

PARKHEAD HOUSING ASSOCIATION LTD.

OPENNESS & CONFIDENTIALITY

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PARKHEAD HOUSING ASSOCIATION LTD.

OPENNESS & CONFIDENTIALITY POLICY

1. OBJECTIVE

The purpose of this policy is to clarify how Parkhead Housing Association will conduct its business in an open manner but at the same time to ensure respect for personal confidentiality, commercial and financial sensitivity.

Parkhead 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.

2. RESPONSIBILITY

All members of the Board and Staff are responsible for complying with the Policy.

The Chief Executive is responsible for ensuring that the necessary items are produced and made available to the public.

The Chief Executive is responsible for dealing with any breaches in compliance with the confidentiality section of the policy by staff and advising Board of action taken.

The Chair is responsible for dealing with any breaches in compliance as this will be viewed as being a breach of the Board Members Code of Governance.

3. POLICY

The Association believes that its members, tenants and other interested parties should have access to information on how Parkhead Housing Association conducts itself.

This means that unless information requested is considered commercially/ financially sensitive or personally confidential it will be made available on the Association's website. This will include statistics

on performance and policies.

To show how the Association performs and works, we will produce an **Annual Report** on our activities, performance and the future plans of the Association. The Annual report will be posted on PHA's website. The **Annual Report on The Scottish Housing Charter (ARC)** will be produced in line with guidance from the Scottish Housing Regulator.

The Association will also publish its year-end **Financial Accounts** on its website and provide downloaded copies upon request.

The **Annual General meeting** will be used as an opportunity to provide members and other attendees with current performance information as well as plans for the future.

Board minutes will be available on request and any item within the minute which is 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

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.

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. Hard copies of any policy will also be made available on request.

4. CONFIDENTIALITY

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.

Confidentiality is a matter of good professional and personal conduct, in expression of the principle of respect that underlies all our work.

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.

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.

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.

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.

Manual records containing personal and/or sensitive information will never be left unattended or insecure in areas where unauthorised persons can access them.

The requirements of GDPR will be upheld when storing data and passing data on [see GDPR Policy].

Access to computerised personal records will be restricted to the appropriate HR/Payrol staff who will take precautions to prevent unauthorised access to machines by clearing their screens and locking their machines before leaving unattended.

Office security will be taken seriously, no access to unoccupied offices should be allowed to personnel without authority to be there. The office has CCTV and is protected by a security alarm system.

Confidentiality: Tenants and Applicants

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. 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.

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.

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.

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.

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

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

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 as per the protocol for dealing with breaches of the Code of Conduct for Governing Body Members.

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.

Board Members will have no access to names and addresses of tenants or applicants in respect of Board papers, reports and office files etc.

The only exceptions to this would be when –

- Complying with entitlements, payments and benefits policy in relation to tenancies granted to the Board Members families and in relation to major component replacement contracts.
- There is a known interest with a Board member that requires declaration.
- New members apply to the Association
- When the strict confidentiality of information results in harm to any individual

The proceedings of the Board and any other sub-committee will be regarded by all those present as being confidential, with the approved Minutes being the publicly available record of each discussion.

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.

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 CEO or Chairperson.

All Contractors and Consultants must also comply with the requirements of this Openness and Confidentiality Policy.

5. 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.

6. TRAINING

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.

Refresher training will be given at regular intervals as required.

Review Date 2025