



Exeter Student Nightline Confidentiality Policy

Policy approved	January 2022 [Adam Davies and Maddy Swanton Co-Presidents 2021/22]
Policy review due	January 2025

Purpose

This policy outline Exeter Student Nightline’s confidentiality policy. This policy applies to all methods of contact. This policy ensures the confidentiality of our callers and our volunteers are upheld, and that Exeter Student Nightline’s practices meet the requirements for Nightline Association Good Practice Guidelines and wider sector best practices.

Scope

This policy applies to all contacts made with Exeter Student Nightline through its official listening channels (*phone, IM, email, Skype, drop-in, etc.*), as well as the conduct of Exeter Student Nightline volunteers outside from the service. All listening volunteers at Exeter Student Nightline must adhere to our confidentiality policy.

Definitions

In this policy, “calls” and “callers” may refer to all uses of Nightline’s student support and information service whether in verbal or written communication.

Nightline’s core principle

As a Nightline association affiliated service, we adhere to and operate within the five core principles of Nightline:

Term	Definition
Confidentiality	The ethical principle or legal right to hold all information relating to a call secret, unless otherwise deemed necessary to disclose or upon receiving consent permitting disclosure from the caller.
Anonymous	Callers do not have to give any identifying details about themselves.
Non-judgemental	Nightline volunteers support and do not judge callers through whatever it is they are going through.
Non-directional	Non-directional means that callers decide what they want to talk about, and the Nightline volunteer provides a safe space to do this
Non-advisory	Nightline gives the caller space to make their own decision and supports them in this rather than telling them what to do. “We’ll listen, not lecture.”



Policy statement

Strict confidentiality is a key aspect of the service we offer here at Nightline, and it's essential that all our volunteers appreciate the importance of adhering to this.

All students should be able to feel that they can contact the service without any fear of their identity or the content of their phone call going any further than our volunteer base. As a result, every Nightline volunteer is required to sign a confidentiality agreement during the initial training process in recognition of their understanding and acceptance of Nightline's confidentiality policies.

Confidentiality is expected to be upheld while students are a volunteer with, and after they leave, the service.

Confidentiality applies to a variety of areas within the service:

- The nature and contents of calls taken/communications received; general outlines of calls and communications are recorded for auditing purposes but are never shared with anyone outside of the service.
- The identity or personal details of any callers/students getting in touch with the service.
- The identity of fellow volunteers (members of the present Nightline Committee and Publicity Team are excluded from this, as public faces of the service.)
- Details surrounding the office, including its location.
- Secure details such as log-in information for our email, Skype and IM services.
- The contents of the preliminary training session.

Exeter Nightline does not, and will never, record or monitor calls. It is important for callers to appreciate however that we do have multiple volunteers on shift, but only the volunteer(s) taking the call will be able to hear the caller if the call is taking place over the phone. If the call is taking place over Instant Messenger, there is the possibility that more than one volunteer will have the ability to see the call.

This is in accordance with the responsibilities we hold in relation to the Telecommunications Regulations Act 2000. In the case of email, IM, text and Skype, multiple volunteers on shift may input into a call to collaborate on the best response for the caller. Volunteers must declare if another volunteer is present in the call. Exeter Nightline recognises that caller confidentiality must be upheld by all inputting volunteers.



Users Confidentiality

This confidentiality policy acknowledges the exceptional occasions volunteers may break confidentiality. This is when callers or concerned third parties mention the following:

- **Threats of terrorism:** we are legally bound to report any information about planned or actual terrorism under the Terrorism Act 2000. This should be done even if the volunteer considers the call a hoax.
- **Suspicions of suicide:** including suicidal ideation and suicidal intentions. In the case of an attempted suicide, permission will be sought from the caller about their location. If the caller makes us aware of this information, at Exeter Nightline we feel morally obliged to take a note of this information and pass it on to the emergency services. Please find more details in our 'Suicide Policy'
- **Calls with no meaningful dialogue:** If the phone/IM goes silent once an imminent risk has been established, it's important for the volunteer to stay on the line. If the location has been given.
- **Suspicions of immediate danger or harm to others:** There are some situations where Exeter Student Nightline will choose to break confidentiality by reporting a crime to the authorities. These situations include crimes such as murder, violence, sexual offences, or other crimes that may bring harm to the caller or third parties. Exeter Student Nightline will break confidentiality if a caller explicitly states that they are in the process of committing a crime and/or have already committed a criminal act, or if a caller accuses a third party(ies) of committing a crime. The authorities we disclose this information to could include the Police, the University Safeguarding team, the Nightline Association, the NSPCC, and/or any appropriate authority deemed relevant to the specific situation.
- **Information relating to children or child abuse:** Please see our 'Safeguarding Policy' for more information.
- **The caller specifically requested that confidentiality be broken:** ie. they offer their location so Nightline can direct the Emergency Services to them.
- **Service Abuse:** Exeter Student Nightlines may receive calls which abuse the service Nightline offer (for example where the caller aims to obtain sexual gratification or is overly aggressive to the Nightline volunteer). While there is no obligation (legal or otherwise) to do so, Exeter Student Nightline may choose in these circumstances to break confidentiality and share details of that caller with other Nightline's, with the police or with some other authority. This includes Abusive, Inappropriate or Manipulative calls (See Exeter NL Abuse of Service Policy 2021/22 for more details). This will be in line with our responsibilities under the General Data Protection Act (GDPR) as we will not exchange information from which the caller can be identified, such as name or email address.

If any of these specific scenarios are mentioned in calls or communications to the Nightline, the volunteer has a duty to report the details of these calls to the Co-presidents. They will then pass this information on to the appropriate party, whether that be Estate Patrol, the Anti-Terrorism Hotline, or the emergency services.



Confidentiality will also be broken in the following cases:

- Following the issuance of a Court Order or Civil Procedure Rule.
- If a Nightline volunteer is feeling distressed or disturbed after handling a difficult call, for the sake of volunteer welfare we would encourage them to discuss the call with a qualified counsellor at the Wellbeing Centre on campus. Although initially confidentiality would be breached, the contents of the counselling session would remain confidential.

Responsibilities

The *Coordinators* are responsible for:

- Ensuring this policy and procedure are being effectively implemented;
- Liaising with stakeholders about any changes to practices;
- Reviewing and monitoring the effectiveness of the policy and its implementation as part of a (minimum) 5-yearly cycle of policy review.

The *Training Officers* are responsible for:

- Carrying out and maintaining training of all Nightline volunteers, especially providing volunteers tools to implement this policy and procedure.

The *Welfare Officer* is responsible for:

- Ensuring the welfare of all volunteers is supported according to this policy and Exeter Student Nightline's welfare provision.

All volunteers are responsible for:

- Playing an active role in implementing this policy and developing their skills on this topic.



Legal considerations

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

2. In these Regulations—

- a) references to a business include references to activities of a government department, of any public authority or of any person or office holder on whom functions are conferred by or under any enactment;
- b) a reference to a communication as relevant to a business is a reference to—
 - (i) a communication—
 - (aa) by means of which a transaction is entered into in the course of that business, or
 - (bb) which otherwise relates to that business, or
 - (ii) a communication which otherwise takes place in the course of the carrying on of that business;
- c) “regulatory or self-regulatory practices or procedures” means practices or procedures—
 - (i) compliance with which is required or recommended by, under or by virtue of—
 - (aa) any provision of the law of a member state or other state within the European Economic Area, or
 - (bb) any standard or code of practice published by or on behalf of a body established in a member state or other state within the European Economic Area which includes amongst its objectives the publication of standards or codes of practice for the conduct of business, or
 - (ii) which are otherwise applied for the purpose of ensuring compliance with anything so required or recommended;

3. (1) Lawful interception of a communication—

For the purpose of section 1(5)(a) of the Act, conduct is authorised, subject to paragraphs (2) and (3) below, if it consists of interception of a communication, in the course of its transmission by means of a telecommunication system, which is effected by or with the express or implied consent of the system controller for the purpose of—

- a) monitoring or keeping a record of communications—
 - (i) in order to—
 - (aa) establish the existence of facts, or
 - (bb) ascertain compliance with regulatory or self-regulatory practices or procedures which are—
 - applicable to the system controller in the carrying on of his business or
 - applicable to another person in the carrying on of his business where that person is supervised by the system controller in respect of those practices or procedures, or



- (cc)ascertain or demonstrate the standards which are achieved or ought to be achieved by persons using the system in the course of their duties, or
- (ii)in the interests of national security, or
- (iii)for the purpose of preventing or detecting crime, or
- b) monitoring communications for the purpose of determining whether they are communications relevant to the system controller's business which fall within regulation 2(b)(i) above; or
- c) monitoring communications made to a confidential voice-telephony counselling or support service which is free of charge (other than the cost, if any, of making a telephone call) and operated in such a way that users may remain anonymous if they so choose.

3. (2) Conduct is authorised by paragraph (1) of this regulation only if—

- (a)the interception in question is effected solely for the purpose of monitoring or (where appropriate) keeping a record of communications relevant to the system controller's business;
- (b)the telecommunication system in question is provided for use wholly or partly in connection with that business;
- (c)the system controller has made all reasonable efforts to inform every person who may use the telecommunication system in question that communications transmitted by means thereof may be intercepted

UK General Data Protection Regulation (GDPR)

All of our practices comply with UK GDPR. We have lawful bases for processing your personal data and special category data. The main lawful bases we rely upon are:

- We have a legal obligation
- To protect vital interests
- Our legitimate interests as an organisation



Data Protection Act 2018

The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR).

Everyone responsible for using personal data has to follow strict rules called 'data protection principles'.

They must make sure the information is:

- Used fairly, lawfully and transparently
- Used for specified, explicit purposes
- Used in a way that is adequate, relevant and limited to only what is necessary
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary
- Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Your Rights—

Under the Data Protection Act 2018, you have the right to find out what information the government and other organisations store about you. These include the right to:

- Be informed about how your data is being used
- Access personal data
- Have incorrect data updated
- Have data erased
- Stop or restrict the processing of your data
- Data portability (allowing you to get and reuse your data for different services)
- Object to how your data is processed in certain circumstances

You also have rights when an organisation is using your personal data for:

- Automated decision-making processes (without human involvement)
- Profiling, for example, to predict your behaviour or interests

Reviews and amendments

Jan 2020: Updated Exeter Student Nightline Confidentiality Policy with the added addition of the Legal consideration of this policy (The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 and Data Protection Act 2018).