

# Confidentiality Policy

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## Managing the Confidentiality Policy

Worcester Students' Union Help & Advice Service is committed to providing a confidential service to its clients. We believe that the principles of confidentiality must be integrated across all aspects of services and management. The following statement will be displayed in all advice rooms:

"The Help & Advice Service offers a confidential service - nothing you tell us will be shared with any other organisation or individual without your permission.

There are rare occasions where a breach of confidentiality may be deemed necessary. These are detailed within our **Confidentiality Policy**. If a decision is made to breach confidentiality the client will be informed before any action is taken by the Help & Advice Service.

Advice and support is offered to all regardless of religion, gender, disability or sexual orientation"

This policy will be reviewed annually and any amendments agreed by the Executive Officers. Copies will be available on request.

## Conduct of the Advice Process

The Help & Advice Service understands confidentiality to mean that no information regarding a client shall be given directly or indirectly to any third party which is external to the Help & Advice Service without that client's prior expressed consent to disclose such information. The Help & Advice Service recognises that all clients should be able to access the Help & Advice Service in confidence and that no other person should ever know that they have used the Help & Advice Service.

Students' Union staff will not confirm a client's attendance to the service without their expressed consent to do so.

Clients will be offered a confidential interview space, in person or online using MS Teams.

Help & Advice staff may discuss cases between themselves and with the Student Engagement Manager but will ensure that no discussions which could identify clients of the service take place outside of the service or its staff. All statistical recording and reporting shall be anonymous.

Case files including case notes and copies of correspondence will be held on password protected computer drives. Until January 2016, we maintained case notes and information on electronic files, stored securely on our O: Drive. As of January 2016, we transferred to **AdvicePro**.

Please see the Data Protection statement below for detailed information on the data we collect, how store it and how long we keep it for.

### Conflict of interest

Where a conflict of interest is identified, Student Advisors are responsible for taking appropriate action to manage this. Where the Help & Advice Service identifies a potential conflict of interest which necessitates informing one party that we can no longer act on their behalf this may draw attention to the fact that we are already acting on behalf of another party.

In these circumstances, the compromised party will be informed of the breach and the Student Advisor will in the first instance attempt to seek advice from another member of Help & Advice staff. If this is not possible the client will be informed that no further action will be taken on their behalf and wherever possible they will be signposted to an alternative service. On rare occasions we will work with partner Student Unions to provide advice, seeking permission before sharing any information or data.

The Help & Advice Service defines a conflict of interest as:

- Clients who are in conflict with Worcester Students' Union
- Clients making a complaint against a Student Advisor
- Two opposing parties in a dispute

### Breaching Confidentiality

Where it becomes apparent that the client is committing or has committed a crime the adviser will warn the client of the implications of their actions. We cannot provide legal advice in the above instance but we can provide advice on processes internal to the University resulting from the crime committed. If the client is solely seeking legal advice then we would, signpost to appropriate services, bring the interview to an end and refuse to give further advice on this matter. **The Help & Advice Services reserves the right to withdraw advice.** If such a situation arises, it must be treated with utmost seriousness and consultation with Worcester Students' Union Senior Management will be sought at the earliest opportunity.

The Help & Advice Service understands confidentiality to mean that no information regarding a client shall be given directly or indirectly to a third party without the client's expressed consent except in the following cases:

We may also breach confidentiality in the following situations:

- Where required to by **Act of Parliament.**
- Where required to by order of a **Court of Law.**
- Where an adviser believes there to be a **substantial threat to life**, either of the client or another person.
- Where we have identified a **Conflict of Interest.**

Where an adviser believes that there may be a need to breach confidentiality deliberately they should inform the client then raise the matter with the Student Engagement Manager. In their absence, the matter should be raised with the Chief Executive.

The Student Engagement Manager will explore the issues with the adviser and make an initial decision on whether confidentiality should be breached. A written record of the discussion and decision will be placed on the client's case file.

The Student Engagement Manager will then contact the Chief Executive and brief them on the case, ensuring they do not break confidentiality in doing so. The Student Engagement Manager will seek authorisation to break confidentiality from the Chief Executive. If the Chief Executive agrees a full report on the case should be made and any action agreed undertaken. If the Chief Executive does not agree to breach confidentiality then this is the final decision of the Help & Advice Service.

Where the Chief Executive has been involved in the earlier decision they will see advice from an External Trustee.

## **Data Protection Privacy Statement**

Worcester Students' Union takes its responsibility to data protection very seriously. When you contact the Help & Advice Service you are agreeing that we can set-up a case file using the identifying information you have given us.

If you do not want to give us personal information you are still able to use our service, however we will explain to you that we have a legitimate interest in recording information that will help us to demonstrate what advice we have given to students should any issues arise. We will explain to you what this means and how your information will be recorded.

## **Clients Rights under GDPR**

Our clients have the following rights under GDPR:

### **The right to be informed/privacy notices**

This privacy notice ensures that our clients are aware of how we store and use their data. A link to this notice and general information is also included on the Advice Enquiry Form. Our policies are also available within our meeting spaces

### **The right of access**

A client can request a copy of their own case records. This can be a full copy of the file or just certain documents. There is no fee for this. The Help & Advice Service will ensure that the documents are provided within one month of the request, in line with the GDPR. The Union has a [Subject Access Request Form](#) that clients can use to make a request for their records. However, requests do not need to be made via this format, and the Help & Advice Service can provide a client with their records following a written or verbal request. The Help & Advice Service will require the client to provide evidence of their identity (such as their University of Worcester ID card, driving license or passport) before the information is released.

### **The right to rectification**

If a client has concerns about the accuracy of the information that the Help & Advice Service holds they can contact the service and their details will be updated. If a client is concerned that their case records do not portray an accurate report of the advice given, they should speak to the Adviser or Student Engagement Manager to discuss how this should be recorded. Appropriate amendments will be made within one month.

### **The right to erasure**

A client can request that the Help & Advice Service erases their personal data. Clients wishing to

erase their data should complete a [Data Erasure Request Form](#). The Students' Union will consider the request and the reasons for the request. However, it may not be possible for the Students' Union to grant the right of erasure where we have legitimate interests to keep the data. For example, it may be necessary for the Help & Advice Service to retain case-file records for a period of six years for the purposes of defending court action.

#### **The right to restrict processing**

A client can request that the Help & Advice Service ceases further processing of their data. This should be requested using a [Data Restriction and Objection Form](#). The Students' Union will respond to the client within one month of the request.

#### **The right to data portability**

The Help & Advice Service will make data available to clients in an accessible format. In practice this is likely to mean that requests for case records from AdvicePro can be provided in XML format.

#### **The right to object**

The Help & Advice Service will never use a client's data for direct marketing purposes.

#### **Rights in relation to automated decision making and profiling**

The Help & Advice Service does not use automated decision making or profiling.

### **How your personal data is stored and used by the Help & Advice Service.**

Your details are used by the Help & Advice Service to ensure we provide accurate advice, to receive feedback on our service, to monitor the advice that we provide, and to contact clients regarding their case/s. When a student contacts the Help & Advice Service in person or by phone the Welcome Desk staff member will ask the client to complete an advice enquiry form and take their name and contact details in order to book the appointment.

#### **Setting up a Case File**

When a client contacts the Help & Advice Service by phone, e-mail, or in person a case file will be set up using AdvicePro (this is a secure, password protected case recording system). The initial case file will be created by Help & Advice staff, which may include administrative support from Welcome Desk staff. The case file will store details of advice given and any relevant documents and is maintained solely by Help & Advice staff. The Help & Advice Service records the personal data of clients in order to ensure that we provide them with the correct advice and to effectively communicate with them.

We also collect gender, disability information and nationality details which will be used anonymously for statistical purposes only. For example, we can monitor which groups are accessing our service to ensure that we are reaching as many students as possible. All case files will be recorded and stored securely in line with GDPR. Twice annually the Help & Service provides the anonymous details of all students who have accessed the Service to the University for monitoring purposes, this is in the form of a student ID number.

A Bi-annual review will be carried out by the Students' Union to ensure that any documents are deleted once a record has been removed from AdvicePro, in line with our Record of Data Processing and Retention Schedule (see below).

#### **Sharing data outside the service**

Sometimes it may be necessary to speak to the University or other parties involved e.g. landlords, in order to support clients with their case. Personal information will not be shared with anyone outside the service unless we have the client's permission or there are serious concerns about safety (see confidentiality statement above).

#### **E-mails**

E-mails received from clients and the replies sent will be kept within AdvicePro within the client's case notes.

#### **File Reviews**

Each month the Help & Advice Service team will conduct file reviews. This process allows us to measure the quality of advice given by all advisers. These are only used within the Help & Advice Service and viewed by our staff.

#### **Feedback**

An invitation to complete the online survey is sent on a monthly basis by e-mail to students who have had a case closed in the previous month. This feedback is gathered to check that we are providing a high standard of service to our clients. This feedback forms part of our annual service review.

#### **Social Policy and Case Studies**

We will use statistical information to identify who is using our service and to monitor trends. We can take action on issues that are affecting a number of students by using anonymised data, for example in Union Officer campaigns. We call this 'social policy'. If we needed to provide further details to another party we would ask for consent first. For example, if we have used statistics to alert the University of Worcester to a problem affecting certain groups of students they may want to take action to resolve the issue. (They may need a student's University of Worcester ID to do this but we would only release this information if the student gives permission). We will use anonymised cases (with identifying details removed) as case studies to demonstrate the types of issues that we can help with.

#### **Storage**

No paper records are retained by the Help & Advice Service. Any paperwork is scanned and digitised and stored within the client's case notes on AdvicePro.

Cases will be deemed closed when:

- The client and/or adviser confirms there is no more work to be carried out on the case;
- The matter has been referred to another agency in all areas the Help & Advice Service were assisting the client in;
- The case has run its full course, e.g. all available procedures have been exhausted;
- The Help & Advice Service have ceased to act for the client for whatever reason;
- There has been no contact from the client regarding the case for a period of 3 months.

In line with the Students' Union's Record of Data Processing and Retention Schedule, the files will be stored for six years after the academic year in which the last recorded piece of work was carried out by an adviser.

The Students' Union holds records of cases prior to January 2016 in secure folder on the Students' Union O-drive that only Help & Advice Service staff members have access to. In line with the Students' Union's retention schedule these files will be deleted after 6 years.

### Who should I contact if I have concerns or queries?

If at any time, you have questions or concerns in relation to Help & Advice, you can email [SUadvice@worc.ac.uk](mailto:SUadvice@worc.ac.uk) and one of the team will get back to you.

For questions or concerns about data protection please email [SUdataprotection@worc.ac.uk](mailto:SUdataprotection@worc.ac.uk)

### Where can I find further information?

More general information on how we use your data as a member of the Students' Union can be found in our Student Data Privacy Notice at [https://www.worcsu.com/faqs/data\\_protection/](https://www.worcsu.com/faqs/data_protection/).

## Awareness of Policy

All members of staff at Worcester Students' Union Help & Advice Service, including Welcome Desk staff, will be made aware of this policy through their induction and training.

This policy will be displayed in the Help & Advice Service office, on the Students' Union website and a link to the policy is emailed to students on completion of an enquiry form.

This policy was adopted: August 2018

Reviewed: v2.1 May 2021

Next review due: Due August 2022

Person responsible for review: Student Engagement Manager

