

JUDICIAL APPOINTMENTS BOARD FOR SCOTLAND

POLICY ON CONFIDENTIALITY

Introduction

1. This policy aims to help the Judicial Appointment Board for Scotland (hereafter known as the “Board”) maintain its values and professionalism and to protect it from misunderstanding and criticism. The policy will support staff, Board members, sub contractors and consultants in pursuing good practice and provides a set of guidelines to define acceptable standards with regards to information obtained whilst on Board’s activities.

General Principles

2. The Board recognises that its staff, Board members, sub contractors and consultants gain information about individuals and organisations during the course of their work or activities. In most cases such information will be stated as confidential but even when this is not the case it is expected that individuals will exercise common sense and discretion in identifying whether information is expected to be confidential. This policy aims to give guidance but, if in doubt, you should seek advice from the Chief Executive.

Rules

Disclosure of Information

3. The Chairing Member, members and staff are committed to making the Board an organisation that is open, accountable and transparent. Individuals are therefore expected to make available official information, which is not held in confidence by the Board, in accordance with our policy. However, individuals must not, without proper authorisation, disclose confidential information which they acquire in the course of their work or which has been communicated in confidence within the Board or received in confidence from others. The following rules, which are not exhaustive, should help to identify what is unacceptable.
4. Staff, Board members, sub contractors and consultants must not knowingly or deliberately take part in any activities or make any public statement which might involve the disclosure of confidential information.
5. Individuals will refrain from talking about organisations or individuals that they have knowledge of, gained in the course of their Board activities, in social settings and will avoid discussions of a confidential nature in any setting where they may be overheard.

6. When photocopying or working on confidential documents, individuals must ensure that these are not seen by people in passing. This also applies to information displayed on computer screens.
7. These rules equally apply to any sub contractor or consultant working for the Board under any contract or agreement.
8. This duty of confidentiality applies even after an individual departs from the Board in any capacity.

Data Protection Act 1998

9. The Data Protection principles as set out in the Act provide that data should be:
 - obtained and processed fairly and lawfully
 - processed for limited, specified purposes
 - adequate, relevant and not excessive
 - accurate and up to date
 - not kept longer than necessary
 - processed in accordance with the individual's rights, as set out in the Act
 - kept secure and protected
 - not transferred out of Europe (unless the country has adequate protection for the individual)

The Board will comply with these principles.

Grievances or concerns

10. Individuals who are concerned about the conduct or actions of others working for the Board in any capacity should raise this with the Chief Executive, if necessary, and not discuss their concerns outside of the Board.

Breaches of this Policy

11. Breaches of this policy, particularly with regard to accessing unauthorised files or breaching confidentiality, will be taken extremely seriously and may lead to disciplinary action and/or termination of any contract between the Board and the individual/s concerned. Former members of staff, sub contractors, consultants or former Board members who breach confidentiality may face legal action.

Adopted by the Board: 8th June 2009
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