**Confidentiality and Consent**

The operation of The Club@Midmill involves the sharing of information between service users and the Club.

Privacy and confidentiality are governed by legal provisions that aim to safeguard personal information, particularly:

* The UN Convention on the Rights of the Child (1989)
* The Human Rights Act 1998
* The Data Protection Act 1998; and
* Professional Codes of Conduct

The Data Protection Act 1998 provides specific conditions for processing personal information and sensitive personal information respectively. The Act requires that an individual’s data be processed fairly and lawfully and that specific conditions/justifications for processing are met. At least one condition from Schedule 2 of the Act **must be met** prior to the processing ofpersonal data and, in addition, at least one from Schedule 3 of the Act in respect of sensitive personal data.

The Schedules provide several conditions/justifications for processing, only the first of which relies on consent – where required, this should be fully informed and freely given.

The issue of obtaining consent, however, can be difficult and it should only be sought when the individual has real choice over the matter. Where circumstances exist it may not be appropriate to seek consent, for example where an assessment under the wellbeing indicators or Child Protection raises concerns, it will be possible to share information if one of the other conditions in the Schedules in met. This includes where the processing is necessary for the exercise of any function conferred by or under an enactment.

Specific reference to the Data Protection Act and to national and/or local guidance supporting it should be made in any case where practitioners are unsure about their ability to share information.

Where agencies are acting in fulfilment of their statutory duties, it is not necessary or appropriate to seek consent; for example, where a referral is made to the Reporter under the Children’s Hearing (Scotland) Act 2011 or where a report is provided by the Local Authority in the course of an investigation by the Reporter under the Act.

There is an important distinction between making the child aware that information will/may be shared and seeking their consent for that sharing.

If a child’s wellbeing is considered at risk, relevant information **must** always be shared. In order to respect the dignity and privacy of all service users, the Club will actively promote confidentiality in the following ways:

* Provide guidance for staff on required records/reports i.e. Personal files kept in locked drawer/cupboard
* Provide guidelines for staff in the handling of confidential/sensitive information as per above, Data Protection Act 1998 and National Guidance for Child Protection in Scotland 2014 Guidelines
* Provide secure storage for files and information
* Staff will adhere to all relevant legislation in record keeping
* Providing parents/carers access to their child’s own record if requested
* Undertake not to disclose confidential information unless required to do so in matters of Child Protection or life or death situations as detailed on staff contracts.
* Staff will not discuss any information with regards to any children/parents/carer outside of the Club environment.