

The Order of Malta Volunteers – Confidentiality Policy

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| POLICY REFERENCE | |
| Function | For information and guidance |
| Status | Approved & Issued |
| Scope | Trustees, OMV Committee, Volunteers, Guests |
| Owner | Caroline Armstrong-Jones |
| Version | 1.1 |
| Date approved by board | 5 th December, 2017 |
| Date for review | 5 th December, 2018 |

Introduction

1. All trustees of the Order of Malta Volunteers (“the Trustees”), all members of the OMV Committee and all Volunteers have a legal obligation to respect the confidentiality of information that relates to the Order of Malta Volunteers (“the OMV” or “the Charity”) that is not in the public domain.
2. There are, however, circumstances in which it is not possible or appropriate to maintain confidentiality. This policy sets out the confidentiality requirements of the Charity, together with the circumstances in which it is not possible to maintain confidentiality.
3. This policy applies to all Trustees, members of the OMV Committee and Volunteers. The Charity must ensure that the contents of this policy are communicated to all Volunteers. Such communication must be evidenced in writing and refreshed on an annual basis.
4. The Charity must publish this policy on its website.

Definitions

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| Child | Anyone under age of 18. |
| Confidence/confidential | Something that is spoken or given in the expectation or understanding that it will not be repeated or shared with anyone other than those specifically agreed by the person giving the confidence or those who would normally have access to the same information. |
| Director | Members of the board of the OMV (also referred to as Trustee). |
| Guest | Any person who attends a designated OMV activity as an invited guest of the Charity and who is not expected to play an active role in looking after others. Guests are usually ill or disabled in some way. |
| Healthcare Professional | Any qualified medical professional (including, but not limited to, doctor, nurse or physiotherapist) who is working for the Charity, whether on a voluntary or paid basis. |
| OMV Committee | The management committee of the OMV and the members of that committee. |
| Volunteer | Any person who attends a designated OMV activity in a voluntary capacity. |

Policy

5. All personal and sensitive personal data are confidential by virtue of the Data Protection Act. Personal and sensitive personal data are defined in and covered by the requirements of the Data Protection Policy.

6. By virtue of their position as Trustees, all Directors are bound to keep information about the Charity confidential – other information that already in the public domain or information that, by its nature, would be readily available to the public.
7. By virtue of their contractual engagement with the Charity, all OMV Committee members and all Volunteers are bound to keep the Charity's information confidential – other than that already in the public domain or which, by its nature, would be readily available to the public.
8. Confidentiality does not extend to communications between Volunteers on the one hand and Guests of the OMV on the other. No Volunteer may give an undertaking of confidentiality to a Guest. Any such undertaking that is given may not be honoured. This is partly because there may be a legal or regulatory requirement to share information with the proper authorities and partly because it may not be in a Guest's best interests – particularly where safeguarding is concerned.
9. On the other hand, it is the responsibility of all OMV Committee members and those charged by the OMV Committee with organising the OMV's activities to keep any confidence within as small a group of people as possible, while at the same time acting in accordance with both this Policy and other Policies of the OMV (including its Safeguarding & Child Protection Policy).
10. It is the responsibility of the person giving the confidence to understand clearly and in advance the limits of confidentiality so that he or she can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue that he or she may wish to discuss.
11. Wherever a Volunteer is invited to receive confidential information from a Guest, the limitations of confidentiality should be made clear immediately. Other than the legal and other circumstances laid down in the Safeguarding Policy and other policies of the Charity, it is for the discretion of the Volunteer to determine if – and what – information needs to be shared and with whom. Wherever practicable, the Volunteer should avoid identifying the individual Guest concerned unless the circumstances are exceptional or the shared information is valueless or cannot be acted upon without identifying the source.
12. Guests must be informed when a confidence has to be shared.
13. Any confidentiality issues relating to Safeguarding should be determined under that Policy.

Specific exceptions to confidentiality requirements

14. Healthcare Professionals owe the same duty of care and confidentiality to patients under the age of 16 as they do to adults. Any professionally qualified nursing, counselling or medical staff who work for the Charity (whether as volunteers or not) are bound by this duty. Whether a young person is competent to consent to treatment or is in serious danger is a matter for the professional judgment of the Healthcare Professional. No information relating to advice or treatment will ever be shared, except where an overriding statutory obligation exists (e.g. child protection).

Review

15. The Policy owner must keep up to date with relevant legislation and government guidance and update this Policy whenever necessary. The board of the Charity must approve the revised version.

16. The Policy owner must review the policy at the end of October each year and either submit a revised policy for board approval or confirm in writing to the Chairman of the Board of Trustees that the current version of this policy is still fit for purpose.
17. The board of the Charity must formally review and re-approve this policy every five years.