
CONFIDENTIALITY POLICY

1.0 INTRODUCTION

1.1 The College is committed to the highest level of integrity and respect and requires Directors, Members and Staff to maintain the confidentiality of:

- (a) the College; and
- (b) any third parties who disclose confidential information to the College.

This Policy sets out the requirements relating to confidentiality which must be observed by all Directors, Members and Staff who hold official positions or perform official functions for the College.

1.2 Staff Members, Members and Stakeholders will always maintain the confidentiality information obtained in the course of any College activities and not disclose such information to any person otherwise than in the proper performance of their duties and responsibilities or as required by law.

2.0 DEFINITIONS

In this Policy:

‘Confidential Information’ means, any information of or relating to the College, Staff Members, Members and Stakeholders that is by its nature confidential, is designated by the College to be confidential or which a reasonable person in the recipient’s position would have recognised is confidential, including any:

- (a) information regarding the current or future business or affairs (including financial position, sales, internal management, structure, policies, methodology, strategies, business and marketing plans and advertising, marketing or promotional activities) of the College;
- (b) financial, business or operational information about College programs (including training and research programs and training posts);
- (c) personal information and sensitive information (as defined in the College's Privacy Policy) of any person collected or held by or on behalf of the College;
- (d) minutes of, and other information about, the deliberations of the Board and Committees of the College;
- (e) information that has been entrusted to the College by external parties, such as partners and vendors; and
- (f) technical or scientific information or trade secrets of the College.

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Confidential Information does not include information which is generally available in the public domain or that was known to you prior to disclosure by the College.

‘Director’ means a member of the Board of the College.

‘Member’ means a person whose name is entered in the Register as a Member of the College.

‘Staff’ includes employees and contractors of the College.

‘Stakeholder’ means an individual, group or any party that has an interest in the outcomes of the College.

‘You’ means a person to whom this Policy applies as set out in in clause 3.0.

3.0 SCOPE

This Policy applies to all Directors, Members, Stakeholders and Staff performing functions for the College or acting on behalf of the College in an official role.

4.0 OBLIGATIONS

- 4.1 You acknowledge and agree that all Confidential Information is, and remains at all times, the exclusive property of the College. Unless otherwise agreed in writing, you do not have, and must not assert, any proprietary or intellectual property interest or right in the Confidential Information.
- 4.2 You must take reasonable steps to protect the confidentiality of information obtained in the course of performing your functions.
- 4.3 You must only access, use or disclose Confidential Information, including disclosing Confidential Information to Directors, Staff, Members and Stakeholders:
 - (a) for a proper purpose of the College;
 - (b) where necessary for the proper performance of your functions; and
 - (c) in accordance with College policies and processes.
- 4.4 You must not access, use or disclose any Confidential Information unless:
 - (a) it is necessary in order to achieve the agreed purpose for which the Confidential Information was disclosed to you, and where relevant, the purpose for which any third party entrusted the information to the College;
 - (b) the access, use or disclosure is required or permitted by law; or
 - (c) prior consent for the access, use or disclosure has been obtained from the College and where relevant, any third party who entrusted the information to the College.
- 4.5 You undertake to be aware of, understand and comply with this Confidentiality Policy and the Privacy of Personal Information Policy.

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- 4.6** You are expected to:
- (a) take appropriate measures to safeguard Confidential Information against theft, loss, unauthorised access or use by third parties and unauthorised disclosure to third parties; and
 - (b) not discuss Confidential Information within the hearing of other persons who are not authorised to access or use the information.
- 4.7** Care should be taken to prevent unauthorised persons from obtaining access to the College's business premises and systems. When outside persons are necessarily admitted to the premises, then care and attention should be taken to ensure that the person does not see or have access to any Confidential Information in physical or electronic form.
- 4.8** You undertake:
- (a) to comply with the College's Cyber Security Policy, Password and Authentication Policy, and any other policies or procedures as notified from time to time.
 - (b) to lock or secure Confidential Information at all times;
 - (c) to only access Confidential Information from secure devices;
 - (d) not to remove confidential documents and files from the College's premises unless absolutely necessary; and
 - (e) to return all Confidential Information to the College immediately at the College's request or in the event that you are no longer authorised by the College to access it.
- 4.9** Staff Members, Members and Stakeholders will not use Confidential Information for personal benefit or profit.

5.0 BREACHES OF CONFIDENTIALITY REQUIREMENTS

- 5.1** You must report any actual or suspected breach of confidentiality to the College Secretariat, including any unauthorised access to, use or disclosure of Confidential Information. You must cooperate with the College Secretariat to take such steps as are reasonably required to contain the breach and minimise any adverse impacts.
- 5.2** A breach of this Confidentiality Policy may cause harm to the College and an appropriate remedy may be sought.
- 5.3** Depending on the severity and circumstances, breach of this policy may lead to disciplinary action including:
- (a) against a Member in accordance with RACMA's Constitution; or
 - (b) against a member of Staff in accordance with the terms of their employment or engagement.
- 5.4** Breaches of this Policy by a Staff Member will be considered a serious breach of a Staff Member's terms and conditions of employment and may result in disciplinary action, including dismissal of employment.

6.0 PAY SECRECY

For clarity, this Policy does not restrict an employee's rights under the *Fair Work Act 2009* (Cth) and the *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* (Cth) with respect to pay secrecy provisions that allows them the right to:

- (a) share or not share information about their own pay or the employment terms and conditions in their employment contract needed to work out the employee's pay; or
- (b) ask other employees about their pay or the employment conditions that would permit the employee to work out their pay.

7.0 IMPLEMENTATION

The College will ensure Directors, Staff Members, Members and Stakeholders are aware of this Policy.

Directors, Staff Members, Members and Stakeholders who wish to clarify any aspect of this Policy may do so by contacting the Privacy Officer (as referenced in the Privacy of Personal Information Policy).

8.0 RELATED DOCUMENTS

RACMA Officers Code of Conduct

RACMA Privacy of Personal Information Policy