

POLICY: CONFIDENTIALITY

POLICY STATEMENT:

It is the policy of The Precious Life Shelter (“**PLS**”) that all persons working, volunteering or doing business with Precious Life Shelter (“**PLS**”) both during and after employment, volunteering and/or when business with PLS has been completed or terminated, may not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with PLS to any person, including relatives, friends, and business and professional associates, other than to persons who have a legitimate need for such information and to whom PLS has authorized disclosure. Employees, volunteers and those doing business with PLS shall use confidential information solely for the purpose of performing services as such for PLS. This policy is not intended to prevent disclosure where disclosure is required by law. This policy prohibits confidential information as defined by Federal (such as Health Insurance Portability & Accountability Act), State of California (such as Public Records Act {CPRA¹}) and PLS policy from being accessed, disclosed or released in any format to or by any person/business that does not have a "need to know" without the proper consent of the individual/client involved and/or PLS. In addition, certain information considered confidential by PLS may be subject to State of California CPRA but should not be released before obtaining specific authorizations from appropriate level of PLS management. Formal CPRA requests for confidential information should be sent to the Executive Director

• **Distinction of “Personal” and “Confidential” Information:**

"Personal information" means any information that identifies, relates to, describes, or is capable of being associated with, a particular individual, including, but not limited to, his or her name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

“Confidential Information” includes information that identifies or describes an individual and the disclosure of which would constitute an unwarranted invasion of personal privacy.

Personal information will always be personal information; confidential information can lose its status as such where (i) the info is or (through no improper action or inaction by PLS or any affiliate, agent, consultant or employee of PLS) was publicly known and made generally available in the public domain prior to the time of disclosure by the disclosing party; (ii) becomes publicly known and made generally available after disclosure by the Disclosing Party to the receiving party through no action or inaction of PLS; (iii) is already in the possession of PLS at the time of disclosure by the Disclosing Party as shown by PLS's files and records immediately prior to the time of disclosure; (iv) is obtained by PLS from a third party without a breach of such third party's obligations of confidentiality; or (v) is independently developed by PLS without use of or reference to the Disclosing Party's Confidential Information, as shown by documents and other competent evidence in the PLS's possession.

- **Conduct of Personnel:** All individuals are expected to be professional and maintain confidentiality at all times, whether dealing with actual records, projects, or conversations, and abide by the obligations of contractual confidentiality agreements. Situations in violation of this policy include, but are not limited to:
- a. “Loose” talk among workers regarding confidential information about any client or fellow

¹ California Government Code §§ 6250 et seq
Confidentiality Policy – PLS/Staff

- employee.
- b. Allowing unauthorized access on PLS computers to confidential client information, financial data, confidential data, or employee personal information.
 - c. Sharing of information acquired by persons in the course of their work to others who don't have a need to have the information; accessing information that the individual doesn't have the authority to access in the course of their work, or doesn't have a need to know to carry out their job duties.
 - d. Sharing of information relative to confidential Human Resources matters.
 - e. Breach of confidentiality obligations regarding the disclosure of confidential information that is subject to a duly signed confidentiality or research agreement.
 - f. Discarding confidential documents in non-secured trash.

Examples of Types of Information to be Protected:

1. Client Information: Client information must not be accessed, removed, discussed with or disclosed to unauthorized persons, either within or outside of the institution, without the proper consent of the client. All individuals having access to confidential information are bound by strict ethical and legal restrictions on the release of any medical data. No individual therefore may disclose to a third party, including his/her own family, information learned from medical records, client accounts, management information systems, or any other confidential sources during the course of his/her work. No individual may access confidential information that they do not have a need to know to carry out their job duties. Employees may not access, release or discuss the confidential information of other employees without proper consent, unless the employee must do so to carry out specific assigned job functions.

2. PLS Information: PLS information that must be protected includes but is not limited to:

- Ongoing negotiations (grant proposals, contracts, leases, purchases, etc)
- Pending litigation and/or investigations
- Information that is proprietary, e.g., information that allows PLS to be more competitive in the marketplace. For example: an innovative approach that is described in a grant proposal.
- Confidential commercial or financial information

This information may not be accessed, removed, altered or disclosed unless PLS administration has given proper authorization.

3. Individual Matters: This includes personnel, medical, and other similar files where unauthorized access or release, falsification or destruction of confidential individual records is strictly prohibited.

• **Disposal of Confidential Documents:** Confidential documents must be disposed of in a manner which will protect the confidentiality of the information contained therein. For instance, by shredding of the document.

• **Reporting Breach of Confidentiality:** Persons must report violations of this policy. Options include reporting to a supervisor or the Executive Director.

• **Disciplinary Action for Non-compliance:** Violation of this policy is cause for disciplinary action up to and including dismissal.

Date: _____

Employee/Volunteer