

# Organizational Confidentiality

## What does it mean?

Recently there has been more discussion on “personal information privacy” and Board and staff member responsibility for confidentiality. It is more than just personal information; it may include Board discussion and employment information.

An article by AXI Publication identified two issues related to protecting Board and organizational confidentiality:

- Is there a need for it to be confidential? If everything is confidential, then respect for confidentiality will decline. The reason confidentiality is required should be explained.
- Do Board members and staff know their responsibilities regarding confidentiality?

Association Board members often acquire, maintain and use confidential information such as program & membership information, community development or re-development plans, survey information, complaint or conflict issues, employment and compensation information and Board discussions or deliberations. The need for confidentiality exists when information is designated as “confidential” but it also applies where the need for confidentiality is obvious or evident, or required by applicable law, even though the information is not specifically designated as confidential.

It is not up to the individual to determine what is confidential. If the organization considers and treats the information as confidential, then Board members, staff and volunteers must respect that need for confidentiality. Individuals are not permitted to override or disregard their duty to maintain confidentiality. The Board members and staff are in a position of trust, and it is their fiduciary responsibility to honour the association’s need to keep certain information confidential. A Board, volunteer or employee who discloses confidential information could impose liability on the association or may face personal liability as a result of disclosing confidential information.

### Strategies for managing confidential information:

- Set policies regarding confidentiality; define expectations and responsibilities, and the designation of confidentiality so as not to be used needlessly.
- Take a “need to know” approach by restricting confidential information to those who need to know
- Secure information of a confidential nature
- Train and educate Board members, volunteers and staff
- Encourage Board members, staff or volunteers who are uncertain whether information is confidential to ask questions before disclosing anything.

This information, taken from an article by AXI Publications, was not authored by a lawyer, so if this article raises red flags about what is happening in your organization, then you would be well-advised to consult legal council. Otherwise take action; discuss information requiring confidentiality, and implement policies on the collection, retention, use, disclosure and disposal of information. Educate Board members and staff to the policies, it is a part of your organization’s risk management.

