Operational Management Team

Ark's Senior Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement this policy or any associated policies and procedures.

6.4 Managers

Ark's Managers will be responsible for the effective implementation of this policy and the associated policies, procedures and guidance which supports it within their area of

responsibility. Managers must also ensure that each member of their staff, through induction and e-learning, is aware of this policy and participates in relevant training.

6.5 All Staff

All Ark employees are required to be familiar with this policy and any related policies, procedure and guidance as it applies to their job role and responsibilities. All staff will participate in relevant training, and comply with the provisions within this policy.

6.6 Third Parties

Ark will ensure that relevant third parties are familiar with the terms of this policy and any associated policies and procedures as necessary.

7.0 Openness and Confidentiality

7.1 Openness

Ark aims to conduct its affairs in a transparent and open manner, and to make information widely available unless there is justifiable reasons for withholding it. We will therefore use a variety of routes and methods to make information available, and will continually review and revise how we communicate in response to any changes which may impact upon us e.g. legislative, official guidance or developments in information technology.

We will make our information available using the routes and methods identified in **Appendix 1**.

7.2 Confidentiality

In order to provide services and operate effectively, in the course of our business we need to process, store and retain certain information about our employees, member groups, board members, external organisations, professional contacts, supported people, tenants, donors and other individuals that we deal with. The manner in which this will be carried out, is covered by a number of policies and procedures approved by Ark's Board of Management, and all personal and sensitive information will be collected and processed in accordance with current laws, statutory regulations and good practice. Whenever we collect and keep personal information we will comply with the 7 key principles of the General Data Protection Regulation/Data Protection Act UK 2018 as shown in **Appendix 2**.

Where necessary any manual records will be kept in secure, lockable storage, and access will be restricted to those who require the information in order to carry out their duties.

Employees who have access will ensure that the files are left secure when they have obtained the required details. Manual files will not be left unattended on individual desks, but will either be returned to secure storage or locked in the employee's desk or filing cabinet. Keys for cabinets, cupboards etc. holding personal files will either be held by a specific post-holder while they are on duty or will be kept in a secure location accessible only by authorised staff.

Members of the general public will not be permitted access to 'secure' areas where personal files are kept, except with the prior permission of the relevant Manager. Non-employees given access to 'secure' areas will be accompanied at all times by a member of staff. Computer personal records will be stored as detailed in the Computer System Security, E-Mail and Internet Policy G.15.

All Care & Support offices will be locked when no staff are present. Ark's Head Office will be protected by an alarm system linked to a central control station.

7.3 Data Subject Access Requests

In accordance with the General Data Protection Regulation/Data Protection Act UK 2018, Ark will comply with requests from supported people, tenants, applicants or employees, or those authorised on their behalf, for access to the appropriate information we hold about them. This is known as a Data Subject Access Request. Full information regarding Data Subject Access Requests, including the process for submitting and responding to such requests can be found in Ark's Subject Rights Procedure G.24b.

7.4 Data Sharing

In the course of our activities Ark may need to share information about our applicants who wish to use and/or access our services, tenants, supported people, staff, board members and others, with other agencies, third parties or organisations. Under the Data Protection Act 2018 we require a lawful basis for sharing data, and the basis for each of these groups are described with our privacy notices. Where required we will seek the consent of individuals or their legal representative to share their data. In addition Ark will enter into a formal data sharing agreement with agencies, third parties or organisations with whom we share data. Where data is requested by a law enforcement agency for example in relation to a criminal investigation, no such agreement will apply.

7.5 Use of Information and Breaches of Confidentiality

Ark takes compliance with this policy very seriously. Failure to comply could put employees, Board members, tenants, supported people and the organisation at risk. The importance of this policy means that failure to comply with any requirement may lead to disciplinary action

against an employee under our Disciplinary Policies and Procedures which may result in dismissal, or in the case of Board members, action under the GO2 - Board Members Code of Conduct

All information held by Ark will only be used for the purposes for which it has been obtained. Board members and members of staff will not use any information obtained in the carrying out of their duties for personal gain, or pass any such information on to any other person who might use it in such a way.

7.6 Use of Data for Research Purposes

Where we are considering using personal data for research purposes, we will always consider whether it is necessary to process that data in order to achieve the research purpose. If such processing is necessary, provided data has been obtained fairly and lawfully, meaning usually that the data subject has been made fully aware of the proposed use of the data and has consented to this use it can be used for research purposes under the Data Protection Regulation/Data Protection Act UK 2018. Where we use data collected for one piece of research and apply it to another, we will only do so with the consent of the data subject. We will also ensure there will be no direct consequences for the individuals who have taken part in any research, and their personal data will not be processed in a way that could cause damage or distress.

7.7 Disposal of Confidential Information

We will ensure that all files and confidential papers that are no longer required are disposed of by one of the following methods:

- a) By using a paper shredding machine;
- b) By placing papers into confidential waste containers that are collected and disposed of by a licensed contractor.

7.8 Staff Training

All Ark employees are required to familiarise themselves with this policy and comply with its provisions as well as undertake any training implemented as part of the rollout of this policy.

8.0 Related Policies & Procedures

This policy should be read in conjunction with the following:

- G24 - Data Protection Policy
- G03 - Staff Code of Conduct Policy (Sections B1-B12)
- G15a - ICT System Security Procedure (Section 3)

- G24a - Information Security Incident and Personal Breach Management Procedure
- G24b - Subject Rights Procedure
- G24c - Retention Procedure and Schedule
- G24e - CCTV Procedure
- G24f - Smart Doorbells Procedure
- GO1 - Board Members Code of Governance (Section 6.2)
- GO2 - Board Members Code of Conduct (Section E.6)
- Staff Contract of Employment, Section on Confidentiality & Disclosure of Information
- Scottish Social Services Council Code of Practice Section 2.3

9.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

10.0 Data Protection Impact Assessment (DPIA)

No potential high risk data protection implications have been identified in relation to the development of this policy and consequently a DPIA has not been completed.

11.0 Stakeholder Consultation

This is a policy update in line with Ark's renewal schedule. No stakeholder consultation has been required.

12.0 Monitoring and Review

12.1 Monitoring

Ark's Executive and Operational Management Team will monitor implementation of this policy on an ongoing basis.

12.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management in accordance with Ark's policy review framework.

Appendix 1

Model Publication Scheme/Guide to Information

Ark's Board of Management has adopted the Model Publication Scheme 2018 which is produced and approved by the Scottish Information Commissioner. The publication scheme sets out our commitment to make certain classes of information available, and this can be found within our Guide to Information which can be found on the Ark website via the 'About' tab and clicking on Freedom of Information.

Ark Website

Ark's website provides on line access for anyone who wants to find out more information about the organisation including our policies and procedures, governance and performance, our services, activities and employment opportunities.

We also publish a range of regular reports on the website including, Complaints, Tenant Satisfaction Surveys and Care Inspectorate inspection reports. Reports on the website will cover a defined period of time for example 1 or 2 years. Reports prior to this, including paper copies are available by request.

Annual Report

Ark's annual report will include information on our recent activities, performance and future plans. We will circulate the report widely and make it available on request.

Annual General meeting

Our AGM will be used as an opportunity to provide our members and others who attend with up to date information on our activities, organisational performance and plans for the future.

Board of Management Minutes

Minutes of Ark's Board meetings covering a period of 2 years can be found on our website and are available in hard copy by request.

Information Leaflets & Printed Materials

We will produce a comprehensive range of information leaflets and printed materials on the services we provide. These will be displayed in the public areas of our offices, available to download from our website, and available by request from our Head Office. Leaflets and printed materials will be produced in a variety of designs and formats to suit all requirements.

We aim to produce all our written information in clear plain English, as well as in pictorial and other formats. In line with our Equality and Diversity Policy we will arrange for relevant documents to be produced in other languages, and in a range of formats including large print, easy read and audio.

Tenant Handbook

Ark produces a comprehensive Tenant Handbook which covers all of our housing management and maintenance services, and how to access them. The handbook also sets out the rights and responsibilities of our tenants and of Ark as landlord.

Newsletters

We produce at least two service user and tenant newsletters each year, and we will issue staff newsletters as and when we have relevant information to share. These will include information on current activities, relevant recent Board decisions, future plans etc. and will encourage comments and suggestions from service users, tenants and staff on our services.

Other Media

Ark will continue to develop the use of social media such as Facebook, LinkedIn and Twitter, to circulate details of current activities and useful information to help tenants to manage their tenancies more effectively.

Tenant Participation

Our Tenant Consultation and Participation Policy sets out how we will work to encourage and promote the involvement of service users and tenants in relevant areas of decision-making, including encouraging those who are Association members to stand for election to the Board of Management.

Consultation Groups & Survey's

Ark regularly consults with tenants, supported people and others on relevant matters concerning our services, employment and any other relevant activities. Ark facilitates and supports a number groups of tenants, supported people, and others as appropriate, to examine specific areas of our activities and to contribute to decisions on policies or procedures. In addition we will carry out a range of regular and 'one-off' surveys (including staff engagement surveys) covering our services, the results of which will be used to guide our decision-making.

Appendix 2

7 key principles of the General Data Protection Regulation/Data Protection Act UK 2018

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability