

# **Alcohol Education and Research Council**

## **Policy on Confidentiality, Data Protection and Freedom of Information**

### **1. Introduction**

The AERC holds a lot of information – about its grant applications, about its funding sources and about its future plans and strategies. The organisation is keen to be open and transparent but needs to strike a balance between openness (for instance about the way it makes decisions) and divulging too much sensitive information (for instance the personal details of its donors or grant recipients).

The AERC is registered under the Data Protection Agency and has a Freedom of Information Act Publication Scheme.

### **2. General Principles**

#### Sensitive Information

Staff, trustees and advisory panel members are encouraged to promote the work of the AERC and create a culture of openness and transparency. However, there is a difference between endorsement and disclosure of specific information, especially where it involves grant applicants, donors or staff. People should not talk about specific AERC activities unless there is a clear need to do so; for instance, to comply with regulations or because of a request under the Data Protection or Freedom of Information Acts.

Whilst it is difficult to give an exhaustive list, the following are some examples of the kind of information that should not be disclosed to anyone outside the organisation:

- details of grant applications, especially financial information about the applicant. Applications should only be discussed with third parties with the applicant's express permission (this can be obtained via a clearly stated consent request on the application form)
- details of donors, especially their levels of contribution and personal details. Enquirers should be referred to the annual accounts or reports where there is published information. No further details should be given without the donor's permission. Everyone should be aware that other fundraising organisations may wish to contact the AERC's donors; their contact details should not be disclosed
- names of donors who have asked to remain anonymous
- information about staff, especially home addresses and remuneration levels

- information about trustees or advisory panel members (except names), especially their addresses

If in doubt, staff should consult the Chief Executive.

### Adopting Professional Standards

The AERC is privileged to work with a number of wealthy, influential and well-known people, sometimes becoming privy to information about their personal lives and lifestyle. It is essential that the AERC maintains a strict professional relationship with such people and does not talk about them to colleagues, friends or third parties, even when there may seem no apparent harm in doing so.

### Proceedings at Meetings

When a decision is made at any formally arranged AERC meeting (including board meetings, grant panels and staff meetings) participants are expected to accept and abide by the majority decisions. Confidentiality about the deliberations should be maintained.

### Unsuccessful Grant Applicants

Another sensitive area is unsuccessful grant applicants. The AERC will ensure that reasons for rejection are clearly minuted and conveyed to the applicant in an open and transparent way.

All requests to discuss an unsuccessful grant application should be referred to the Committees and Grants Manager or Research Director. Other staff, trustees, or advisory panel members should not discuss individual cases with the applicant.

### Media

The AERC's Media Policy sets out procedures for providing information about third parties in the media.

### Document Retention

All documentation relating to grant applications, contracts and finances must be retained either on site or in secure storage for a minimum of six years from the end of the project. Where individual funding contracts specify a longer period of retention, files must be stored separately and the end of period date clearly marked on the archive box. A record of individual document location will be kept at the AERCs offices for ease of retrieval. At the end of the period of retention, documentation will be disposed of in a secure manner.

Many AERC documents contain confidential and sensitive information. These include donor statements, grant panel assessment reports, personal correspondence, financial forecasts and job applications. Staff and volunteers are expected to take

greatest care to keep these papers confidential and to make sure that unnecessary duplicate copies are destroyed. For instance, it is recommended that members return their copies of grants panel meeting papers to the AERC for shredding.

### Breaches of Confidentiality

Any breach of the principles of confidentiality (1-9 above) by a member of staff will be independently investigated by an appropriate person (a senior officer, the Chairman or another trustee) who has had no involvement in respect of the matter which involves the alleged breach. If a breach is found to have occurred improperly, then consideration will be given to pursuing appropriate disciplinary action (see Disciplinary Policy and Procedure).

A breach of confidentiality by a trustee or advisory panel member would be properly investigated in a similar way. If a breach of confidentiality is found to have occurred by failure of a trustee or grant panel member to abide by these principles, then due consideration will be given to inviting that person to resign or dismissing them, in accordance with the relevant terms of reference. Alternatively, they may be offered training.

## **3. Data Protection**

### Compliance

The AERC is registered with the Data Protection Agency. It complies with all aspects of current UK and European Data Protection Legislation, specifically Data Protection Principles 1-8 (personal data is processed fairly and lawfully; will only be used for specified lawful purposes; is adequate, relevant and not excessive; is necessary and up to date; is kept for no longer than is necessary; is processed in accordance with the rights of "data subjects"; appropriate measures are in place to ensure it is not processed unlawfully or without authorisation; data is not transferred to a territory outside the "European Economic Area").

### Reason for Holding Data

General information is used for such purposes as deciding whether or not an application for funding meets eligibility criteria, statistical analysis, reporting to donors and maintaining business records. More sensitive data is processed only in response to a legal obligation and with the explicit consent of the "data subject".

### Safeguards

Electronic data is held in a password-protected database. Manual data is held in files in a locked office. There is no electronic transfer of information.

## Passing on Data

Data will only be passed on to third parties with the consent of the data subject. This may be obtained through the use of a tick box statement on relevant documents (e.g. grant application forms)

## Data Controller

The Data Controller is the Chief Executive. On written request from a "data subject", he/ she will supply details of what data is held, why it is held and to whom it may be disclosed as well as a copy of the relevant Data Record.

## Data Classes

A full description of the Data Classes in the AERC's registration is available on request.

## **4. Freedom of Information**

### Introduction

The Freedom of Information Act creates a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. The AERC is a Non Departmental Public Body under the Act and is therefore bound by its provisions.

The AERC has undertaken to adopt and maintain a scheme for the publication of AERC information. In this context, "publication" simply means, "to make publicly available". The Information Commissioner has approved the scheme. The AERC shall publish information in accordance with it and shall monitor and review its operation.

A full copy of the Scheme will be published on the AERC's website and be available as a hard copy on request.

### Purpose and Structure of the Publication Scheme

The aim of the Scheme is to provide easy access to the information which the AERC publishes and has agreed to make available under the provisions of the Code of Practice on access to government information, Freedom of Information Act 2000 and Data Protection Act. Subject only to certain prescribed conditions and the exemptions set out in the Act, the public will have a statutory right:

- to be told whether the AERC holds information of the description specified in the request; and if so;
- to have that information disclosed

The Scheme also describes the kind of information that the AERC publishes as a matter of routine:

- the classes of information it publishes or intends to publish
- the manner in which information in each class is or is intended to be published; and
- whether the material is or is intended to be available free of charge or on payment

The AERC is committed to the principles of openness embodied in the Act and will release information to the greatest extent possible. However, sometimes information may not be provided and the reasons will be given in each instance. Documents may be edited where, in the view of the Council, particular information should not be disclosed because of confidentiality, unwarranted invasion of privacy, commercial sensitivity or other specified grounds, including the public interest.

### Information Classes

The AERC will make available information within the information classes described below. The classes are grouped into broad categories as follows:

- 1 Annual Reports and Accounts
- 2 Minutes of meetings
- 3 Accountability and relationship to Government
- 4 Plans and strategy
- 5 Organisational structure
- 6 Data related to the establishment and continued operation of AERC
- 7 Grants and grant holders
- 8 Project reports and dissemination
- 9 Keynote speeches
- 10 Media/press notices
- 11 Seminar papers

Within each broad category there are identifiable classes of information that the Council publishes or intends to publish.

<b>Class:</b>	Annual Reports and Accounts
<b>Description:</b>	Annual Audited Report of AERC Financial Affairs from 2002
<b>Format available:</b>	Electronic copy on website or by e-mail request Hard copy available from AERC
<b>Chargeable information:</b>	-
<b>Notes:</b>	Prior year reports available from AERC

<b>Class:</b>	Minutes of Meetings
<b>Description:</b>	Minutes of all Council and sub-committee meetings from 2002
<b>Format available:</b>	Hard copy available from AERC

<b>Chargeable information:</b>	£
<b>Notes:</b>	Prior year reports also available from AERC

<b>Class:</b>	Accountability and Relationship to Government
<b>Description:</b>	The Licensing (Alcohol Education & Research) Act 1981
<b>Format available:</b>	Hard copy available from Her Majesty's Stationery Office
<b>Chargeable information:</b>	A charge will be made by HMSO when printed versions are requested

<b>Class:</b>	AERC Strategic Plans
<b>Description:</b>	Various documents providing an outline of the strategic direction and development of AERC activities. Summarised outline objectives.
<b>Format available:</b>	AERC websites: <a href="http://www.aerc.org.uk">www.aerc.org.uk</a> . Annual published reports
<b>Chargeable information:</b>	-

<b>Class:</b>	AERC organisational structure
<b>Description:</b>	Various documents outlining the Council's current structure including details of delegated sub-committee roles and responsibilities currently in place.
<b>Format available:</b>	Hard copy available from AERC
<b>Chargeable information:</b>	-

<b>Class:</b>	Data Related to the Establishment and Continued Operation of AERC
<b>Description:</b>	Minutes of meetings of the Council and its sub-committees and various documents relating to the day to day affairs of the Council
<b>Format available:</b>	Hard copy available from AERC
<b>Chargeable information:</b>	-

<b>Class:</b>	Grants and Grant Holders
<b>Description:</b>	Various documents which outline and list all current funded projects and their related grant holders. Details of past funded projects may also be available.
<b>Format available:</b>	Hard copy available from AERC and also at AERC website
<b>Chargeable information:</b>	-

<b>Class:</b>	Alcohol Insights
<b>Description:</b>	Publication of summary project outcomes and results
<b>Format available:</b>	Hard copy available from AERC and also at AERC website

<b>Chargeable information:</b>	£
<b>Notes:</b>	Many reports from earlier years are also available

<b>Class:</b>	Grant holders dissemination report
<b>Description:</b>	Publication by project grant holder of detailed project study, findings and outcomes
<b>Format available:</b>	Hard copy available from AERC
<b>Chargeable information:</b>	-

<b>Class:</b>	Media/Press Notices
<b>Description:</b>	Media/Press Notices in relation to AERC activities
<b>Format available:</b>	Prepared notices and other media information supplied on written request to AERC
<b>Chargeable information:</b>	-

### Responsibility for the AERC Publication Scheme

The Chairman of AERC has overall responsibility for the AERC Publication Scheme.

The person responsible for maintaining the Publication Scheme on a daily basis is the Chief Executive and Accounting Officer.

### Charges

Most of the information that the AERC publishes will be made available free of charge on the website. For those without internet access, a single printout as on the website will be available by post from the above contact address. However, requests for multiple print outs or for archived copies of documents which are no longer available on the web, may attract a charge for the cost of retrieval, photocopying, postage etc. Such charges will be advised at the time of your request. Any charge will be payable in advance.

### Complaints

Complaints about the operation of the Publication Scheme or how the AERC has dealt with a request for information, will be referred to the Chairman.

### Review of the Publication Scheme

The Publication Scheme will be reviewed annually.

*Policy reviewed February 2010*