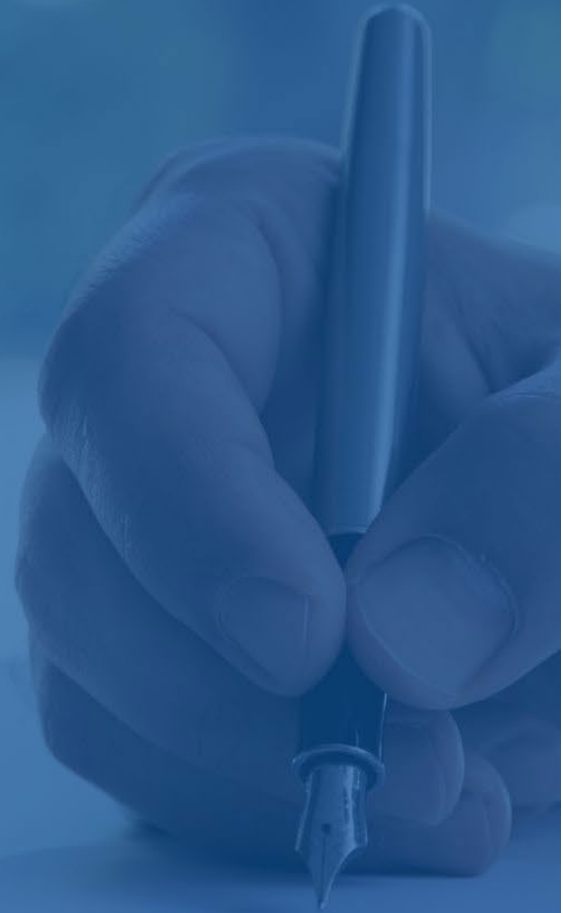


BOARD CONFIDENTIALITY POLICY & PROCEDURE



INTRODUCTION

As a registered Group Training Organisation (GTO), *Apprenticeships Are Us Ltd* adheres to the *National Standards for Group Training Organisations*. This confidentiality policy supports *National Standard 3 – Effective Governance and Management* by ensuring that Board discussions, reports, and decisions are handled with the appropriate level of confidentiality. Effective governance relies on open, frank discussions, and maintaining confidentiality is critical to ensuring these discussions can occur without undue external pressure.

Apprenticeships Are Us Limited (ARU) Board confidentiality is important. It encourages open and frank discussion at meetings, helps facilitate the development of vision and the implementation of an effective strategy to achieve that vision, and protects information that is confidential, personal, or relates to employment, commercial or legal matters.

As a registered charity, *Apprenticeships Are Us Ltd* is required to comply with the *Australian Charities and Not-for-profits Commission (ACNC) Governance Standards*. These standards include promoting transparency and accountability while ensuring that sensitive information is protected. This confidentiality policy ensures compliance with ACNC requirements for maintaining the integrity of Board processes and safeguarding sensitive organisational information.

PURPOSE

The purpose of this policy is to ensure effective governance of Apprenticeships Are Us Ltd (ARU) in accordance with relevant legal frameworks, including the Privacy Act, the Corporations Act, Australian Institute of Company Directors (AICD) guidelines, and Australian Charities and Not-for-profits Commission (ACNC) Governance standards. This policy emphasises ARU Board confidentiality and privacy considerations.

POLICY

1. **Confidentiality and Privacy Obligation:** ARU Board members are required to maintain the confidentiality of all information related to matters discussed by the ARU Board. This includes, but is not limited to, board meeting minutes, agendas, reports to the ARU Board, associated documents, and the information contained within them. This obligation extends even after a person has left the ARU Board.
2. **Legal Duties:** Board members are also subject to the *Corporations Act 2001 (Cth)*, which imposes duties to act in good faith, exercise care and diligence, and not misuse information. Under the Act, Board members are prohibited from using confidential information obtained in their role to benefit themselves or others or to harm the organisation. Any breaches of these duties may result in civil or criminal penalties under the Act.
3. **Access to Board Papers** When a request is made for access to ARU Board Papers, the ARU Board must consider its privacy obligations under the *Privacy Act 1988*. Access to Board Papers containing personal, sensitive, or confidential information must be granted only in compliance with the Privacy Act, ensuring that the privacy rights of individuals are protected, and that information is not disclosed unlawfully. In making this decision, the ARU Board will consider:

- The importance of maintaining confidentiality to facilitate effective board meetings.
 - Compliance with the law, including privacy laws, recognising that there may be legal duties to disclose or protect information.
 - Whether the requester is a member, understanding the role of members in holding the ARU Board accountable.
 - The need to ensure consistent treatment of documents and the potential consequences of establishing precedents or expectations.
4. **Professional Advice:** This policy does not prohibit the ARU Board from seeking confidential legal, accounting, financial, or other expert advice from independent professionals to assist in carrying out its functions.
 5. **External Participants:** Any person who is not a member of the ARU Board but is present at ARU Board meetings (or part of a meeting) must also maintain confidentiality regarding information obtained as a result of their participation.

* **Board Papers:** Board Papers encompass all written communications to Board members, including but not limited to monthly/quarterly board papers, submissions, minutes, letters, memoranda, board committee and sub-committee papers, and copies of other documents referred to in any of the above-mentioned documents made available to the Board member during their time in office.

RESPONSIBILITIES

The ARU Board is responsible for ensuring that all Board members are familiar with their confidentiality obligations and comply with the governance frameworks set out by the *Corporations Act 2001 (Cth)*, *ACNC Governance Standards*, and *National Standards for Group Training Organisations*. The Board must also ensure that processes for managing and handling confidential information are regularly reviewed and updated to align with any changes in legislation or regulatory standards.

- **Chair:** The Chair is responsible for bringing this policy to the attention of prospective ARU Board members.
- **Managing Director:** The Managing Director must ensure that this policy is included in the induction kit for new ARU Board members.
- **Access Requests:** Requests for access to ARU Board Papers should be directed to the Chair, who will include consideration of the request as an item on the ARU Board agenda.

DATA SECURITY AND CONFIDENTIALITY

To ensure confidentiality is maintained, ARU Board members must use secure systems for sharing and storing Board Papers and other sensitive information. ARU utilises *Board Pro Software* to limit access to Board documents, ensuring they are only available to authorised individuals. All Board members must follow ARU's IT security protocols to protect sensitive information from unauthorised access or breaches.

PROCESSES

1. **Handling of Board Papers:** The Managing Director is responsible for creating, maintaining, and distributing ARU Board Papers in a manner consistent with their confidential status. These documents must be kept separately from other non-confidential documents and stored securely to limit access to unauthorised individuals, including employees. Access should be made available only through electronic means via Board Pro Software.
2. **Legal Advice:** In cases where there is a request for access to ARU Board Papers, and if there are concerns about laws governing disclosure or non-disclosure, the Managing Director will obtain legal advice to assist the ARU Board in its decision-making process. This ensures compliance with legal requirements, including privacy regulations.

This policy aims to align ARU's governance practices with relevant legal and industry standards, promoting confidentiality and privacy in the organisation's operations.

RELATED DOCUMENTS

- [Transparency and Accountability Policy](#)
- [Privacy Policy](#)
- [Code of Ethics](#)

AUTHORISATION

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Managing Director
Apprenticeships Are Us Limited

DOCUMENT CONTROL

Version	Authorised by	Authorisation Date	Sections	Amendment
1.1	M. Wentworth	27/10/2022	All	N/A
1.2	M. Wentworth	07/11/2023	All	Cover page, information update
1.3	M. Wentworth	30/10/2024	All	Information update