

FRIENDS OF GEELONG BOTANIC GARDENS CONFIDENTIALITY POLICY

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Drafted by	Rosslyn Jablonsky	Approved by	05/08/2024
		Committee on	
Responsible person	Secretary	Scheduled review date	August 2025

1. Objective

- 1.1 Friends of Geelong Botanic Gardens (FGBG) recognises that there are situations where its staff and volunteers are in, or will come into, possession of confidential information.
- 1.2 This Policy provides an overview as to how staff (which includes employees and volunteers) can identify confidential information, key duties that may apply to staff in respect of confidential information, and steps that staff can take to ensure these duties are upheld and the confidentiality of information is protected and maintained.
- 1.3 FGBG considers it to be imperative that the security and confidentiality of confidential information be maintained. Improper use or disclosure to third parties of confidential information may cause serious loss or damage to FGBG and to our service users, funders and partners.

2. Application

- 2.1 This Policy applies to all staff at FGBG (employees, committee members and volunteers) who are subject to contractual, ethical and other duties of confidentiality through their dealings with FGBG.
- 2.2 This Policy should be read in conjunction with the FGBG Privacy Policy which contains obligations regarding the collection, use, disclosure and storage of personal information and other data – compliance with those obligations will also safeguard confidential information.

3. Confidential information

3.1 What is confidential information?

- 3.1.1 During the course of conducting business, staff will regularly be exposed to information relating to FGBG and its operations, service-users and other third parties which is considered confidential.
- 3.1.2 Broadly, confidential information includes personal information obtained while working for or being engaged by FGBG (whether that be about FGBG's operations, or our service-users), as well as information that is confidential for other reasons such as commercial sensitivity.
- 3.1.3 Confidential information includes any confidential information relating to the past, present or future business of FGBG that comes to the knowledge of the staff member, including:

- (a) financial, budgetary, marketing, research and business plan
- (b) customer or service-user lists and supplier lists;
- (c) third party information disclosed in confidence;
- (d) any confidential information or data belonging to a customer or Service-user of FGBG (including data that is communicated as being confidential), and
- (e) any other information the disclosure or use of which may be detrimental to the interests of FGBG or of any other person who has provided it to FGBG on a confidential basis, but does not include information in the public domain (unless in the public domain due to a breach of confidentiality by any person).

3.2 Identifying confidential information

- 3.2.1 Just because a document isn't identified or labelled as confidential does not necessarily mean that the document is not confidential.
- 3.2.2 Staff should be mindful that a lot of the information they are dealing with in the course of their work is of a confidential nature and err on the side of caution.
- 3.2.3 Before disclosing or distributing information, staff must:
 - (a) Consider whether the information or any aspect of the document is confidential considering the nature of the information. For example:
 - (i) is the information publicly available? If so, it may not be confidential.
 - (ii) is the information about a client, or the service we have provided to them? If so, it is almost certainly confidential.
 - (iii) is the information commercially sensitive? If so, it is likely that the information will be confidential.
 - (b) If uncertain about whether information is confidential, please check with a committee member.

4. Duties of confidentiality

- 4.1 Staff must:
 - 4.1.1 not disclose confidential information, except with prior written consent or as required by law or where necessary for a person to do their job or provide their services;
 - 4.1.2 not copy, produce or misuse confidential information, except where necessary for a person to do their job or provide their services;
 - 4.1.3 take whatever measures are reasonably necessary to prevent the loss, disclosure or misuse of confidential information;
 - 4.1.4 report any breach of these obligations;
 - 4.1.5 use confidential information solely where necessary for a person to do their job or provide their services;
 - 4.1.6 maintain the secure custody of confidential information;
 - 4.1.7 safeguard and protect all confidential information;

- 4.1.8 not sell, let for hire, assign rights in or otherwise commercially dispose of confidential information;
 - 4.1.9 not commercialise or otherwise exploit any confidential information;
 - 4.1.10 comply with any conditions on any consents provided by FGBG to disclose confidential information;
 - 4.1.11 comply with any obligation to execute a deed in favour of FGBG (or any of its service-users, funders or customers) regarding the disclosure of any confidential information;
 - 4.1.12 comply with all privacy laws (including the Privacy Act 1988, Privacy and Personal Information Protection Act 1988 (NSW), the Health Records and Privacy Information Act 2002 (NSW), the Privacy and Data Protection Act 2014 (Vic), the Health Records Act 2001 (Vic).
- 4.2 If staff are required by law to disclose confidential information, staff must notify FGBG Committee of Management and comply with any lawful and reasonable directions or requirements provided by FGBG Committee of Management with respect to that disclosure.

5. Delivery of documents

Staff must deliver up to FGBG all confidential information at the end of their employment with FGBG at or earlier if directed by FGBG.

6. Staff and volunteer assistance

Staff and volunteers must execute any document reasonably requested by FGBG, or as requested by a service-user, funder or customer of FGBG, in relation to their obligations with respect to confidential information.

7. Ongoing obligations

The obligations in this Policy continue to apply after the end of the employment or engagement of the staff member.

8. Restrictions

FGBG may limit access to certain information to specified staff only. Staff dealing with restricted information will be advised as such. Staff may be required to handle this information in a specified way, including keeping the information confidential and not disclosing the information to other staff.

9. No Exclusion of Law or Equity

Any existing laws or principles that safeguard FGBG's confidential information are not excluded from this Policy and must be followed, even if they are not explicitly mentioned in this Policy.

10. Breach of policy

A breach of this policy may result in the staff or volunteer member being disciplined, including the termination of their employment, or for a volunteer their services no longer being required. Action may be taken against Committee members in accordance with the governing rules of FGBG.

11. Review

This Policy will be reviewed from time to time or as legislation is amended and in light of current good practice and regulatory advice. Please let a member of the FGBG Committee know if you have any feedback in relation to this Policy.