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CONFIDENTIALITY POLICY

Guidance Notes

**Governance Code for Sport**

Disclaimer

Sport Ireland is making available a range of resources including guidance notes, policy documents and templates for selected areas aligned to the Governance Code for Sport which will support sport organisations, boards, management and staff in the development of relevant governance processes and procedures particular to their own organisation.

For the avoidance of doubt, the final decision on the nature, type, extent and format of approved governance policies, procedures and processes for each organisation is a matter for the board / highest governing structure of the organisation and the resources and material provided may assist the approval process.

This document is not, nor is it intended to be, a definitive statement of the law and it does not constitute legal advice.

This document is not a substitute for professional advice from an appropriately qualified source and it is recommended that sport organisations consult their governing document or obtain their own independent legal advice where necessary. Sport Ireland does not accept any responsibility or liability for any errors, inaccuracies or omissions in this document.

Rationale

Confidentiality is the preservation of privileged information. All information concerning beneficiaries, volunteers, clients, staff and stakeholders generally as well as financial data and business records of [Name of organisation] is confidential.

*Confidential covers commercial (financial, operational, and strategic) information and the process which supports this information (for example, through board meetings, and deliberations). Boardroom discussion should at all times be conducted with the explicit understanding that you are not permitted to disclose beneficiaries, volunteers, clients, staff and stakeholders’ names or talk about them in ways that will make their identity known. Non-disclosure of private and personal information is paramount unless consent has been granted. Notwithstanding the commitment to confidentiality, the effective function of a board must ensure that vibrant board discussions are facilitated such that directors are comfortable expressing their views honestly, freely and without risk of public disclosure.*

No information may be released without appropriate authorisation. This is a basic component of customer care and business ethics. The Board of directors, committee members, staff and our stakeholders rely on paid and volunteer staff to conform to this rule of confidentiality.

Or

Respecting the privacy of our clients, donors, members, staff, and volunteers of the [Name of organisation] itself is a basic value of [Name of organisation].

Personal and financial information is confidential and should not be disclosed or discussed with anyone without permission or authorization from the Board or a designated person.

Care shall also be taken to ensure that unauthorised individuals do not overhear any discussion of confidential information and that documents containing confidential information are not left in the open or inadvertently shared.

Staff, volunteers and board and Committee members of [Name of organisation] may be exposed to information which is confidential and/or privileged and proprietary in nature. It is the policy of [Name of organisation] that such information must be kept confidential both during and after employment or volunteer service. Staff and volunteers, including board and Committee members, are expected to return materials containing privileged or confidential information at the time of separation from employment or expiration of service.

Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal or possible legal action for damages etc.

Breaches in confidentiality may arise when private or confidential information whether written or verbal is shared with people without the organisations ’s knowledge or consent. To avoid any misunderstandings or appearance of wrong doing on the part of board or committee members, staff, volunteers or others the procedures specified in this document should be followed to avoid breaches in confidentiality.

Most breaches of confidence are unintentional. They are often caused by conversations being overheard, by files being left unattended, or by poor computer security, however the consequences could be serious. Consequently, all personal identifiable information should always be held securely and, when used, treated with respect. This applies whether the information is held manually, on computer, on video, audiotape or in someone’s head.

Purpose

The purpose of this confidentiality policy is to ensure that matters of a confidential nature relating to the organisation and its work are not disclosed until such time as the Board has authorised such disclosure or until it becomes common knowledge in the ordinary course of the organisation communicating with stakeholders

This confidentiality policy applies to all members of the Board and its sub-committees, to staff, volunteers and any member who may have such information as a result of their engagement with the organisation.

All of the above categories of people should be mindful that the principle of confidentiality applies to all information that:

* has not been made public by, or with the organisation’s authority;
* is or has been obtained during, or in the course of a person's involvement with the organisation;
* relates specifically to the organisation’s business and any individuals or companies or entities with whom the organisation has dealings.
* any matter under consideration by the organisation which might change its policies, procedures, activities or structures which has not yet been decided on.

 None of the above however should limit any person with information from engaging in appropriate research and consultation about impending decisions in a discrete and appropriate way so as to better inform themselves about a matter. Such research and consultation must however be undertaken in such a manner as to not breach of the letter or the spirit of this policy.

Handling Confidential Matters

Individuals in the above categories should not release documents to, or discuss any matter with any person, without the prior agreement of the Board or a designated member of staff. Information termed as “confidential” in a contract or other written agreement made between the organisation and another party is deemed to always remain confidential.`

Personnel files are confidential. Access to a staff member’s file is limited to the Chief Executive Officer or person’s approved by the CEO (e.g. Human Resource Manager). Access to the Chief Executive Officer’s personnel file is limited to the Chairperson.

Confidentiality and Stakeholders

(Name of organisation) recognises that a guarantee of confidentiality is an important factor in determining the level of trust stakeholders have in the organisation.

The term stakeholder refers not only to individuals who use services, but also organisations and groups who engage with and share with it confidential information about their organisation. The policy applies to all staff, volunteers, and Board and Committee members and continues to apply after their service or involvement has ended.

Information once received by staff, volunteers, and Board and Committee members, may not be used for any purpose other than that for which it was given; nor may it be passed on to anyone or another entity without the express permission of the giver, save as provided for by law.

Each member of staff is responsible for securing (or limiting access to) documents and folders, which can be accessed via the central IT network. On no account should confidential work be stored in shared folders. Personal folders should not be shared and confidential work should be protected via passwords or other means.

What documents?

Any information about (Name of organisation) and its applicants, grantees, donors, prospective donors, and any personal information about staff/volunteers or other confidential information obtained by board, committees, staff, and consultants as a result of working with the (Name of organisation) should be considered confidential and should be discussed only as appropriately required in connection with the organisation’s work.

All information concerning an applicant, grantee, donor, prospective donor, or other confidential information must be maintained in confidence, and particular care must be taken to avoid discussion of (Name of organisation) affairs with third parties, unless authorization to do so is obtained from the Board/designated person, or as required by law.

All files, documents, and working papers of the (Name of organisation) are the property of the (Name of organisation). Any board and committee member, staff member, or consultant who purposely, or through a failure to exercise reasonable care, causes confidential information to be disclosed may be subject to disciplinary action, up to and including termination and possible case for damages. The obligation to keep information confidential continues after a staff member, board/committee member, or consultant ceases to be employed by or affiliated with the (Name of organisation).

Personal Addresses

It is the policy of the (Name of organisation) not to give out staff or committee member’s personal addresses or phone numbers to outside persons. Anyone asking for personal information on staff or Board/committee members should be instructed to forward all calls, mailings, or invitations to the (Name of organisation) office.

This Version approved at the Board/Committee meeting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Superseding the version of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Verified by Chairperson or Board Secretary (delete as applicable)

Name In Capitals:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Suggested Annex

Sample Confidentiality Statement for Board and Committee Members

It is the policy of [Name] that board and committee members (trustees and committee members) of [Name] will not disclose confidential information belonging to, or obtained through their affiliation with, [Name] to any person, including their relatives, friends, media, and business and professional associates, unless [Name] has authorized disclosure.

This policy is not intended to prevent disclosure where disclosure is required by law. Confidentiality is the preservation of privileged information. Board members (Trustees) and other volunteers are cautioned to demonstrate professionalism, good judgment, and care at all times in handling any information related to [Name] to avoid unauthorized or improper disclosures of confidential information.

While board and committee members (trustees and committee members) are expected and encouraged to discuss the organisation with one another and targeted publics, they shall not report opinions or decisions expressed in meetings, nor shall they report independently on committee action, or engage in any communication that has not been approved or that would not be supported by board policy, procedures, or decisions.

At the end of the board or committee member’s or trustee’s term or upon his/her retirement, resignation or removal from the Board of Directors (Board of Trustees) or committee, he/she shall return, at [Name]’s request, all documents, papers, and other materials, regardless of medium, which may contain or be derived from confidential information, in his/her possession or confirm that material has been deleted from personal computers and devices

It is expected that board and committee members (trustees and committee members), will not use trade secrets, client lists, or other confidential information acquired by virtue of being on the board or committee, even after they complete their service with (Name].

Certification / Attestation

I have read the complete policy on confidentiality and the Statement of Confidentiality presented above. I agree to abide by the requirements of the policy and this statement and to inform the Board Chair immediately if I believe any violation (unintentional or otherwise) of the policy or this statement has occurred.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_ Approved by the Board of Director (Board of Trustees) on \_\_\_\_\_\_\_\_\_\_\_