

# CONFIDENTIALITY POLICY



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Drafted by	Thomas O'Hare	Approved by Board on	20/05/2024
Responsible person	Thomas O'Hare	Scheduled review date	20/05/2025

## 1. Objective

The 1812 Theatre recognises that there are situations where its staff are in, or will come into, possession of confidential information.

This Policy provides an overview as to how staff (which includes employees, contractors 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.

The 1812 Theatre 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 The 1812 Theatre, and to our service users, funders and partners.

## 2. Application

This Policy applies to all staff at The 1812 Theatre (employees, Board members, contractors, volunteers, and students) who are subject to contractual, ethical, and other duties of confidentiality through their dealings with The 1812 Theatre.

This Policy should be read in conjunction with The 1812 Theatre 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?*

During the course of conducting business, staff and volunteers will regularly be exposed to information relating to The 1812 Theatre and its operations, patrons, and other third parties which is considered confidential.

Broadly, confidential information includes personal information obtained while working for or being engaged by The 1812 Theatre (whether that be about The 1812 Theatre's operations, or service-users), as well as information that is confidential for other reasons such as commercial sensitivity.

Confidential information includes any confidential information relating to the past, present or future business of The 1812 Theatre that comes to the knowledge of the staff member, including:

- (a) financial, budgetary, marketing, research and business plan information of The 1812 Theatre or any customer or service-user of The 1812 Theatre;
- (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 The 1812 Theatre (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 The 1812 Theatre or of any other person who has provided it to The 1812 Theatre 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*

Just because a document isn't identified or labelled as confidential does not necessarily mean that the document is not confidential.

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.

Before disclosing or distributing information, staff must:

- 1) Consider whether the information or any aspect of the document is confidential considering the nature of the information. For example:
  - a) is the information publicly available? If so, it may not be confidential.
  - b) is the information about a patron, volunteer, or staff member? If so, it is almost certainly confidential.
  - c) is the information commercially sensitive? If so, it is likely that the information will be confidential.
- 2) If uncertain about whether information is confidential, please check with your manager or other member of management.

### **4. Duties of confidentiality**

Staff must:

- 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;
- 2) not copy, produce or misuse confidential information, except where necessary for a person to do their job or provide their services;

- 3) take whatever measures are reasonably necessary to prevent the loss, disclosure or misuse of confidential information;
- 4) report any breach of these obligations;
- 5) maintain the secure custody of confidential information; safeguard and protect all confidential information;
- 6) comply with any conditions on any consents provided by The 1812 Theatre to disclose confidential information;
- 7) comply with all privacy laws (including the Privacy Act 1988, the Privacy and Data Protection Act, 2014 (Vic), the Health Records Act 2001 (Vic)).

If staff are required by law to disclose confidential information, staff must notify The 1812 Theatre and comply with any lawful and reasonable directions or requirements provided by The 1812 Theatre with respect to that disclosure.

## **5. Delivery of documents**

Staff must deliver up to The 1812 Theatre all confidential information at the end of their employment with The 1812 Theatre, at the end of their engagement as a contractor with The 1812 Theatre, or earlier if directed by The 1812 Theatre.

## **6. Staff assistance**

Staff must execute any document reasonably requested by The 1812 Theatre, or as requested by a service-user, funder or customer of The 1812 Theatre, 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**

The 1812 Theatre may limit access to certain information to specified staff or Board Members only. Staff or volunteers, regardless of position, dealing with restricted information will be advised as such. Staff and volunteers 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 The 1812 Theatre'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 member (if an employee) being disciplined, including the termination of their employment, or (for a contractor, volunteer, or student) their services no longer being required. Action may be taken against Board members in accordance with the governing rules of The 1812 Theatre as laid out in the Code of Conduct.

## **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 1812 Theatre Management Team know if you have any feedback in relation to this Policy.

## **AUTHORISATION**

Approved by the Board of The 1812 Theatre

20/05/2024