**PETRA TMO**

**CODE OF CONFIDENTIALITY**

Purpose and scope

1. The TMO is registered as a data user and complies with the requirements of the Data Protection Act 1998. This Code of Confidentiality has regard to the Code of Confidentiality published by the Office of the Deputy Prime Minister in 2005
2. The Code applies to the TMO’s activity as :

* A service provider including working with contractors and/or other agencies;
* An employer in recruitment and employment practices;
* A democratic organisation accountable directly to our members and to all of the residents of Parkview Estate.

1. The Code seeks to ensure that tenants, leaseholders and freeholders can have the fullest confidence in trusting the TMO with personal information. Similarly, contractors and other agencies which work with or provide services to the TMO can be assured that the TMO will apply this Code of Confidentiality to their business and communications.
2. The Code applies to:

* Verbal information such as:  
  Face to face contact, telephone calls, video conferences, interviews and meetings.
* Written information such as:  
  Letters, minutes of meetings, material in files and on the computer, electronic communications and mobile phone text.
* Images such as:

Photographs, video recordings and images taken by the use of mobile phones.

1. The TMO shall:

* Treat as strictly confidential all information in the TMO’s possession which relates to:
* Tenants, leaseholders and freeholders past and present;
* Employees and contractors
* Use such information only for the purpose of fulfilling our obligations under the Management Agreement.
* Not to give information or permit it to be seen by any other person or organisation, except with the express advance consent of the individual concerned, unless required to do so by law.
* Ensure that information will not be provided about individuals who are at actual or potential risk of violence or harassment and who have asked for their whereabouts not to be revealed.
* Only record, report or publish information about individuals where they are acting as officers, committee members, staff or other agents of the TMO.

Staff

1. Information is held in paper files and/or on the TMO’s computer system. Staff will ensure the security of these systems at all times. Passwords will be assigned to any computer software that contains confidential information about tenants, leaseholders, freeholders, staff and contractors.
2. Staff will comply with the need for privacy in dealing with residents whether face to face on the telephone and all other means of communication. Priority will normally be given to the person s/he is dealing with and ask others to wait in an area where confidential matters cannot be overheard.
3. When dealing with requests for information from other persons or agencies about residents, staff or contactors, staff will refer the request to the individual or organisation concerned and only reply with their express permission. Such requests must be made in writing. Where agencies are able to show proof of their status and it is a legal obligation to comply with their request for information, staff will do so.
4. Requests to trace tenants or leaseholders will be referred to the individual first or, if the individual is no longer a resident, the TMO Manager may offer to forward information to the individual or relatives but will not give out the addresses or other contact details.
5. In situations where violence or harassment is a possibility, or where residents have specifically asked the TMO Manager not to reveal their whereabouts through fear of violence or harassment, staff will ensure that no such information is provided and will seek advice from the individual, Council and the police where necessary.
6. Where contractors are employed, the TMO Manager will respect their confidence and only report matters to the agency concerned which fall within the terms of the contract, or else with the express permission of staff.

The Management Committee and its members

1. Members of the Management Committee are required to sign and comply with this Code of Confidentiality. Members of sub-committees may also be required to sign the Code of Confidentiality.
2. Reports to the Management Committee or its sub-committees concerning individuals or their circumstances will be anonymised as far as possible. The names of individuals will not be referred to in the minutes. If a resident has written directly to the Management Committee or to one of its officers, then the name and relevant circumstances of the individual may be referred to in the discussion but will be minuted as above.
3. Minutes of meetings which are deemed to be confidential (e.g. relating to staffing matters) will be printed on to pink paper for ease of recognition, and will be kept in a Confidential Minute File in a secure location to which only the Chair and the Secretary have access. This confidential minute file is only available to members of the Management Committee on request to the Chair. The Chair may deny such a request in the interests of confidentiality.
4. When reporting to the Management Committee or its sub- committee the TMO Manager has discretion not to refer to any individual by name or to describe their circumstances unless he/she received express permission to do so.

TMO Members

1. Members are listed in the share register with their address and shareholding. A version of the share register, relating to current shareholders only, is available for consultation at our registered address by other members and auditing agencies. Any other person must make a written application to the Management Committee giving reasonable grounds. In exceptional circumstances a shareholder’s address may be given as care of the TMO’s registered address.
2. Members standing for election or holding office in any capacity may have their addresses publicised to residents. The Council is informed of the names addresses and telephone numbers of members of the Management Committee. Members may give the telephone number of the TMO’s registered address if preferred.
3. The Chair of the TMO acts as the line manager of staff and will maintain confidentiality about employees except when complying with the TMO’s disciplinary or grievance procedure. Members of the Staffing sub-committee or any similar sub- committees to whom the Chair may refer have particular duty to maintain confidentiality about staffing matters.

Breaches of Procedures

1. Where a breach of confidentiality is alleged or there has been a complaint by a resident, this will be investigated under the TMO’s complaints procedure contained in our Complaints Policy. The complainant also has the right to complain directly to the Council. In the case of a possible breach of confidentiality or complaint against a member of the Management Committee, the Chair and the Secretary will investigate the complaint and recommend temporary or permanent disqualification from the Management Committee, to be decided by the remaining members of the Management Committee and reported to the General meeting.
2. Where a breach of confidentiality is alleged or there has been a complaint by staff, the disciplinary or grievance procedure as appropriate will be used in the case of employing staff; agency staff or contractors may be reported to their employing agency or employer and should refer to them for advice.

Monitoring and Review

1. The TMO will keep records of written requests for information and any breaches of this policy and procedure and will monitor its operation periodically. We will keep the TMO’s changing responsibilities and other changes in law, policy and practise under review and amend this policy and procedure to reflect such changes.

Responsibilities

1. The TMO Manager is responsible for:

* Conforming to the Code of Confidentiality
* Maintaining the confidentiality of information about residents, contractors and staff reporting to him/her
* Requesting their express advance written consent. or express advance verbal permission when appropriate.
* Ensuring the privacy of conversations or interviews with residents and staff;
* Establishing the identity and legal standing of enquirers, requiring written requests for information, informing residents of such requests and supplying relevant information in a timely and appropriate manner;
* Striving to ensure the security of residents at risk of violence or harassment;
* Maintaining the security and currency of paper records and of the office computer system and data.

1. The Management Committee is responsible for:

* Conforming to the Code of Confidentiality;
* Conforming to the Code of Conduct for Management Committee Members which requires confidentiality about individuals and about aspects of committee business;
* Monitoring, reviewing and updating the Code of Confidentiality.

1. The Chair is also responsible as line manager for:

* Maintaining the confidentiality of information about the TMO Manger and any other directly employed staff.

Freedom of Information Requests

1. Freedom of information requests will be referred to the Council (Homes in Havering) as the public authority. The TMO will provide the information required to enable the Council (HiH) to comply with the request and its procedures subject to the provisions of the Data Protection Act 1998.