

## Understanding the term - Confidentiality

### **Definition and legal status**

The [Data Protection Act 2018](#) controls how your personal information is used by organisations, businesses or the government.

The Data Protection Act 2018 is the UK's implementation of the **General Data Protection Regulation** (GDPR). Everyone responsible for using personal data has to follow strict rules called 'data protection principles. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

There is stronger legal protection for more sensitive information, such as the Protected Characteristics – [The Equality Act 2010](#)

There are separate safeguards for personal data relating to criminal convictions and offences.

Under the Data Protection Act 2018, you have the right to find out what information the government and other organisations store about you. These include the right to:

- be informed about how your data is being used
- access personal data
- have incorrect data updated
- have data erased
- stop or restrict the processing of your data
- data portability (allowing you to get and reuse your data for different services)
- object to how your data is processed in certain circumstances

### **National VPC statement**

Forces should provide clear advice to all leaders about their responsibilities under this legislation so that, when considering sharing confidential information, those principles should apply.

Leaders may have access to special category (information which cannot be gathered without explicit consent and might include criminal data, medical information) personal data about cadets and their families which must be kept confidential at all times and only shared when

legally permissible to do so and in the interest of the young person. Records should only be shared with those who have a legitimate professional need to see them.

Leaders should never use confidential or personal information about a cadet or their family for their own, or others advantage (including that of partners, friends, relatives or other organisations). Information must never be used to intimidate, humiliate, or embarrass the cadet.

Confidential information should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the cadet's identity does not need to be disclosed the information should be used anonymously.

### **When does confidentiality not apply?**

There are some circumstances in which a leader may be expected to share information about a cadet, for example when abuse is alleged, or suspected **or when there are mental health issues that may cause harm to self or others**. In such cases, individuals have a responsibility to pass information on without delay, but only to those with designated safeguarding responsibilities or to statutory services.

If a child, or their parents/carers, makes a disclosure regarding abuse or neglect, that member of staff should follow the [child protection process](#) detailed in the safeguarding policy. The leader should not promise confidentiality to a child or parent, but should give reassurance that the information will be treated sensitively.

If a leader is in any doubt about whether to share information or keep it confidential, they should seek guidance from the unit Designated Safeguarding Lead, your force Designated Safeguarding Lead for Cadets or the [National Safeguarding Manager](#).

### **Find Related Guidance**

**GDPR Guidance** - [GDPR](#)

**The Equality Act 2010** - Legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single [Act](#), making the law easier to understand and strengthening protection in some situations.