**AiCD Acceptable Usage Policy**

**Advice in County Durham**

Advice in County Durham is a Partnership of advice providers formed in order to enable collaboration between organisations providing advice services in County Durham. The Advice in County Durham partnership is led and governed by a board of representatives from various organisations with interests in the ongoing success of the partnership. The Advice in County Durham referral portal and website are hosted by Citizens Advice County Durham.

As an organisation Citizens Advice County Durham is responsible for the data governance of the data which passes through the Advice in County Durham portal and website. Any data which is held by Citizens Advice County Durham staff members for the purposes of facilitating the Advice in County Durham Portal and website is the responsibility of Citizens Advice County Durham staff members who deal specifically with Advice in County Durham data governance

1. **Purpose and scope**

This policy applies to all members of the AiCD (Advice in County Durham) Partnership who have signed up to use that Partnership and its associated website and portal via a signed Data Sharing Agreement, and have subsequently been accepted by AiCD as a member of the Partnership.

The Advice in County Durham acceptable usage policy has been developed to ensure that the key values of the no wrong door approach for advice, practical collaboration and co-operation which the original Advice in County Durham Partnership Members established are imbedded in the future of the Partnership.

From recognition and implementation of these core principles we believe that the Partnership will continue to provide an invaluable resource for clients to be referred for advice and support within the county and provide excellent benefits for members.

We expect all Members of the Advice in County Durham Partnership to follow the policy as they navigate the Portal, making and receiving referrals and providing much needed advice. However if you have any questions or queries in relation to any of the provisions included in the policy, please feel free to contact us at: jamie.bell@citizensadvice.org.uk or alternatively write to; Jamie Bell, Armstrong House, Abbeywoods Business Park , Pity Me, Durham DH1 5GH.

This Policy is intended to assist members of the AiCD Portal in putting these commitments into practice. Through adherence to this policy the members should also ensure that they operate within the proper use of the AiCD website and Portal.

1. **When is this policy to be used**

This Policy is to be used and referred to whenever a member of the AiCD Partnership seeks to refer, refers or accepts/rejects a referral via the AiCD Portal.

1. **What are the roles and responsibilities of people and organisations using this policy?**

As a member of the AiCD Partnerhip using the AiCD Portal you will have a responsibility to:

1. Act within the principles of the AiCD Partnership, and help to create a Partnership based on equity, collaboration and client focused advice services.
2. Act with integrity at all times when using the AiCD portal including having due regard for clients best interests and client confidentiality
3. Report any breaches of the AiCD governing legislation[[1]](#footnote-1) or AiCD Processes[[2]](#footnote-2) by either your own organisation or another organisation within the AiCD Partnership to AiCD Staff soon as is practically possible following the breach and or potential breach.
4. Report any complaint received by you in relation to data sharing via the Portal, or service which includes an expression of dissatisfaction in relation to the Portal to AiCD Staff soon as is practically possible ideally within 24 hours, and in any event within a 48 hour period.
5. Report any subject access request/ request for deletion/ request for portability from a client in relation to the AiCD Portal to AiCD Staff soon as is practically possible, ideally within 24 hours, and in any event within a 48 hour period.
6. Act in such a way that potential conflicts of interests or situations which could reasonably be described as potential conflicts or interests[[3]](#footnote-3) are minimized or eliminated. If these are unavoidable you have a duty to disclose these to the Compliance Team at Advice in County Durham for consultation and potential recording.
7. Only share Personally Identifiable Data via the Portal under a clients or authorised third parties express consent. Any deviation must be checked with the Compliance Team at AiCD, in the first instance to ensure that there is no conflict with the Data Controller: Citizens Advice County Durham’s legal obligations.
8. To ensure when a document is uploaded to the Portal or a note is left on a clients account this has been done with the express consent of the client. [[4]](#footnote-4)
9. **What are the roles and responsibilities of Citizens Advice County Durham/Advice in County Durham as both the Data Controller and Host of the AiCD Portal and Website**
10. To make sure that Organisations know and understand what is expected of them as members of the Advice in County Durham Partnership and make it clear to those people and organisations if their actions are unacceptable at any time.
11. Provide help and facilitate properly the AiCD Portal to enable the no wrong door approach to work as seamlessly as possible while ensuring equity and parity for all users of the AiCD Portal.
12. Act promptly in relation to any complaint in relation to the facility offered by the portal by a portal user.
13. Act promptly and appropriately in relation to any suspected breach, identified breach or subject access request brought to the organisations knowledge in relation to the portal.
14. **Definitions of Data Breaches, Subject Access requests and Complaints**
15. Data Breaches are defined for the purposes of this policy as: a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed[[5]](#footnote-5)
16. Subject Access Requests are defined as: a request made by or on behalf of an individual for the information which they are entitled to ask for under Article 15 of the UK GDPR[[6]](#footnote-6)
17. Complaints are defined as: A complaint made by a client inn relation to their experiences, specifically in relation to the AiCD Portal. **[[7]](#footnote-7)**
18. **Confidentiality under the AiCD Portal and Website Acceptable Usage Policy**
19. All information submitted by clients, potential clients or third parties acting on behalf of clients or potential clients is to be treated in the strictest confidence in line with the over-arching principle of confidentiality as provided in the key principles and your Data Sharing Agreement.
20. Identifying Data accessed on the portal can only be accessed in the natural course of providing accurate and specific advice to that individual by an organisation which has either referred the individual or had that individual referred to them.
21. Referrals should only be submitted following the clients’ (or a third party acting on behalf of the client who has provided an adequate letter of expression of authority from the client themselves) express consent.
22. The consent required in provision 10 provides that the client or third party consent to the data being shared with the appropriate AiCD Partner Organisation to provide advice and also be shared with Citizens Advice County Durham/ Advice in County Durham in their roles as data controller and facilitator of the referral platform respectively.
23. Personal Identifying Data is to be treated as strictly confidential and only shared via the portal under the clients or authorised third parties express consent. Any deviation to this needs to be first checked with the compliance team at AiCD to ensure no conflict with the Data Controller: Citizens Advice County Durham’s legal obligations as a member of the National Citizens Advice Network.
24. Every time a referral is made via the portal, a document is uploaded or a note if left on the portal it should be with the express consent (provision 10) of the client(s) and or their authorised representatives. The Advice in County Durham has sign posting and terms and conditions to ensure you are able to provide these consent messages to the clients you serve – however we expect that the AiCD Partner Organisation take primary responsibility for ensuring this message is understood by those clients using the portal.
25. **Examples of Unacceptable Usage**

The Advice in County Durham Portal’s Primary objective is the efficient and safe use of online referrals to provide clients with access to advice Services. The Portal works by facilitating advice providers with the information they need to decide whether a referral is appropriate for them and to be in a good position to provide the first stages of advice for the client.

Utilising the portal for purposes extraneous to these objectives should in general be avoided but there are some occasions on which the use could be construed as causing a risk to Citizens Advice County Durham as the Data controller of the Portal.

These more significant failures in usage can include purposely ignoring or breaching the Portal confidentiality policy, not taking steps to gather appropriate consent from individuals using the policy and not acting in the best interests of clients when accessing information using the portal.

Examples of unacceptable use that is covered by this policy include) but are not limited to):

1. Attempting to further identify individuals using any other data or information whether held by them or in the public domain.
2. Attempting to identify individuals from anonymised information, or to combine or link anonymised information with any other data or information in such a way as to make it reasonably possible to identify individuals, without the written consent of the Citizens Advice/Advice in County Durham.
3. The AiCD Partner Organisation must not attempt to access or identify individuals using the portal that they have not been referred to, or have been contacted to submit a referral by. This includes clients who have previously been referred to or from an organisation – unless the access is in relation to providing contemporaneous advice for a specific and identified need for support arising from a referral made with correct consent. For information defining correct consent see provision 10 and your data sharing agreement).
4. Acting in a way likely to damage the reputation of Advice in County Durham Partnership, Advice in County Durham website or the Advice in County Durham referral portal.
5. Attempting to identify a client for the organisations own benefit or another third parties own benefit rather than for the benefit of the client being identified.
6. Sharing through the Portal any Personal Identifying Data belonging to any individuals without that individuals express consent.
7. Behaving in an inequitable fashion towards other members of the Partnership by means of the information stored within the AiCD Portal.
8. Any behaviour deemed to be Harassment, Discrimination or Bullying in Nature for either another member of the AiCD Partnership or the Citizens Advice in County Durham/AiCD Staff members
9. **Consequences of failures to abide by this Policy.**
10. Any failures to abide by the terms in this procedure and the accompanying Data Sharing Agreement can cause potential harm to the Partnership and the clients who use the website and Portal. Our values seek to ensure that all Partnership Members are treated equitably and all clients Data is secure when passing through the Portal.
11. Failure to abide by the procedures and policies in the data Sharing Agreement and Acceptable usage Policy has the capability to cause harm to the reputation and legal status of the AiCD Partnership and Portal, its members and Citizens Advice County Durham in its capacity of Data Controller.
12. Citizens Advice County Durham acknowledges that on occasion mistakes are made in relation to the handling of data and will be responsive and supportive to any organisation which makes them aware of a potential breach of this policy. . An objective approach to investigation will be adopted in accordance with other organisational policies.
13. As a response to our commitments to enable equitable use for Partnership members and maintain data security for their clients using the portal.
14. Citizens Advice County Durham have outlined several procedures to illuminate the next steps for organisations following investigation and identification of a breach under the rules of governance surrounding the AiCD Portal.
15. Options available to Citizens Advice County Durham in respect of members who have breached the terms of the data sharing agreement or the reasonable usage policy include:
16. **Informal Procedure**
17. In many cases it may be that a genuine mistake has happened in relation to an Organisations actions on the portal. An example might be a simple mistake which is brought to the Compliance team at Citizens Advice County Durham at the earliest opportunity (in line with the provisions under this policy) and where there is no evidence that it forms part of an ongoing failure to abide by the governance procedures in relation to the portal.
18. In this case it may be sufficient to ensure the organisation understands the mistake made, how to remedy it in future, to re-affirm the organisations duties as a member of the Partnership and to make a record of the breach in the AiCD Breach log. This process will be completed by the Compliance Team at Citizens Advice County Durham.
19. **Formal Procedure**
20. If a mistake is more serious in either effect or due to the intention of the member involved it will be more appropriate to follow a more Formal Procedure. This might happen where there is some form of wilful disregard of the rules governing access to data via the portal, some intent to behave in equitably to other members of the AiCD Partnership, or where there have been a pattern of similar or frequent breaches to the policies and procedures which highlights that the organisation are not taking appropriate steps to fulfil what we would expect of them.
21. In these circumstances the Compliance Team at Citizens Advice County Durham will investigate the circumstances in relation to the breach fully, as promptly as possible and with due regard to the principles of collaboration and equity that inhibit the AiCD Partnership and in line with their responsibilities as Data Controllers under current ICO guidance and legislation.
22. If appropriate and if AiCD feel that the scale of the breach or breaches merits it then Citizens Advice County Durham reserve the right to refuse use of or limit the use of the Portal and website to the organisation. This course of action will be reserved for especially serious breaches of the principles in relation to Data sharing such as intentionally accessing information known to not be appropriate such as clients not referred to or from an organisation or sending through information to another Party which the client hasn’t agreed to with malicious intent. Citizens Advice County Durham also reserve the right to report any recommendations to the Advice in County Durham Board in relation to behaviour of this type associated with the portal, recognising the Boards over-riding responsibility to decide membership of the Advice in County Durham Partnership.
23. Other Breaches such as failing to secure adequate consent from clients when adding notes could add up to a circumstance where Advice in County Durham would have to take actions of this type depending on scale and scope.
24. It is the intention of Citizens Advice County Durham/Advice in County Durham to take into account the relevant organisation’s views and any evidence when investigating a potential breach of data in line with their responsibilities as Data Controller of the Portal. In all cases the Compliance Team at Citizens Advice County Durham will keep all parties appraised of any subsequent findings in relation to a breach and Citizens Advice County Durham will decide in their capacity as Data Controller if any actions need be taken in terms of temporarily limiting users access to the Portal and Website to fulfil their responsibilities under ICO legislation.
25. Wherever possible it is Citizens Advice County Durham/Advice in County Durham’s intention to keep all interested parties and organisations updated throughout the investigation into any potential breach and the consequences of that breach thereafter.
26. **Standard Operating Procedure AiCD Portal**
27. Introduction: Standard Operating Procedures for Referring Clients using the Advice in County Durham Portal
28. Summary: This is to be used in relation to all referrals sent or received via the Advice in County Durham Portal for the means of referral to individuals who have consented to another member of the Advice in County Durham Partnership. This document can be made available to all partners of the AiCD Portal and Website Partnership.
29. Details:
    1. All referrals are to be made via the general referral procedure as outlined in the user guide. This should include the ‘create referral form’ completed out with as much information as possible.
    2. Terms and Conditions need to be acknowledged as per the associated user guide.
    3. Key details from a referral summary to be disclosed to the client prior to referral as per the associated user guide.
    4. The referral process offers several timescales open for organisations to choose as a service level when completing incoming referrals. These are:
30. Within 24 hours

ii. Within 48 hours

iii. Within 72 hours

iv. Within 5 working days

v. Within 1 working 4 days

vi. Within 1 month

Regardless of the timescales chosen by the receiving partner the timescale must be followed and any deviations to this should be reported to AiCD admin.

* 1. Referrals should be actioned by contacting the individual who has been referred , an agency must accept or reject and respond to within the aforementioned service level agreement at section 5.
  2. Referrals should only be ‘completed’ as per the user guide in relation to i-navigator once the client has been contacted or once there have been 3 separate occasions upon which contact has been attempted.

1. Approval: As discussed referrals must be closed on i-Navigator by use of the ‘closing referrals’ process as outlined in the user guide.
2. Overview: This document is an AiCD Policy and as such will be monitored and reviewed on a quarterly basis by the AiCD Portal Board or Advice in County Durham Partnership Board
3. Related Checklists/Documents: I-Navigator user Guides, Usage Policy and Data Sharing Agreement.

**Signed**…………………………………………………………………………………………….(Authorised Person)

1. A list of this documentation can be made available through contacting the AiCD Compliance officer and the AiCD Network Development Officer [↑](#footnote-ref-1)
2. For an outline of these processes please see your Data Sharring Agreement [↑](#footnote-ref-2)
3. situations where competing loyalties or benefits to you directly could affect your judgement in relation to an action to be taken in line with your role as an AiCD Member [↑](#footnote-ref-3)
4. The Advice in County Durham has sign posting and terms and conditions to ensure you are able to provide these consent messages to the clients you serve – however we expect that the AiCD Partner Organisation take primary responsibility for ensuring this message is understood by those clients using the portal. [↑](#footnote-ref-4)
5. For further information see Article 4(12) of the GDPR 2016 [↑](#footnote-ref-5)
6. For Further information visit: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/how-do-we-recognise-a-subject-access-request-sar/ [↑](#footnote-ref-6)
7. A complaint against a member of the Partnership or in relation advice obtained/not obtained does not necessarily fall into this category unless it pertains specifically to a failure or perceived failure with the AiCD Portal. [↑](#footnote-ref-7)