	Title: CONFIDENTIALITY	**Level: all**
Procedure No. **11.2**	**Sub-sections:** **11.2.1 Introduction** **11.2.2 The principle of confidentiality** **11.2.3 Responsibilities** **11.2.4 Breaching confidentiality** **11.2.5 Where there is no immediate risk** 11.2.5.1 In house consultation 11.2.5.2 Consultation with Citizens Advice 11.2.5.3 Final decision 11.2.5.4 Records 11.2.5.5 Availability of CA operations team **11.2.6 Where there is an immediate risk** 11.2.6.1 What is an immediate risk? 11.2.6.2 Internal consultation procedure 11.2.6.3 After the event **11.2.7 Where the risk arises outside normal office hours** **11.2.8 Other circumstances** **11.2.9 Crime and police** 11.2.9.1 Disclosing crimes 11.2.9.2 Police visits 11.2.9.3 Excluded materials 11.2.9.4 Production orders 11.2.9.5 Terrorism 11.2.9.6 Drugs and money laundering 11.2.9.7 Social security fraud 11.2.9.8 Powers of social security fraud inspectors 11.2.9.9 Witness summons **11.2.10 Requests for Info from Official Receiver** **11.2.11 Bankruptcy** 11.2.11.1 Duties prior to bankruptcy 11.2.11.2 Duties following a client's bankruptcy 11.2.11.3 Informing the Official Receiver of bankruptcy offences **11.2.12 Clients under 18** **11.2.13 Death of a client** **11.2.14 Access by Citizens Advice staff, LAA staff and third parties** 11.2.14.1 Citizens Advice staff, insurers and solicitors 11.2.14.2 LAA access to case records 11.2.14.3 Legal Aid contracts 11.2.14.4 Specialist Quality Mark 11.12.14.5 MAPS and Recognising Excellence **11.2.15 Third parties including referrals**	**Extent:** **SNSCAB**

	11.2.15.1 Giving information to third parties 11.2.15.2 Case conferences **11.2.16 Information about clients received from third parties** **11.2.17 Enquiries on behalf of a third party** **11.2.18 Administrative information**	

11.2.1 Introduction

Confidentiality is a fundamental principle of the Citizens Advice service, as outlined in the Membership Agreement. This guidance is designed to help you apply the principle in a range of different circumstances. It cannot cover every possible situation and you should contact the Citizens Advice Operations team (see BMIS for details) with any queries.

Confidentiality is one of the Citizens Advice service's Principles and as such the information below is not optional.

This policy includes the national confidentiality policy. General issues around confidentiality should be addressed using the BMIS guidance. This document also focuses on how we implement locally the consultation processes when a breach may be required, looking at three situations:

- Where there is no immediate risk (normal situations)
- Where there is an immediate risk (emergency situations)
- Where the issue arises out of hours and there is an immediate risk.

This document also needs to be read in conjunction with our information assurance obligations, which can be found at 14.1 to 14.4. However, none of the policies cover them all. For more details, see the BMIS guidance on how the confidentiality policy and information assurance fit together.

11.2.2 The principle of confidentiality

Local Citizens Advice provide a confidential service to clients.

Nothing learned during the course of dealing with a client (including the fact that an enquiry has been made) will be passed to anyone outside the service without the client's express permission (other than in exceptional circumstances).

- Interviews are held in visual and aural privacy.
- Clients are not required to state the nature of their enquiry in front of others.

- Referrals are made only with the knowledge and consent of the client.

If a client agrees to information being given to a third party, there is no breach of confidentiality. Neither is there any breach if the person involved is not a client of the LCA (currently or in the past).

A breach of confidentiality will be authorised in some circumstances.

11.2.3 Responsibilities

Everyone working for the Citizens Advice service must understand the client confidentiality policy and its importance, and must sign the confidentiality declaration once they have read this policy and accompanying procedure. This includes all advisers, management and administrative staff, and anyone else offering services as part of the local office. Although trustee board members do not have contact with clients or client files on a day-to-day basis, they must also sign the declaration.

All staff in the local office must have a practical understanding of what confidentiality means for the operation of the local office. This ranges from the most practical day-to-day matters such as ensuring that advisers do not discuss cases where they can be overheard by clients or people in the waiting room, to considering the impact of the principle on potential new services.

However, some discretion has to be used. For instance if someone has accompanied a client to the local office but left while the client is with an adviser, it is permissible for that person to be told that the client is still there, unless the client has expressly requested that this should not happen.

If anyone in authority requests information relating to a client, you should always refuse unless the client has given permission. If pressed by an official, ask under what legal authority or statutory power the information is sought. If the reason given is not covered in this policy or the accompanying procedure, seek advice from the Citizens Advice operations team.

11.2.4 Breaching confidentiality

A decision to breach confidentiality must always be taken very seriously. The general rule is that a LCA must not breach confidentiality without authorisation from Citizens Advice, except in some situations where safeguarding issues are involved.

Although information about a client must not be passed on to a third party without the client's permission, there are infrequent exceptions where there is evidence that:

- a client or someone else is at risk
- the good name or reputation of the CA service is at risk
- disclosure of information is required by law
- a potential conflict of interest exists.

Before a breach of confidentiality is sanctioned, a judgement as to whether there is a serious risk of danger to the client or others, or to the Citizens Advice service, has to be made.

This must be done in consultation with the Citizens Advice operations team, unless there is:

- an immediate and urgent risk
- a safeguarding concern about a child or a vulnerable adult

If a local office breaches client confidentiality without following the procedures laid down in this guidance, the local office should report using the 'Reporting and managing an information incident' procedure as soon as the incident is discovered. If a local office fails to notify information incidents this could result in the local office being referred to the Membership and Performance Adjudication Panel.

11.2.5 Where this is no immediate risk

The procedure has three distinct stages. A decision **not to breach** confidentiality may be made at any stage. A decision **to breach** confidentiality can be made only at the final stage. The procedure does not necessarily take very long and will be reactive to the urgency of the situation, although in many cases there is no need for a speedy decision. The procedure is slightly varied where child abuse is alleged.

11.2.5.1. In-house consultation

The first step is for the adviser to talk to a manager, supervisor or team leader (depending on who is available at the time). For volunteers the first point of contact will be the ASS. For paid adviser it will be their supervisor or manager.

In the unlikely event, that it is not possible for the adviser to contact a manager, team leader or supervisor, s/he must consult Citizens Advice via the operations team.

11.2.5.2. Consultation with Citizens Advice

The Manager, Team Leader, Supervisor or adviser must then consult Citizens Advice using the operations team contact form. See 11.2.7 for when CA's Operations Team are unavailable.

The operations team will explore the circumstances and agree a judgement as to whether there is a serious risk of danger to the client or others, based on:

- the balance of probability that such a risk exists
- the likelihood of the risk materialising
- the impact of the risk should it materialise
- other relevant policies such as safeguarding adults or safeguarding children.

11.2.5.3. Final decision

If a breach is still being considered, the operations team will refer the case to a member of the confidentiality panel for a final decision and then contact the LCA with the decision. It is common practice amongst the panel members (all of whom are experienced senior managers in Citizens Advice) to discuss the case with at least one other person before reaching a decision. Citizens Advice will usually make this decision within one hour of the contact from Operations Team.

11.2.5.4 Records

A record of the circumstances, the issues and the decision made will be kept by Citizens Advice. The LCA must also keep its own record.

11.2.5.5 Availability of the operations team

The operations team operates between 9.00 am and 5.00 pm, Monday to Friday.

11.2.6 Where there is an immediate risk within normal office hours

In situations where there is an immediate risk of serious harm, a decision can be taken to breach client confidentiality at a local level. Such decisions must be recorded and reported in line with this policy.

If there is an immediate and urgent risk to someone's safety and there is no time to contact Citizens Advice, CASNS can decide on the best course of

action using our own internal consultation procedure. The decision must be documented by CASNS.

11.2.6.1 What is an immediate risk?

An immediate risk has three elements:

- There is danger to the health, safety or wellbeing of any person (including members of the public).
- The danger is about to happen, or will definitely happen within a short period of time.
- Urgent medical or police intervention is needed.

You will need to use your judgement when you are assessing a risk, but you must base your judgement on clear evidence rather than suspicions or conjecture. You should take into account:

- the credibility of the information available
- any behavioural or medical history you know about
- the time reasonably needed to address the threat or risk
- any other relevant factors.

Each case will be different and the factors will vary. For example, a client may start slurring their speech, begin to lose consciousness after claiming to have taken an overdose, or make threats of immediate physical violence towards someone in the local office / nearby and have the means to carry out the threat.

11.2.6.2 Internal consultation procedure

Whoever identifies the risk should consult a team leader or member of the management team. If neither is immediately available a supervisor should be consulted.

The team leader, manager or supervisor needs to make a quick and clear decision on how to deal with the situation – taking into account the Citizens Advice Service Confidentiality Policy. If the decision is to breach confidentiality and contact an external organisation (e.g. Police) they need to decide:

- Can a decision be deferred until it is possible to contact Citizens Advice Operations Team (see 11.2.5.2)?

If it is not possible to do so the person responsible (team leader, manager, supervisor) must make the decision on breaching confidentiality and implement it.

Please note:

- It will always be preferable to gain the permission of the enquirer, in this case it is not a breach of confidentiality.
- It is preferable if a manager can be consulted, where time allows.
- However, a decision should not be delayed if the delay would increase the likelihood or impact of any harm

11.2.6.3 After the event

The Manager of the team concerned must be informed in writing of the circumstances surrounding the breach and the action taken. They will report this to the Chief Executive, who will report to CA. Using the process described in Reporting and managing an information incident

11.2.7 Where the risk arises outside of normal office hours

Please note that the Citizens Advice consultancy is not available on Saturdays or Sundays.

Where a manager, team leader or supervisor is still on the premises we will use the procedure above.

Where they are not the adviser should ring a member of the Management Team, or in the case of the SVG team, Jo Moss or a member of the Management Team – names and numbers below:

Simon Harris:	07811938359
Jude Hawes:	07932464478
Jay Lowe:	07725545763
Jo Moss:	07548114571
Sam Hubbard:	07708468072

11.2.8 Other circumstances

Where an LCA is concerned for the safety of a client or someone else and there is time to make a phone call, Citizens Advice must be consulted if a

breach of confidentiality is being considered.

11.2.9 Crime and the Police

11.2.9.1 Disclosing crimes

In England and Wales there is no duty to report a criminal offence, although it is an offence to assist in the commission of a crime or obstruct the police in the investigation of a crime. Being aware that a crime might take place is not, except in very unusual circumstances, assisting in the commission of that crime. However, if during the course of an interview a client begins to give information about criminal activities, it is good practice to warn the client of the consequences as the adviser could be summoned as a witness.

There are exceptions where there is a legal duty on advisers to report information:

- terrorism
- drugs and money laundering

If an adviser has concerns in relation to an **immediate** risk of harm to a person, they should follow the procedure for immediate risks. (See 11.2.6)

For guidance on prevention of crime where there is no immediate risk of harm please see the 'Deciding to use personal data for purposes relating to prevention or detection of crime' section on the 'General Data Protection Regulation (GDPR): Overview' page.

11.2.9.2 Police visits

Police officer(s) visiting a local office seeking information about clients should not be allowed into any room where confidential records are kept.

Section 19 (3) of the Police and Criminal Evidence Act 1984 (PACE) (in N. Ireland, Article 21 of the Police and Criminal Evidence (NI) order 1989) gives general powers to police officers, lawfully in any premises, to seize anything that they reasonably believe is evidence in relation to an offence under investigation, which might otherwise be concealed, lost, altered or destroyed. Preventing access to a room where records are kept forestalls the use of these powers, although it is very rare that the Police would seek to use them.

Except in the circumstances prescribed above, no questions about clients

should be answered. The police officer(s) should be told about the confidentiality policy as an explanation for not answering questions. If the police persist in their enquiries, further guidance should be sought through the Citizens Advice operations support team.

The client's permission to give the police information may be sought. However, if the police do not permit the client to be approached in this way or if the client refuses, the local office should make clear that a witness summons or production order will be required before information can be released.

For information about dealing with a request for information under Schedule 2 PART 1(2) of the Data Protection Act 2018, and see the section below.

11.2.9.3 Excluded materials

The police may apply to a magistrates' court for a search warrant to inspect documents. Such a warrant would not however extend to "excluded material". "Excluded material" includes documents covered by legal privilege. The policy of Citizens Advice is that legal privilege applies to Citizens Advice case records and therefore confidential papers such as case notes and files are not open to such inspection. See the section on witness summons for more about legal privilege.

If a local office is visited by police with a search warrant, contact the Citizens Advice operations support team for advice.

11.2.9.4 Production Order

In certain situations, the police are able to obtain a production order. In the event that such an order is produced the local office should immediately contact the Citizens Advice operations support team for referral to specialist legal advice.

11.2.9.5 Terrorism

Under the Terrorism Act 2006, it is an offence for a person holding information about acts of terrorism to fail without reasonable excuse to disclose that information.

The Act applies to individual advisers rather than to the local office as a legal entity. However, it is a defence for employees to prove that they disclosed matters in accordance with procedures laid down by their employers.

Where the concern relates to a child or vulnerable adult the safeguarding procedure should be used. For any other concerns about disclosing information about terrorism, the procedure for all other situations must be followed.

11.2.9.6 Drugs and money laundering

The Drug Trafficking Act 1994 makes it a criminal offence to fail to report to the police suspicion or knowledge of drug-money laundering gained during the course of contact with a client. A local office will normally be required to disclose information. If an adviser knows of or suspects such activity the procedure for all other situations should be followed.

The Proceeds of Crime Act 2002 extends the definition of money laundering to include possessing, dealing with or concealing the proceeds of crime more generally.

11.2.9.7 Social Security Fraud

Under social security legislation there are two criminal offences concerning benefits: making or assisting with fraudulent claims, and failing to notify changes of circumstances concerning benefits.

For guidance and information on this see Benefit fraud and advisers. If a local office is asked by social security inspectors to produce written or oral evidence, the Citizens Advice operations team should be contacted for advice. The local office must continue to treat all client records as confidential.

11.2.9.8 Powers of social security inspectors

Social security legislation, including the Child Support Acts, gives wide powers to inspectors to make enquiries and to examine records. These powers in theory extend to the examination of local office case records.

In the event that an inspector asks for access to case records, the local office should check the inspector's identification and contact the Citizens Advice operations support team immediately for advice before allowing access.

11.2.9.9 Witness Summons

If an adviser is asked to talk to the police about a client, to make a witness statement or receives a summons, they should contact the Citizens Advice operations support team.

Whether an adviser can be forced to give information in court relating to a

client depends on the principle of legal professional privilege. Certain communications between solicitors and their clients are protected by legal professional privilege and cannot be divulged even in court. Notes taken by a local office worker of a meeting between a solicitor and a client are similarly protected. The legal privilege belongs to the client and so it is not for the local office to decide whether or not to waive it, but for the client.

Although it has not been tested, it is Citizens Advice policy, based on clear legal advice, that trained advisers giving legal advice are protected by legal professional privilege and that anyone opposed to this would have to challenge this view in court. If a local office is faced with this, the chief officer should contact the Citizens Advice operations team. You are likely to be advised by the Citizens Advice senior manager responsible for confidentiality issues and may well be put directly in contact with a specialist solicitor.

Following receipt of a witness summons, application may be made to the magistrates' court in person, or to the Crown or High Court in writing, to explain that the information has been obtained in the course of a confidential interview and to ask whether the evidence is still required. If the judge or magistrate rules that the evidence must be given, any refusal to go to court will be seen as contempt. Failure to attend may result in a warrant being issued and eventual arrest.

The client should be informed if an adviser receives a summons and the procedures and penalties should be explained to them. It must be made clear that attendance and disclosure of information may be required by the court even if the client objects. In no circumstances should the evidence to be given be discussed with the client.

11.2.10 Requests for Information from the Official Receiver

If your office supports clients in submitting Debt Relief Order (DRO) applications, you may be contacted by the Insolvency Service in the instance your client is suspected of deception or fraud in relation to a DRO. The Insolvency Service may request case files and other relevant documents you hold on this client in relation to their DRO.

Citizens Advice has Competent Authority status under the Insolvency Service to submit DROs and we are expected and obligated to comply with such requests for confidential information from them. If you receive a request like this please contact the operations support team who will work with Information Governance to consider whether such requests meet the

requirements of data protection law.

Requests for disclosure from the Insolvency Service and the Official Receiver may allow us to use an exemption from Schedule 2 of the DPA 2018. This means we can disclose personal data where it may otherwise be prevented by data protection law. For example, where the Insolvency Service view the disclosure as necessary for prevention or detection of crime, information required to be disclosed by law etc. or in connection with legal proceedings or a function designed to protect the public. The Insolvency Service should make clear whether they believe an exemption applies to their request.

A lawful basis for the disclosure (per Article 6 and 9 of GDPR) may still be required where a Schedule 2 exemption is used. The appropriate lawful basis will correspond to the purpose of the request, e.g. performance of a task carried out in the public interest.

As the lawful basis of consent will not be available (as the client should not be asked to consent to a disclosure in these circumstances), we still need to consider that the disclosure of the information requested is necessary for the lawful basis we are using, e.g. necessary for the performance of a task carried out in the public interest..

This introduces a requirement for us to consider the proportionality of the request, and an obligation not to disclose information we don't believe is necessary for that purpose. For example, a request for all information on a client record, including very old information about a medical problem, is unlikely to be necessary or proportional. We should encourage the Insolvency Service to confirm it is necessary or ideally refine their request.

If you fail to provide the information requested, the Official Receiver may make an application for you to be summoned before the Court to provide the information requested under the provisions of the Insolvency Act.

One of our exceptions to client confidentiality is when disclosure of information is required by law and the above situations falls under this exception. Due to our partnership and Competent Authority status under the Insolvency Service we would strongly encourage offices to cooperate with these requests and also log any contact and information breach with the operations support team.

11.2.11 Bankruptcy

If a client is bankrupt, the trustee in bankruptcy is entitled to any information relating to the client held by the local office. This means that the trustee in bankruptcy is in the same position in relation to the local office as the client would have been had they not been made bankrupt. Similar powers are given to a liquidator or administrator of a company where insolvency proceedings are underway.

11.2.11.1 Duties prior to Bankruptcy

The local office is not under any duty to contact the Official Receiver prior to bankruptcy or to pass on any information. However, if advising a client about the possibility of bankruptcy, the local office should advise on the dangers of preference payments, even if this is not raised by the client. This is because such preferences can be set aside after a bankruptcy.

11.2.11.2 Duties following a client's bankruptcy

Once a client is bankrupt, the Official Receiver takes control of the client's property and is responsible for the sale and distribution of the assets. Under insolvency legislation, the Official Receiver is entitled to all documents needed for this. If the Official Receiver asks the local office for details of the financial advice given to a client without a court order, it would be good practice for the local office to seek the permission of the client before releasing details of the advice. But the client should be advised that the Official Receiver is entitled to this information and may seek a court order to get it.

Several local offices have faced problems where a client has opted for bankruptcy without informing the local office, and the local office has been contacted by the Official Receiver asking for details of the advice given to a client prior to bankruptcy. The local office must make information available so far as it relates to the client's financial affairs.

However, the local office is under no duty to release information which has no relevance to the bankruptcy unless ordered by a court, or unless the client gives authority to reveal such information.

11.2.11.3 Informing the Official Receiver of bankruptcy offences

The local office has no legal duty to proactively inform the Official Receiver of bankruptcy offences committed by a client who is bankrupt although it should advise the client of the implications of such offences.

11.2.12 Clients under 18

If a young person under 18 is the local office client, the fact that they have contacted the local office and the details of their advice are confidential, unless we are required to disclose information for the reasons outlined in the 'When confidentiality can be breached' section.

Based on guidance from the Information Commissioner's Office, Citizens Advice allow competent children to exercise their own data confidentiality rights. Where a child is not considered to be competent, an adult with parental responsibility may usually exercise the child's data protection rights on their behalf.

Although it is not easy to make a judgement on whether or not a particular young person has reached this position, the general guidance is that parental right yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision.

The local office should work on this basis with the onus being on the parent to show otherwise. If a local office is faced with such a challenge, advice should be taken from the Citizens Advice operations team.

There are also additional, child specific considerations that need to be taken into account when we process the data of client under the age of 18. Guidance can be found on the Information Commissioner's Office website.

11.2.13 Death of a client

There is separate guidance if you are asked for information as part of a domestic homicide review.

The local office's duty of confidentiality to the client does not end with death. If a client has died, information relating to the records held by the local office should be given only to someone who is the dead person's executor or personal representative. Evidence of this status must be retained on file if information is released. There is no breach of confidentiality in handing over client records to an authorised executor or personal representative, and therefore you do not need to seek permission from the Citizens Advice operations team before releasing the information to such a person.

If the police make a formal request for information following the death of a client, e.g. where there are suspicious circumstances, it would be normal to try to get the consent of the executor or personal representative before

releasing records. However, if the local office does not know who has taken this role or if the circumstances are such that this may not be in the best interests of the deceased person, for example, the local office understands that this may prejudice the police investigation, then advice should be sought from the Citizens Advice operations support team. If it is decided that information can be released, the original papers should be retained and details of what documents have been released should be kept.

11.2.14 Access by Citizens Advice staff, Legal Aid Agency and third Parties

11.12.14.1 Citizens Advice staff, insurers and solicitors

Citizens Advice staff, including those carrying out quality assurance activities, work in line with the principle of confidentiality when undertaking their roles. They are operating to ensure that clients receive the best advice from the local office. Therefore, consultation on a case (where giving details could enable the client to be identified), the sharing of documents or the accessing of case records relating to a client do not breach confidentiality. The condition for processing for these activities is legitimate interest and for special category data, explicit consent that you'll have already collected from your client.

It is also appropriate, in circumstances such as when there is a negligence claim or complaint, to discuss cases and release documents to Citizens Advice staff, Citizens Advice insurers or solicitors. The condition for processing in such cases is legitimate interest and for special category data, exercise or defence of legal claims.

11.12.14.2 Legal Aid Agency access to case records

Case files may need to be examined by LAA auditors to check that the local office meets contract standards. The Agency has agreed that all auditors are bound by the Citizens Advice service principle of confidentiality. If LAA auditors breach client confidentiality, they commit a criminal offence.

11.12.14.3 Legal Aid contracts

For this type of work the LAA has a statutory right to inspect legal aid files. When clients sign the application for legal help they agree that the LAA can see their files and so no further consideration of confidentiality is required.

The signing of the legal help form also ensures that there is no confidentiality issue if the local office realises that the client is receiving legal aid on the

basis of false information about their financial status. In this situation the local office is obliged under the LAA contract to report this potential abuse of legal aid to the LAA

11.12.14.4 Specialist Quality Mark

A local office can be accredited to the Specialist Quality Mark even though it is not funded by the LAA through a legal aid contract.

The Specialist Quality Mark requires the express permission of the client must be sought for their case file to be available to the quality assessor. Staff should use the custom consent form with relevant clients.

11.12.14.5 MAPS and Recognising Excellence

MAPS contracts require case files to be quality audited by external bodies such as Recognising Excellence. To comply with this the express permission of the client must be sought for their case file to be available to the quality assessor. Staff should use the custom consent form with relevant clients.

11.12.15 Third parties, including referrals

11.12.15.1 Giving information to third parties

Confidentiality is not breached if the client agrees to information being given to a third party. If a client agrees to their case being referred to another organisation, they should also be asked to actively confirm, by signed consent, which information given to the local office can be passed on to the other organisation. See referral and consent to share template here and BMIS guidance on Confidentiality: sharing client data with other organisations.

There is a legal obligation to implement data sharing or data processing agreements wherever there is systematic data sharing with other organisations.

If you are routinely sharing data or you share data as part of a contract you need to ensure you have the right data sharing or data processing agreement in place which details who is the data controller and how the data is processed. For example, covering very specific work (e.g. benefit take-up contracts funded by social services) where a local Citizens Advice carries out benefit assessments and passes the information to the funder. The key to this is complete transparency with the client so that everything is done with their full understanding and agreement. This will also ensure that such work meets

the requirements of data protection legislation.

Local offices are sometimes concerned about whether they should warn other agencies about a client's behaviour when making a referral. This should be avoided except where there is a specific threat; even then you should be factual and not subjective (e.g. ‘client appears agitated' not ‘client is in a state'). When negotiating referral protocols, discuss how you are going to share such information and in what circumstances.
In some situations it is acceptable to vary the policy. The following situations relating to ‘fact of a visit’ are acceptable as long as you have the client's advance agreement, and the nature of the enquiry is not shared (unless the client permits this):

The third party:

- makes the appointment for the client (e.g. a GP receptionist) and/or
- needs to know whether someone has kept their appointment and / or
- knows whether the client has kept the appointment because of the layout of the premises.

One of the more problematic areas is where there is the potential for a sanction of some sort to be applied to the client if certain information is revealed, e.g. if the client could potentially be called to account for failing to attend a local office appointment. Even where clients are aware of this possibility, entering into such agreements is something the local office should be wary of.

11.2.15.2 Case conferences

Local offices may participate in case conferences with the client's written consent. Depending on the agreement with the client, it may be necessary to make participation conditional on all agencies understanding that the local office is representing the client and will report back to them.

If a local office is requested to cooperate with a serious case review involving the death of a child, contact Citizens Advice using the procedure for all other situations. The presumption will be that the interests of the child override confidentiality.

11.2.16 Information about a client received from a third party

Local offices frequently receive information about clients from third parties who are involved in a case - perhaps during a case conference. The local

office should confirm that the third party has a condition for processing in place to share the client data with the local office. Ideally this would be covered by a data sharing agreement between partner organisations. The general principle is that any information passed to the local office should be put on the client's case record. This information should be available to the client.
When contact is first made with a third party they should be informed that the general practice is that information would be placed on the client record and would also be shared with the client unless consent was withheld, so that the local office and the third party are not put in a difficult situation. If there is regular sharing of data then having a data sharing agreement in place will help. It is very rare for third parties to refuse to provide consent to add such information to case records.

Where the third party does not give consent to share this with the client there needs to be clear justification of this recorded in case the client requests a Subject Access Request. The justification might be due to a risk that it would place on the client or third party, or another individual if such information were to be shared, such as health data or risk of violence from the client. Firstly, consider where you need to record the information. If you need to record the information then store the information separately and make an office note in Casebook of where this information is stored and mark the note “see supervisor” if appropriate to do so. The ICO guidance on Subject Matter Access exemptions can be helpful. It must be stressed that such circumstances are very rare.

11.2.17 Enquiries on behalf of a third party

If someone approaches a local office with an enquiry on behalf of someone else - whether or not they are already a local office client - you can provide information and initial advice but must obtain a form of authority from the third party before taking any action on their behalf. Citizens Advice recommends that this authority be taken in person and should contain details of the specific issues which can be discussed with the person who has approached the local office.

A local office may act on behalf of the third party without a form of authority only where the enquirer has been formally appointed as the third party's representative by way of:

- a power of attorney
- a court order

- their status as the formal personal representative following the death of a client (either through the will or following appointment as administrator).

Evidence of the appointment should be produced and a copy retained on file. See also the section on giving information to third parties

11.2.18 Administrative information

Governance forum responsible for approval	Management Team
Date policy last reviewed	July 2019
Date next review due	July 2021
Ownership of Policy	CEO
Distribution	OPPM
Version Control	V.3