

# CONFIDENTIALITY POLICY

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The Royal Academy of Music moves music forward by inspiring successive generations of musicians to connect, collaborate and create.  
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# CONFIDENTIALITY POLICY

1. This policy should be read in conjunction with the Academy's Data Protection Policy and Records Management Policy, which are held by Human Resources (HR) and can be found on AIR: [Records Management Policy](#), [Data Protection Policy](#) and [Privacy Policy](#).
2. The Academy holds information about staff and students for administrative and monitoring purposes. Individuals have rights to confidentiality, in particular relating to personal and sensitive information held by the Academy both under 'Common Law' and the General Data Protection Regulation (EU) 2016/679 (GDPR 2018), which provides new data-protection standards. These rights apply to the disclosure, storage and processing of information.
3. It is the Academy's policy that any information of a personal or sensitive nature will be stored and anonymised when used for statistical purposes in a manner that maintains confidentiality in accordance with legislative requirements. The Academy may also use sensitive data in an aggregated form to inform improvements to our services and procedures.
4. Where sensitive information needs to be disclosed, for example to implement 'reasonable adjustments' for disability, the signed consent of the individual will be sought and obtained first. Students have the option to agree to various levels of disclosure and have the implications of this discussed with them. Only in exceptional circumstances, eg perceived danger to self and others, will such information be passed to a third party (usually a medical professional). However, every attempt should first be made to discuss this course of action with the individual concerned. See the Information Commissioner's Office (ICO) guidance on the GDPR exemptions for more information: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/exemptions/>
5. Information about staff will be held in confidence. It will be passed onto HR or third parties for reasons relating to the provision of support only with the consent in writing of the individual concerned.
6. Staff who have a supporting role in a professional capacity (eg HR, Counselling and Disability) are, in addition, bound by their own professional codes of practice in respect of the maintenance of confidentiality.
7. All staff and students are under a common law and legal obligation not to disclose confidential information inappropriately.
8. The Academy takes the confidentiality of its records very seriously. Those having access to records will ensure that no inappropriate disclosures of such information are made.
9. Staff and students (including, for example, the Students' Union) will ensure that any confidential information for which they are responsible is stored securely (see our [Data Protection Policy](#) for more information) so that confidentiality is maintained. Deliberate or reckless breaches of confidence relating to confidential information held by the Academy may be treated as a disciplinary offence (under either staff or student disciplinary procedures) and may constitute an offence under the GDPR 2018. Such breaches may also be actionable by the party whose confidence has been broken and result in litigation against the individual

who breached the confidence.

10. Sensitive information will not be passed on to anyone outside the Academy (including parents or relatives) unless one or more of the following apply:

- The individual/client has provided consent for the information to be disclosed.
- There is considered to be a real and serious risk of harm to that individual, or other persons, if the information is not disclosed to an appropriate person (e.g. a medical professional, mental health professional such as a psychiatrist, Community Mental Health Team [CMHT] or police officer).
- There is a legal requirement to disclose the information, eg under the Children Act 2004; or any other activity which has broken the law, eg murder, GBH, the intention to harm another, the intention to commit a crime, child abuse to a minor etc, which must be reported to the police and the relevant authorities.

Academy staff are required to make every effort to discuss the need to disclose with the person concerned and to inform them of the proposed disclosure in advance. When information is disclosed, this should only be done via use of official Academy ICT systems; please contact the ICT department for more information.

11. The Academy is required to send some information it holds about students and staff to the Higher Education Statistics Agency (HESA) and Office for Students annually. Only anonymised data is provided for statistical purposes or in relation to FOI questions. Details of the information provided and its uses is available from [hesa.ac.uk/fpn](https://hesa.ac.uk/fpn).

# APPENDIX 1

## GLOSSARY OF KEY TERMS RELATING TO DATA PROTECTION

### COMMON LAW

#### **Confidential information**

This is any information to which the common law 'duty of confidence' applies. A duty of confidence is created when 'private' information has been passed on in such a way that the person receiving the information was aware, or should have been aware, that the information was being imparted on the basis of confidentiality. (The legal test is whether a 'reasonable' person would think the recipient ought to have known that the information was confidential.)

Traditionally, English Common Law has protected an individual's right to expect that personal information about him or her will be kept confidential. Information will be protected if it has 'the necessary quality of confidence about it' and has been imparted in circumstances importing an obligation of confidence. For example, information given to a doctor, social worker or lawyer would normally be considered to have this quality of confidence, but a conversation with a friend would not. A duty of confidentiality may also arise as a result of a contract where one party agrees to keep confidential information provided by the other party.

### GDPR 2018 TERMINOLOGY

#### **Personal data**

Personal data means information which relates to a living individual who can be identified from that information.

#### **Sensitive personal data**

Sensitive personal data includes information relating to ethnic or racial origin, religious or political beliefs, physical or mental health, sexual matters and criminal offences.

#### **Processing**

Processing has an extensive definition. It means obtaining, recording or holding information or any handling of the information, including organising, altering, retrieving, using, disclosing and disposal of information.

#### **Right to access**

Individuals are entitled to have access to and information about the personal data that is held about them.

#### **Right to be forgotten (data erasure)**

Individuals are entitled to have personal data removed or limit its further dissemination.

See the ICO guidance on GDPR exemptions for more information: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/exemptions/>.

## APPENDIX 2

# PROCEDURE FOR RESPONDING TO DISCLOSURE OF SENSITIVE INFORMATION AND MEETING THE REQUIREMENTS OF DISABLED STUDENTS

### **Introduction**

The Academy has a legal obligation under the Equality Act 2010 to respond appropriately and positively when individuals tell us about a disability and ensure that all relevant staff/personnel are aware of any 'reasonable adjustments' required. At the same time, our systems need to comply with confidentiality and data-protection requirements.

The mechanism at the Academy for communicating and implementing disability-related arrangements ('reasonable adjustments') for students is the 'Personal Learning Plan' (PLP).

This is drawn up by the Disability Advisor in dialogue with the student and relevant members of staff, usually after appropriate documentary evidence confirming a disability or health condition is available. Students are emailed a draft PLP and requested to consent to the content and circulation list or to discuss their concerns.

Once the PLP has been agreed with the student and signed off by the Dean of Students, it is circulated to relevant staff, with a copy to the student.

Detailed information relating to a disability or health condition is considered 'sensitive and personal information' under the GDPR 2018. Specific consent needs to be agreed with the student relating to the degree of information disclosed and the circulation of this information, unless in exceptional circumstances, eg perceived danger to self and others.

### **Distributing PLPs**

Confidential information such as PLPs are only sent to Academy email addresses, usually via OneDrive.

### **Documenting consent**

Students are required to sign a Disability Disclosure Consent when they disclose information relating to disability-related issues, usually via the PLP. The consent form gives options to consent to disclosure at different levels. If a student chooses not to consent to any level of disclosure, this is discussed with them.

Sometimes staff may be required to make 'reasonable adjustments' without having access to detailed documentation about a medical condition or disability.

## APPENDIX 3

### SENSITIVE SCENARIOS RELATING TO DISCLOSURE

#### **What to do if you receive confidential information from a student (or about a student) or member of staff**

Any information about a student or member of staff that causes concern should be recorded and kept securely and be communicated, where appropriate, to a line manager. It is important that staff in receipt of confidential or sensitive information are aware that they hold this information as a member of Academy staff and not as an individual, and are confident that they will be supported by their manager in any appropriate sharing of this information. This applies to sensitive information received from a student either formally or informally.

#### **What to do if an individual requests a confidential conversation with you**

Staff/line managers are encouraged to explain that they reserve the right to discuss any matter raised with their line manager. This does not, however, prevent them from agreeing to keep something confidential once they know what the issue is. The important point is that the individual should be aware that if a member of staff/line manager hears anything of sufficient concern, they are obliged to speak to whomever necessary in order to reduce risk (to self or, potentially, to others). It is unwise to give an unqualified assurance of confidentiality in advance of any discussion.

### ADDITIONAL ADVICE

Staff who have questions about disclosure and confidentiality are welcome to contact us:

Student and Staff Support, Health and Wellbeing Service:

[counselling@ram.ac.uk](mailto:counselling@ram.ac.uk)

Judy Fink, Disability Advisor:

[j.fink@ram.ac.uk](mailto:j.fink@ram.ac.uk)

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