

CONFIDENTIALITY AND DATA PROTECTION POLICY

1. Policy Statement

1.1 Walsh Witney is bound by the Data Protection Act 1998. This protects personal data and places restrictions on our ability to disclose that data within the UK and overseas. Personal data is information relating to an individual from which they can be identified, such as a name and address.

1.2 We will often be entrusted with personal information given to us in confidence by an individual or party using our services. We have a duty under the Data Protection Act 1998 to protect the confidentiality of personal information and to process that information fairly.

2. Data Protection Act

2.1 The Data Protection Act regulates when and how an individual's 'personal data' may be obtained, held, used, disclosed and generally processed. It's main principles state that personal data shall be:

- Processed fairly and lawfully
- Obtained for specified and lawful purposes
- Adequate, relevant and not excessive
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary
- Processed in accordance with the data subject's rights
- Protected by appropriate security
- Not transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data.

3. Requests by Data Subjects for Access to Data Held

3.1 If an individual wishes to see any personal information about them held by us, this can be shown to him or her and a copy made if one is requested. If a third party is acting on behalf of the individual, proof of the third party's identity and the individual's authority to disclose their information to their representative, must be obtained in writing.

4. Breaking Confidentiality

4.1 Confidentiality may be broken in the following circumstances:

- Where the person from whom the information was obtained consents
- Where the information is already available to the public from other sources
- Where the information is in the form of a summary or collection of information so framed that it is not possible to ascertain from it information relating to any particular person
- When there is a serious risk of harm to the individual, as in a threatened suicide
- To prevent a serious criminal act, especially where others may be endangered, for example an act of terrorism.

4.3 If Walsh Witney has to break confidentiality, then the person whose personal information it is must be told that this is going to happen verbally, if possible, or in writing if suitable. This will only be done after all attempts to persuade the individual to disclose the information voluntarily have failed.