



Title: CONFIDENTIALITY FOR TRUSTEES

Adopted: November 5, 2013

Revised: February 2, 2016, June 2017, June 2019, February 2022

POLICY

It is the Policy of the Bloorview School Authority that confidential matters brought before the Board or any Committees of the Board will not be disclosed until such disclosure is properly authorized by the Chair or their delegate.

GUIDING PRINCIPLES

1. This policy is designed to provide guidance for each trustee and committee member with regard to confidential matters that come before the trustees or any committee in the form of written or electronic documents and verbal discussions whether in-person or virtual.
2. The objective of this policy is to address matters of confidentiality in a manner that permits the Board, trustees, and committees to maintain the highest business and ethical standards, to protect the integrity of Bloorview School Authority, trustees, and committees, and to achieve appropriate levels of transparency and accountability in matters before the trustees and committees, and finally to support the maintenance of effective relationships among trustees, committee members and stakeholders.

DUTY OF EACH TRUSTEE AND COMMITTEE MEMBER

3. Each trustee and committee member owes to the Authority a duty of confidence not to disclose or discuss with another person or entity, or to use for his or her own purpose, confidential information concerning the business, activities and affairs of the Authority received in his or her capacity as a trustee and/or committee member unless otherwise authorized by the Board.
4. Each trustee and committee member shall ensure that he or she does not represent the Board to any stakeholder groups, the Ministry of Education, Hospital staff, school staff, the media or the general public, in any statement, gathering of information or communication not specifically authorized by the Board. The Board Chair (or designate as appointed by the Chair) serves as spokesperson for the Board with stakeholders and the media.
5. This accountability supersedes the personal interests of any Board member.

6. A Trustee's duty of confidentiality with respect to private and confidential financial, business and/or commercial information, personnel information, student information, and legal matters and opinions survives his or her term as Trustee.

CONFIDENTIAL MATTERS

7. The Chair of a committee is delegated to give a comprehensive report of the agenda, activities and recommendations of their committee during any meeting of the Board during an open or in-camera session as appropriate.
8. All matters that are subject of any in-camera portion of any Meeting are confidential until disclosed in an open meeting of the Board. The overall purpose and objectives of this policy will serve as points of reference in making such judgments. In all cases, the Authority's obligations under access and protection of personal privacy legislation shall be satisfied.
9. Briefing documents, minutes, reports, electronic communications and any other documents identified as confidential or by their nature is confidential and received by a trustee or anyone else for purposes of a meeting or other deliberations of the Board or its committees, are confidential. Confidential material received by a trustee or anyone else for purposes of a confidential proceeding of the Board or its committees shall not be divulged to any other person without the express prior authorization of the Board. Trustees shall not comment publicly on confidential Board or committee deliberations.
10. No person at a closed portion of any meeting is permitted , without the prior approval of the chair of the relevant meeting to make a recording and/or transmit any portion of the meeting.

PERSONAL CONFLICTS OF INTEREST

11. Trustees are in a position of trust and are accountable for fulfilling their duties to the Authority with integrity. In this regard, they are subject to the Conflict of Interest Policy of the Board.

GUIDELINES

12. Every Trustee shall keep confidential any information disclosed or discussed at a meeting of the Board or committee of the Board, or part of a meeting of the Board or committee of the Board, that was closed to the public, and keep confidential the substance of deliberations of a meeting closed to the public, unless required to divulge such information by law or authorized by the Board to do so.
13. No Trustee shall use confidential information for either personal gain or to the detriment of the Board.

14. Trustees shall not divulge confidential information, including personal information about an identifiable individual or information subject to solicitor-client privilege that a Trustee becomes aware of because of his or her position, except when required by law or authorized by the Board to do so.
15. All Trustees acknowledge that, as part of their duties to the Board they may be privy to private, confidential and/or legally privileged financial, business and/or commercial information belonging to the Board that may provide a financial, business, commercial or competitive advantage, and that they may be privy to private and confidential student and personnel information, and/or legal matters and opinions. Such information may include, but is not limited to, information relating to the Board's organizational structure, operations, business plans, technical projects, business costs, research data results, inventions, trade secrets or other work produced, developed by or for the Board.
16. The confidentiality of personal/educational student and family information received in the course of duties must be respected, protected and kept confidential. Trustees are required to keep all information received, including but not limited to, in-camera discussions and actions in complete confidence. Information received should not be discussed or reviewed in public or where another student, parent, employee or member of the school community or public could accidentally overhear or read such information.