

<b>HARROW BUSH NURSING CENTRE POLICIES</b>	<b>Governance</b>	
	<b>Confidentiality – Governing Body Policy</b>	
<b>Endorsed by:</b> Committee of Management	<b>Date:</b> 15 <sup>th</sup> October 2018	<b>Next review:</b> October 2021

## POLICY STATEMENT

Harrow Bush Nursing Centre (HBNC) Committee of Management (CoM) is committed to openness, transparency, and accountability and recognises that confidentiality is very important. Its policies shall reflect its wish to release all information it holds as far as this is consistent with the protection of individual privacy, the effective management of its business, and relevant legislation. The governing body confidentiality policy is intended to regulate the release or retention of CoM material by CoM members and facilitate effective governance of HBNC by ensuring CoM confidentiality.

## DEFINITIONS

HBNC	Harrow Bush Nursing Centre
CoM	Committee of Management

**Committee of Management Papers** means all written communications to member/s including without limitation monthly papers, submissions, agendas, minutes, letters, memoranda, and sub-committee papers and copies of other documents referred to in any of the abovementioned documents made available to the member as a Committee of Management member during his or her time in office.

## APPLICATION OF POLICY

The CoM encourages open and frank discussion at meetings, which helps facilitate the development of HBNC's vision and the implementation of an effective strategy to achieve that vision, and protects information that is confidential, personal, or relates to employment, commercial or legal matter.

CoM members shall be authorised to release to any person, any material other than confidential material obtained in the course of their service as a CoM member, where such release is in accordance with the requirements of any applicable legislation, and where such release is consistent with the CoM's directive.

The CoM shall decide from time to time whether any, or all of its agendas, minutes, or papers, or those of its committees (not otherwise required by legislation, regulation, or its rules to be made public) shall be made public. Where no express decision has been recorded, the assumption shall be that the material is not confidential.

On those occasions and for those matters that the CoM elects not to make public, CoM members shall respect the confidentiality of those documents and of any deliberations of the CoM on those matters. In particular, CoM members shall not:

- disclose to any member of the public any confidential information acquired by virtue of their position as a CoM member
- use any confidential information acquired by virtue of their position on the committee for their personal, financial, or other benefit, or for that of any other person
- disclose to any member of the public any confidential information related to the interests of individuals, groups, or organisations acquired by virtue of their position on the committee
- make statements to the media in the name of the organisation except as specified in the Instrument of Delegation

- permit any unauthorised person to inspect or have access to any confidential documents or other information

The obligation to protect such confidential matters from disclosure continues even after the individual CoM members are no longer serving on the board.

The CoM shall decide from time to time whether any observers shall be permitted to attend any or all of its meetings. Where appropriate, observers may be admitted subject to their undertaking to maintain confidentiality. Any person who is not a member of the CoM but is present at a CoM meeting (or part of a meeting) by request eg staff member, must maintain in confidence all information obtained as a result of their participation in the meeting.

Where appropriate, information identifying individuals may be removed by the Chair from material before its consideration by CoM.

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

### **Request to access**

If a request is made for access to one or more Committee of Management Papers\*, the CoM may on a case by case basis resolve to provide access to the document/s. In considering this request, the CoM will have regard to:

- the importance of maintaining confidentiality to facilitate effective CoM meetings;
- the importance of complying with the law – including privacy law - and recognising 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 CoM accountable; and
- the need to be consistent in the way that documents are treated, and the consequence of establishing any precedents or expectations.

In circumstances where a request for access to CoM Papers has been made, and there is reason to believe that there are laws governing the disclosure or non-disclosure of the document, the Chair will obtain legal advice on the matter to assist the CoM in its consideration of the request.

### **Responsibilities**

The CoM Chair must:

- ensure that CoM materials are appropriately classified as 'Confidential' or 'Open to release'
- bring this policy to the attention of current and new CoM members
- follow up any breach of this policy in accordance with HBNC policies

The Executive Administration Officer must:

- ensure that this policy is included in the induction kit for new CoM members
- include any requests for access as consideration as an item on the CoM agenda
- shall ensure that CoM Papers 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 (including employees).

**LEGISLATION**

[Associations Incorporation Reform Act 2012](#)

**REFERENCES**

[Consumer Affairs Victoria](#)

[Australian Institute of Company Directors](#)

[Governance Evaluator](#)

[National Safety and Quality Health Service Standards \(Second Edition\)](#)

[National Model Clinical Governance Framework](#)

**RELATED DOCUMENTS**

HBNC Constitution 2013

1.15 Governing Body Delegations of Financial Authority

1.15.1 Instrument of Delegation

1.16 Governance Body Code of Conduct Policy

**OUTCOME STANDARDS**

The Harrow Bush Nursing Centre Committee of Management is committed to ensuring confidentiality at all times in accordance with NSQHS standards.