



POLICY 03: CONFIDENTIALITY POLICY

1. INTRODUCTION

Maintaining confidentiality is one of the primary fiduciary responsibilities that every Committee Member has, in that they must act honestly and in good faith. They have to put the best interests of U3A Mornington (U3AM) ahead of their own interests.

Confidentiality is the preservation of privileged information. Committee Members and other volunteers are cautioned to demonstrate professionalism, good judgment, and care at all times in handling any information related to U3AM, to avoid unauthorized or improper disclosures of confidential information.

Committee Members also have limits on how they can share information and with whom they may share it. They have a duty to maintain the confidentiality of any personal or sensitive information that they acquire by virtue of their position. The legal obligation exists, even in the absence of an express confidentiality policy written up and formally adopted.

2. PURPOSE

The purpose of this policy is to facilitate effective governance of U3AM by ensuring Committee of Management confidentiality. One of the components of good governance is full and frank disclosure of information within the Committee, on the understanding that such information remains within the Committee.

3. SCOPE

This policy applies to the Committee Members of the Committee of Management, or any Ex-Officio members who are present at a meeting.

Policy No: 03	Version No: 1.0	Approved by Committee of Management on 21 May 2021
Supersedes:	New	



4. DEFINITIONS

Confidential information/documents include all written communications to Committee Members including (without limitation) monthly/quarterly reports, submissions, Minutes, letters, memoranda, Committee and Sub-Committee reports and copies of other documents referred to in any of the abovementioned documents made available to the Committee Member during their time on the Committee.

5. POLICY

5.1 Committee Members must keep confidential all information/documents pertaining to matters dealt with by the Committee.

5.2 The obligation to maintain confidentiality continues to apply even after a person has left the Committee.

5.3 Maintaining confidentiality as a general rule will also help ensure observance by Committee Members of the following legal duty:

A person who obtains information because they are, or have been, a member of the Committee must not improperly use the information to:

- gain an advantage for themselves or someone else; or
- cause detriment to U3AM

5.4 Nothing in this policy is intended to prevent the Committee from seeking confidential legal, accounting, financial or other expert advice from independent professionals to assist the Committee in carrying out its functions.

5.5 The Committee needs to be sure that Committee Members fully understand that once the Committee approves a decision, it becomes a decision of the whole Committee of Management. All Committee Members must comply with it. If any Committee Members disagree with a decision regarding confidentiality, they may register their dissent. Committee Members who are seriously at odds with the Confidentiality Policy, or any other policy, may choose to resign from the Committee.

Policy No: 03	Version No: 1.0	Approved by Committee of Management on 21 May 2021
Supersedes:	New	



- 5.6 During their time on the Committee, Committee Members sometimes have access to personal or sensitive information about U3AM members and fellow Committee Members. Sensitive information may include health, employment, financial or other personal information. In keeping with their fiduciary duties, Committee Members should not disclose information that they have received as part of their position on the Committee.
- 5.7 Committee Members may have a large network of constituents, network associates, other individuals or U3AM members to which they have some degree of loyalty. While this is a good thing, Committee Members must be conscious that it could cause a conflict of interest when they share information that they have gained as part of their position on the Committee or when they divulge matters outside of Committee meeting time that the Committee has already decided on.
- 5.8 If a request is made for access to one or more Committee documents, the Committee may, on a case-by-case basis, resolve to provide access to the document(s). In considering this request, the Committee will have regard to:
- the importance of maintaining confidentiality to facilitate effective committee meetings;
 - the importance of complying with the law – including privacy law - and recognizing that the law sometimes creates duties to disclose or protect information;
 - whether the person requesting the document is a member, and the important role of members in holding the Committee accountable; and
 - the need to be consistent in the way that documents are treated, and the consequence of establishing any precedents or expectations.
- 5.9 In circumstances where a request for access to Committee documents has been made, and there is reason to believe that there are laws governing the disclosure or non-disclosure of the document, the President will obtain legal advice on the matter to assist the Committee in its consideration of the request.
- 5.10 Committee Members must not make statements to the media or to the public without prior Committee authorization.

Policy No: 03	Version No: 1.0	Approved by Committee of Management on 21 May 2021
Supersedes:	New	



5.11 Any person who is not a member of the Committee but is present at a Committee meeting (or part of a meeting) must maintain in confidence all information obtained as a result of their participation in the meeting.

6. RESPONSIBILITIES

- 6.1 The President is responsible for bringing this policy to the attention of prospective Committee Members.
- 6.2 The Secretary shall include information about the confidentiality policy during Committee Member orientation, and ask new Committee Members to sign a Confidentiality Statement.
- 6.3 The Secretary shall ensure that Committee reports are created, maintained and distributed in a manner which is consistent with their confidential status. They shall be kept separately from other (non-confidential) documents and stored in a manner which limits access to them by unauthorised persons.
- 6.4 Requests for access to any Committee information should be made to the Secretary, who should include consideration of the request as an item on the Committee agenda.

7. BREACHES OF CONFIDENTIALITY

- 7.1 A breach of confidentiality can happen for a variety of reasons. Three of the most common ones are:
 - the disclosure of confidential information discussed at a Committee meeting
 - the disclosure of personal information and
 - conflicts of interest.
- 7.2 It is the responsibility of the Committee Member to inform the President immediately if they believe any violation (unintentional or otherwise) of this policy has occurred.
- 7.3 Committee Members may suffer consequences if they breach confidentiality, whether it happened unknowingly or not. Direct consequences may vary depending on the circumstances of the breach.

Policy No: 03	Version No: 1.0	Approved by Committee of Management on 21 May 2021
Supersedes:	New	



8. RELATED POLICIES

01: Code of Conduct Policy

02: Privacy Policy

04: Conflict of Interest Policy

9. REFERENCES

Institute of Community Directors Australia

Policy No: 03	Version No: 1.0	Approved by Committee of Management on 21 May 2021
Supersedes:	New	