

**The Order of Malta Volunteers – Confidentiality Policy**  
(registered company no. 09801949, registered charity no. 1164242)

<b>POLICY REFERENCE</b>	
<b>Function</b>	For information and guidance
<b>Status</b>	Approved and issued
<b>Scope</b>	Trustees, OMV Committee, Volunteers, Guests
<b>Owner</b>	Hugo Whyte
<b>Date originally adopted by Board</b>	5.6.19
<b>Date of last full Board review</b>	27.11.24
<b>Date for next annual Policy holder review</b>	27.11.26

### Introduction

1. All trustees of the Order of Malta Volunteers (“the trustees”) all members of the OMV Committee and all Volunteers have a legal obligation to respect the confidentiality of information that relates to the Order of Malta Volunteers (“the OMV” or “the Charity”) that is not in the public domain.
2. There are, however, circumstances in which it is not possible or appropriate to maintain confidentiality. This policy sets out the confidentiality requirements of the Charity, together with the circumstances in which it is not possible to maintain confidentiality.
3. This policy applies to all Trustees, members of the OMV Committee and Volunteers.
4. The Charity must publish this Policy on its website.

### Definitions

Child	Anyone under the age of 18.
Confidence/confidential	Something that is spoken or given in the expectation or understanding that it will not be repeated or shared with anyone other than those specifically agreed by the person giving the confidence or those who would normally have access to the same information.
Director	Members of the board of the OMV (also referred to as the Trustees)
Guest	Any person who attends a designated OMV activity as an invited guest of the Charity and is not expected to play an active role in looking after others. Guests are usually ill or disabled in some way.
Healthcare Professional	Any qualified medical professional (including but not limited to, doctor, nurse or physiotherapist) who is working for the Charity, whether on a voluntary or paid basis.
OMV Committee	The management committee of the OMV and the members of that committee.
Volunteer	Any person who attends a designated OMV activity in a voluntary capacity .

## **Policy**

5. All personal and sensitive personal data are confidential by virtue of the Data Protection Act. Personal and sensitive data are defined in and covered by the requirements of the Data Protection Policy.
6. By virtue of their position as Trustees, all Directors are bound to keep information about the Charity confidential – other than information that is already in the public domain or information that, by its nature, would be readily available to the public.
7. By virtue of their contractual engagement with the Charity, all OMV Committee members and all Volunteers are bound to keep the Charity's information confidential – other than that already in the public domain or by which, by its nature, would be readily available to the public.
8. Confidentiality does not extend to communication between Volunteers on the one hand and Guests of the OMV on the other. No Volunteer may give an undertaking of confidentiality to a guest. Any such undertaking that is given may not be honoured. This is partly because there may be a legal or regulatory requirement to share information with the proper authorities and partly because it may not be in the Guest's best interests – particularly where safeguarding is concerned.
9. On the other hand, it is the responsibility of all OMV Committee members and those charged by the OMV Committee with organising the OMV's activities to keep any confidence within as small a group of people as possible, while at the same time acting in accordance with both this Policy and other Policies of the OMV (including its Safeguarding Policy).
10. It is the responsibility of the person given the confidence to understand clearly and in advance the limits of confidentiality so that he or she can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue that he or she may wish to discuss.
11. Wherever a Volunteer is invited to receive confidential information from a Guest, the limitations of confidentiality should be made clear immediately. Other than the legal and other circumstances laid down in the Safeguarding Policy and other policies of the Charity, it is for the discretion of the Volunteer to determine if – and what – information needs to be shared and with whom. Wherever practicable, the Volunteer should avoid identifying the individual Guest concerned unless the circumstances are exceptional or the shared information is valueless or cannot be acted upon without identifying the source.
12. Guests must be informed when a confidence has to be shared.
13. Any confidentiality issues relating to Safeguarding should be determined under that Policy.

## **Specific exceptions to confidentiality requirements**

14. Healthcare Professionals owe the same duty of care and confidentiality to patients under the age of 16 as they do to adults. Any professionally qualified nursing, counselling or medical staff who work for the Charity (whether as volunteers or not) are bound by this duty. Whether a young person is competent to consent to treatment or is in serious danger is a matter for the professional judgement of the Healthcare Professional. No information relating to advice or treatment will ever be shared, except where an overriding statutory obligation exists (eg. Child protection)

## **Review**

15. The Policy Owner must keep up to date with relevant legislation and Charity Commission guidance and update this Policy whenever necessary. The Board of Trustees must approve the revised version.
16. The policy owner must review the policy each year and either submit a revised policy for approval by the Board of Trustees or confirm in writing to the Chairman of the Board of Trustees that the current version of this Policy is still fit for purpose.
17. The Board of Trustees must formally review and re-approve this policy every five years.