

# THE UNIVERSITY OF SUSSEX

## CODE OF CONFIDENTIALITY

1. The University's responsibilities under the Data Protection legislation are set out in the Guidelines for the Handling of Student Personal Data. Student personal data includes practically any information about, or correspondence relating to a named student. Anyone working for the University whose duties include the handling of students' personal data are required to observe these guidelines. The guidance applies to all media in which information is kept, on paper, computer, microfilm or in any other way. Whilst the guidelines do not directly address the status of *oral* information, the general provisions of the Act would still apply and certainly any written notes arising from discussion are subject to the provisions of the Data Protection Act.

2. In general, all personal data of a sensitive nature information given orally to a member of staff by a student should be treated as confidential and should only be disclosed with the student's consent.. Sensitive data for the purposes of this Code is information given in confidence concerning, for example, a student's domestic or economic circumstances, ill- health or disabilities, including mental health difficulties. It does not include personal data which fellow University employees would require in order to carry out their normal duties.

3. In all cases where, in the member of staff's judgement, it would be in the student's interests for such sensitive personal information to be disclosed (eg. so that appropriate support may be provided) the student's consent should be obtained. Oral consent will often be adequate, but in certain cases it may be advisable to obtain consent in writing.

4. If the student chooses not to provide their consent this decision should be respected, although the implications in terms of levels of support that can be put in place should be made clear. There are occasional circumstances, however, where the student's consent is withheld – or it is impracticable to try to obtain it – when the commitment to confidentiality should be broken. These are:

- When the student's health or safety is at risk
- When the student is at risk of serious abuse or exploitation
- When the student's behaviour is adversely affecting the rights and safety of others, especially University staff and students
- When the student is infringing University regulations or disclosure is required by law

- When the student's current or predicted behaviour, or health needs, compromise the University's responsibilities to outside agencies, including practice placements, and partner institutions.
- Where there are serious grounds for concern about the student's mental well-being.

### **Guidance notes**

It is clearly important to ensure that personal information is handled sensitively and that confidential information is shared only with certain designated University officers in the first instance. If you need to break the commitment to confidentiality you can discuss a named student, or, in discussion, the student can remain anonymous until you have established whether there are grounds for breaking confidentiality.

In general, where you have concerns about a student's mental well-being, you should either refer the student to the Student Advisor or contact the Mental Health Co-ordinator directly.