

Policy 1.20

1.20 CONFIDENTIALITY AND INFORMATION SHARING

Introduction

1. IPPF places a high value and importance on confidentiality and respects the confidentiality of its volunteers, trustees, staff, beneficiaries, complainants and partner organizations.
2. IPPF recognises it needs to ensure that across the Federation it protects and safely handles personal identifiable and confidential business information that it gathers, creates, processes and discloses.
3. IPPF also understands the importance of sharing information where required or appropriate in order to perform its safeguarding duties.
4. This policy is intended to set out the guiding principles and values applicable to all elements of IPPF (its Secretariat, Member Associations, members of the Board of Trustees, Audit Committee, and Regional Forums, and governing bodies of Member Associations). These guiding principles and values need to be implemented through the relevant regional and local policies and procedures.

Purpose and scope

5. The purpose of this policy is to provide guidance to IPPF Secretariat and Member Associations with regard to the protection of confidential information and responsibilities regarding the sharing of such information.
6. This policy applies to all volunteers, trustees and staff⁴⁸ of IPPF and its Member Associations, collaborative partners and other partners including members of the Board of Trustees, Audit Committee and Regional Forums. All partner organizations working with IPPF are required to adhere to this Policy in addition to their own policies and procedures.

Definitions

7. References to obligations to confidentiality are references to the need to protect confidential information from unauthorized disclosure. Confidential information may consist of:
 - i. Personal information of a private or sensitive nature;

⁴⁸ Staff" refers to all paid staff: permanent, fixed term and temporary staff; it includes employees, agency workers, consultants, interns and contractors.

- ii. Information that is not already lawfully in the public domain or readily available from another public source;
- iii. Information that has been shared in circumstances where the person giving the information could reasonably expect that it would not be shared with others.

For IPPF, confidential information includes:

- i. Internal business information and all proprietary information not generally known outside of IPPF, and
 - ii. Personal information relating to volunteers, trustees, staff, beneficiaries and complainants. Such information would include information relating to complaints or grievances etc.
8. Obligations of confidentiality may, exceptionally, be overridden by the public interest in disclosure. This will be the case only where a strong public interest justifies the disclosure of information which an individual would otherwise be entitled to protect. Disclosure will not be in the "public interest" merely because the public, or sections of it, will be interested in the material. Any decision to override obligations of confidentiality in the public interest are complex and must take account of both the potential harm that disclosure may cause and the general public interest of society in the preservation of confidentiality.

Principles

9. IPPF acknowledges confidentiality is an important principle in promoting trust, a culture of speaking up and ensuring that people feel safe to raise concerns and to report incidents.
10. IPPF recognises that confidentiality is not absolute and that sharing relevant information, when appropriate, is vital to good safeguarding practice. IPPF is committed to being open and honest from the outset about why, what, how and with whom information will, or could, be shared.
11. IPPF will seek consent to share information unless it is unsafe or inappropriate to do so. IPPF may still share information without consent where there is a legal duty to make a disclosure, where disclosure is regarded as being necessary to prevent serious harm, or where disclosure is regarded as being necessary in the public interest. These matters will be judged on the facts of each situation. Where possible, the person concerned will be informed a disclosure has been made.
12. IPPF will ensure that any personal information that is shared is:

- i. Necessary for the purpose,
- ii. Shared only with those people who need to have it,
- iii. Accurate and up to date,
- iv. Shared in a timely fashion, and
- v. Shared securely and in a way that does not put any individual to whom it relates at risk.

13. IPPF is committed to take appropriate security measures to prevent unauthorized people from gaining access to its information technology systems and other information.

14. Maintenance of confidentiality is a contractual obligation stipulated in IPPF's contracts and the Code of Conduct. Breach of confidentiality, whether directly or indirectly, is a disciplinary offence, which could result in dismissal and/or legal action including criminal prosecution. The duty to preserve the confidentiality of IPPF information extends beyond and continues after the individual's termination of employment or engagement with IPPF.

15. Whistleblowing is not considered a breach of confidentiality. IPPF's approach to whistleblowing includes protection of employees who raise concerns or complaints about IPPF's practices.⁴⁹ Employees who whistle blow are ensured that their personal information will be kept confidential and that they will be protected from retaliation.

Implementation

16. It shall be the responsibility of the Board of Trustees, Director-General, Regional Forums, Regional Directors, Member Associations' boards and Executive Directors to ensure that policies that meet the above-mentioned minimum standards are in place, and are implemented, monitored and reviewed accordingly.

17. IPPF Member Associations and Secretariat will:

- i. Be aware of their responsibilities for ensuring confidentiality;
- ii. Adopt and implement confidentiality policies and procedures based on the above principles and the information sharing implementation points below, whilst reflecting local legislation and requirements;
- iii. Ensure confidentiality sections are contained within all Human Resources policies and specifically in relation to grievances, performance management,

⁴⁹ See Raising a Concern Policy

disciplinary and internal complaints procedures;

- iv. Ensure their volunteers, trustees, staff and beneficiaries and local communities are aware of this policy and know how to use IPPF's incident reporting service, IPPF SafeReport;
- v. Ensure all breaches of confidentiality are recorded, stored securely with restricted access, reviewed and measures put in place to prevent such breaches in the future;
- vi. Make available evidence of all of the above to the IPPF Director General at request.

Information Sharing Requirements

18. There are situations where IPPF Secretariat, Member Associations and collaborative partners may have a legal duty to disclose information outside of IPPF, including:

- i. Where it is critical to prevent serious harm or distress or in life-threatening situations;
- ii. In order to report all child abuse to the relevant statutory services;
- iii. In order to report abuse of vulnerable adults and adult beneficiaries externally in line with IPPF's Safeguarding Incident Report procedure;
- iv. In order to report drug trafficking, money laundering and acts of terrorism to the police;
- v. Where it is requested in a court order.

19. If individuals have concerns about disclosing information they may discuss this with their line manager and/or a safeguarding adviser.

Information Sharing with Donors and Regulators

20. IPPF may have the contractual obligation to share certain information with donors and regulators. Other than in cases falling within paragraph 17, however, confidential personal information should not be disclosed to donors.

Information Sharing and Investigations

21. In general, personal information and detail of investigations shall remain confidential to respect the privacy of the individuals concerned and to promote an open culture of being able to speak up and raise concerns.

22. IPPF recognises that there may be situations where the sharing of some limited

information would be appropriate, in the public interest and in line with the growing development of international safeguarding good practice to minimize the ability of predators to move between organizations.

23. Situations where this may occur include but are not limited to:

- i. Where an investigation concludes that an individual committed serious misconduct involving sexual harassment in the workplace or any form of abuse or exploitation of children or vulnerable adults;
- ii. Where an individual leaves before an investigation is concluded.

24. IPPF will disclose any findings of sexual harassment, abuse of children and vulnerable adults in references and will report them to relevant regulatory authorities as required. IPPF will also disclose in references if an individual leaves before the conclusion of an investigation into sexual harassment or the abuse of children or vulnerable adults.

25. The question of whether there is a sufficient public interest to justify disclosure by IPPF will be judged on the facts of each situation. The key factors in deciding are necessity and proportionality, i.e. whether the proposed sharing is likely to make an effective contribution to preventing the relevant risk and whether the public interest in sharing information overrides the interest in maintaining confidentiality. In making the decision, IPPF will weigh up what might happen if the information is shared against what might happen if it is not. This decision will be taken by the most senior director in the organization with the advice of legal counsel.

26. IPPF recognises that non-disclosure agreements do not prevent individuals making disclosures in the public interest and will ensure that any non-disclosure agreements which it is a party to will make this clear.

Confidentiality and Information Sharing in Health Service Provision

27. Member Associations and collaborative partners providing health services need, in addition, to adhere to local confidentiality legislation in relation to confidential health records and their information sharing requirements.

Annex 1

Specific actions to be taken to ensure confidentiality

- All confidential documents should be marked "confidential" before being shared with the audience they were prepared for.
- All recipients of confidential documents shall be reminded of their duty to keep these confidential. A small heading on confidential documents which makes this clear can help.
- All confidential emails within the Federation should be sent out with the heading "confidential" with express request for readers to keep their content confidential unless expressly authorized to do otherwise.
- All confidential data containing personal information shall be password protected.
- Access to rooms and offices where personal or other confidential information is stored must be controlled and doors effectively secured.
- Measures should be in place to prevent oversight of personal or other information by unauthorized parties when sharing office space with others.
- At the end of each day, all desktops should be clear of any records containing personal or other confidential information.
- All records containing personal or other confidential information must be kept in locked storage.
- Unwanted printouts containing personal or other confidential information must be shredded.
- Care must be taken in transferring information to ensure that the method used is secure. In most instances an Information Sharing Agreement will have been completed before any information is transferred, which will set out conditions for use and identify the mode of transfer.

As adopted by Governing Council, November 2018

Last amended by Governing Council, May 2019