



## ULSU Advice Centre Confidentiality Policy

The University of Lincoln Students' Union (ULSU) Advice Centre is committed to providing a confidential advice service. All service users have the right to confidentiality and assuring confidentiality is necessary to maintain the credibility of the service.

It is recognised, however, that there may be instance when confidentiality will need to be broken due to vital interest. This is outlined in the ULSU Safeguarding Children and Vulnerable Adults Policy.

All service users will be asked to complete an Information Sharing and Data Storage Consent Form which will inform the user when confidentiality would need to be broken. The consent form will asks students to sign to indicate that they have understood this.

No personal information or data will be given to any external agency without the clients' express permission via the ULSU Advice Centre Information Sharing and Storing Consent Form, unless required by law, or deemed by the Safeguarding Officer to be a safeguarding issue under the ULSU Safeguarding of Children and Vulnerable Adults Policy. All details of express consent must be recorded on the case file.

If an Advisor needs to break confidentiality, the service user should be informed that this is going to happen, the reasons why and be referred to the ULSU Safeguarding Children and Vulnerable Adults Policy.

No information regarding a client's case shall be given directly or indirectly to any third party who is not a ULSU Advice Centre staff member, the Deputy CEO or the Chief Executive, without that client's express consent to the disclosure of such information.

Clients have legal rights under data protection legislation, including access to information held about them by ULSU, the rectification and removal of information and the ability to prevent the further processing of data. Any requests should be forwarded to the Data Protection Officer at [compliance@lincolnsu.com](mailto:compliance@lincolnsu.com), who can provide assistance and will respond within the required timeframes.

Legislation may affect client confidentiality in the following circumstances:

- There is no duty to disclose a criminal offence under English Legislation, however the exception is under the Prevention of Terrorism Act 1989. It is an offence to fail to give information which may help to prevent acts of terrorism or apprehend a terrorist, and as such ULSU Advice staff must disclose such information to the relevant authorities if it is disclosed by a client. In such a situation the adviser must first discuss the matter with the ULSU Deputy CEO, who will discuss the matter with the Chief Executive who is responsible for reporting the matter to the police. The

client must not be informed that confidentiality is being broken, as this could constitute assistance or joint liability for a crime;

- Under the Fraud Act 1997 advisers are required not to knowingly assist in any way a fraudulent claim. As such a suspected fraudulent claim must be reported to the relevant authorities. In such a situation the adviser must first discuss the matter with the ULSU Deputy CEO, who will discuss the matter with the Chief Executive who will be responsible for reporting the matter to the police. The client must not be informed that confidentiality is being broken, as this could constitute assistance or joint liability for a crime;
- Under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003 advisers are obliged to report any disclosure of information about a transaction that they know, suspect or ought reasonably have known or suspected, involves money laundering. It is a criminal offence to fail to disclose this information to the relevant authorities, and it is an offence to 'tip off' the client. This applies if the advisers knows or suspects that a money laundering disclosure has been made by a client, and informs a third party of this, when the provision of this information is likely to prejudice any investigation. In such a situation the Advisor must first discuss the matter with the ULSU Deputy CEO, who will discuss the matter with the Chief Executive who will be responsible for reporting the matter to the police. The client must not be informed that confidentiality is being broken, as this could constitute assistance or joint liability for a crime;
- There is no duty for a client to disclose any prior criminal offences. Under the Rehabilitation of Offenders Act 1974, ex-offenders have the right not to reveal convictions in most situations when the offence has become "spent" after a rehabilitation period without further offence.

The ULSU Advice Centre recognises that information may need to be shared when ULSU Advice Centre staff discuss cases. Staff are expected to ensure that such discussions take place in a confidential environment.

The ULSU Advice Centre is committed to the statistical recording of advice centre use, to enable it to monitor the demand for the service and to identify any practical or policy issues related to the advice services. It is the responsibility of ULSU Advice staff to ensure that all statistical records are produced in an anonymous form, so that individuals cannot be recognised.

It is the responsibility of ULSU Advice Centre staff to ensure that all individual case records are locked securely at the end of each working day, and that electronic records are held securely and appropriately protected. This includes notebooks, copies of correspondence and any other sources of information. It is also their responsibility to ensure that all computer records are held securely and appropriately protected.

Last Reviewed: August 2020

Next Review Date: August 2021