

Governance Policy Seven Confidentiality

Policy Number: 7

Date Approved: April 23, 2023

Date last Reviewed: April 23, 2024

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Purpose

7.1 The purpose of this Governance Policy is to explain the duties of confidentiality of members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director. All terms in this policy apply to these individuals.

Duty to Keep Information Confidential

7.2 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director must keep confidential all information obtained in the course of their service and roles with the CMA, in accordance with the Act.

What is Confidential Information

7.3 Confidential information includes privileged information. It includes:

- a. Unpublished financial information,
- b. Personal information of employees or volunteers,
- c. Any information discussed in camera at a Council Meeting,
- d. Information or advice from a lawyer,
- e. Any item marked as confidential verbally or in writing,
- f. Council documents, records and communications in any form including emails and texts,
- g. Personal and health information obtained through a Council position or because of participating in a Panel of Council, or as a designated decision maker as set out in the Act or Bylaws where such information is not public, and
- h. Any other information where there would be a reasonable expectation that it would remain confidential.

Do Not Disclose

7.4 Confidential information may not be disclosed or communicated to any person within or outside the CMA except where authorized by the Bylaws, Act or law.

Report

7.5 There may be a specific event that results in an individual having to disclose confidential information. This includes a requirement to disclose confidential information by law or Court order, such as in a criminal or civil proceeding, but does not include disclosure for the purposes of the Act, such as for an investigation, hearing or review. If this happens, the individual must notify the appropriate person as presented in section 7.10 so that the CMA may obtain legal advice or consult with advisors.

Obligation to Disclose

7.6 There may also be an event where there is an obligation to disclose confidential information to the appropriate person at the CMA to determine if it is confidential such as in a request to CMA for information under the *Personal Information Protection Act*.

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Protecting Confidential Information

7.7 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director must take reasonable steps to protect confidential information that they know or have. This includes not improperly disclosing or using confidential information. Reasonable steps include securing the source or location of the information in the individual's possession or control and complying with Governance Policy 22.

Cannot Use Information for Your Advantage

7.8 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Inspector, the Executive Director and Registrar, Complaints Director and Hearings Director must not use confidential information for their own advantage or for the gain or advantage of others.

Returning Confidential Information

7.9 At the end of their term and subject to Governance Policy 22, members of Council, Committees, Administrative Bodies, Task Forces, and a Former Chair and an Inspector must return all confidential information documents in their possession to the CMA.

Disclosure of Confidential Information

7.10 If confidential information is mistakenly disclosed by members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director, this breach must be immediately reported, as follows:

- a. To the Chair or Vice-Chair if it is a Council Member, Former Chair or Executive Director and Registrar who disclosed the information,
- b. To the Executive Director and Registrar, if it is a Committee or Task Force member who disclosed the information,
- c. To the Executive Director and Registrar, if it is a member of a Hearing Tribunal, Complaint Review Committee, the Complaints Director or Hearings Director, and
- d. To the Chair or Vice-Chair if it is an Inspector.

Legal Proceedings

7.11 The CMA may take action to enforce its legal rights to prevent disclosure of confidential information or reduce the harm of a disclosure if Governance Policy Seven is not followed. The CMA may act against any individual.

Confidentiality Obligations Never End

7.12 Confidentiality obligations continue after an individual is no longer on Council, involved with the CMA or employed by the College. Confidential information must remain confidential after an individual is no longer on Council, involved with the CMA or employed by the College. There is an obligation that remains in perpetuity.

Record Retention and BYOD

7.13 Record Retention and Bring Your Own Device (BYOD) Policy is found at Governance Policy 22.

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Signed Declaration

7.14 The following is to be completed by each member of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director.

I, _____ (insert printed name), acknowledge that I have read the Governance Policy Seven. I understand this applies to me. I understand my duty of confidentiality and the importance of confidentiality in my role at the CMA. I understand I must follow Governance Policy Seven. I promise to keep all information that I receive confidential now and forever, except where disclosure is allowed by the Bylaws or Act. I understand that this duty to keep information confidential does not end and always applies to me.

By my signature below, I, _____ (insert printed name),

Declare the information above to be true and accurate.

Signed on _____, 202__.

Signature