

Confidentiality – Board Members

Purpose *Policy on confidentiality is required to ensure that the Board is addressing the legal and ethical aspects when handling information about persons receiving services, employees, and operational matters.*

Employees, volunteers and Board Members are accountable for handling of information and may subject the organization and themselves to liabilities for any breaches of confidentiality.

Policy Statement *All ASC employees, Board Members and volunteers will know and abide by the policies and procedures on confidentiality. Persons receiving services, employee and operational information is confidential and subject to specific procedures for disclosure and awareness. Changes to specified procedures are subject to Board approval.*

Potential employees engaged in working interviews and potential Board Members participating in formal meetings will be required to observe the confidentiality policies and procedures for ASC.

Compliance with Provincial and Federal legal requirements will be adhered to.

Consequences for breach of confidentiality by employees, Board Members and volunteers are outlined in the Human Resource policy, Board Policy and Volunteer Policy.

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Confidentiality – Board Members

1. Confidentiality with Person’s receiving services/Human resources/Operational Information.

New Board Members will be advised verbally of the Confidentiality policy by the Executive Director/Designate and President of the Board/Designate at the onset of their appointment and subsequent re-appointments, and will be requested to read and understand this policy and sign an Oath of Confidentiality (see attached). The new Board Member will read the policy out loud to the witness and ensure their understanding of its implications before signing. This will generally occur as part of the orientation process on an annual basis.

Following their appointment, Board Members have a responsibility to handle information, with respect to confidentiality while service on the Board, outside of Board duties and after the appointment ceases. A Board Member is expected to exercise the care, diligence and skill that a reasonable prudent person would exercise in comparable circumstances, in regards to confidentiality and carry out their fiduciary duty. Specifics of situations are outlined below.

INFORMATION ABOUT PERSON’S RECEIVING SERVICES

***Informal
Conversation***

Board Members engaging in informal conversation with (including but not limited to) employees, volunteers, person’s receiving services, families, guardians, friends and members of the general public will exercise personal judgement and ethics. Conversation that is not respectful to a person’s privacy or that infringes on a persons rights should be discouraged and not engaged in by the Board Member.

***Formal
Information
Sharing
(Verbal and
Written
Information)***

Board Members will be required to engage in formal verbal and written information sharing to fulfil their responsibilities. This may occur with (including but not limited to) other Board Members, employees, volunteers, support persons/external agencies, governing structures, person’s receiving services, guardians and members of the public.

The parameters for this information sharing are outlined throughout the service areas Policy and Procedure Manuals, the Bylaws of the Association and the Board Manual.

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Written Consent

Any situation involving information sharing, that would require a written consent signed by the client/guardian, must be in place prior to information being released by any Member of the Board. The Member shall ensure, through consultation with the Executive Director/Service Director, that all consents have be completed

The consent form shall designate the purpose of release, the party receiving it, the time limitation and authorization of the client/legal guardian.

Media

No information, regarding person’s receiving services, is to be released to the media without specific written consent by the client/guardian and the authorization of the Executive Director/Services Director and/or Board President (see Consents)

Legal

There are federal and provincial laws and requirements that take precedent over ASC policy, e.g. criminal investigation. In these circumstances, ASC Board Members are required to abide by the laws of the land. It is the responsibility of the Board Member to advise the Executive Director/Services Director and the President of the Board.

At no time, does a Board Member act on their own initiative to seek legal consultation on behalf of a client we serve. All issues of a legal nature will require consultation with the Executive Director/Services Director, the Board and legal council, as required.

HUMAN RESOURCES INFORMATION

Informal Conversation

Board Members engaging in informal conversation with (including but not limited to) employees, volunteers, clients, families (including Host families), guardians, friends, and members of the general public about employees, volunteers or other board members will exercise personal judgment and ethics. Conversation that is not respectful to a person’s privacy or infringes on their rights, should be discouraged and not engaged in by the Board Member.

Formal Information Sharing (Written and Verbal)

As Board Members you may be required to engage in formal written and verbal information sharing regarding employees and volunteers. The parameter for information sharing necessary to carry out appointed responsibilities are within the scope of policies and procedures of the Board, Human Resource policy, the By-laws of the Association and at the discretion or instruction of the Board executive.

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Written Consent Any situation involving information sharing that would require a written consent signed by employees/guardian, must be in place prior to information being released by any Member of the Board. The member shall ensure through consultation with the Executive Director that all consents have been completed.

Media Board Members shall not release information to the media without the consent and authorization of the Executive Director/Services Director and/or the Board President. This includes information solicited by the media or released to the media. (as per Consents Policy)

Legal There are federal and provincial laws and requirements that take precedent over ASC policy, e.g. criminal investigation. In these circumstances, ASC Board Members are required to abide by the laws of the land. It is the responsibility of the Board Member to advise the Executive Director/Services Director and/or Board President immediately when such a situation arises.

Confidentiality re: Breach of Policy In the event of a breach of policy, Board Members will be required to report all information about the breach. Personnel involved in the handling of the breach of Policy may include the involved employee, volunteer, immediate supervisor, Executive Director/Services Director and Board. Board Members will not disclose information to other parties not involved in the investigation.

OPERATIONAL INFORMATION

Informal Conversation Board Members engaging in informal conversation about operational information with (including but not limited to) employees, other Board Members, volunteers, person’s receiving services, families, guardians, friends and members of the general public will exercise personal judgement and ethics. Conversation that is detrimental or harmful to the integrity of the activities/stakeholders of ASC should be discouraged and not engaged in by the Board Member. For purposes of this policy, “stakeholders” includes person’s receiving services and their families, employees, volunteers, Board Members and those agencies/persons engaged in formal business with ASC.

At no time should the Board Member undertake to represent their own opinion as that of the governing body, the general membership, or the stakeholders.

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Formal Information Sharing

Formal verbal or written information sharing regarding operations should be relevant to appointed responsibility and occur only with stakeholders.

The parameters for information sharing, necessary to carry out appointed responsibilities are within the scope of ASC policies and procedures of the Board, the Association By-laws and at the discretion or instruction of the Board Executive.

Written Consent

From time to time a Board Member may receive a formal request from external agencies/persons for written/verbal release of operational information. This must be forwarded to the Executive Director/Services Director and/or the Board Executive for determination of handling of request.

Media

Board Members shall not release any operational information to the media without the consent and authorization of the Executive Director/Service Director and/or Board President. This includes information solicited by the media or released to the media. (Refer to the Media).

Legal

There are federal and provincial laws and requirements that take precedent over ASC policy e.g. information requested by Social Care Facilities Review Committee. In these circumstances ASC Board Members are required to abide by the laws of the land. It is the responsibility of the Board Member to advise the Executive Director/Services Director and/or Board Executive when such a situation arises.

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