



NATIONAL COUNCIL OF NONPROFITS

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Sample Confidentiality Agreements for Information about Clients

NOTE: These samples are provided for educational purposes only and should not be considered legal or other professional advice. The National Council of Nonprofits encourages nonprofits to seek the advice of competent professional advisors prior to adopting this, or any template document.

SAMPLE #1

Confidentiality Policy for Employees, Volunteers and Board Members

Respecting the privacy of our clients, donors, members, staff, volunteers and of the [Name of Nonprofit] itself is a basic value of [Name of Nonprofit]. Personal and financial information is confidential and should not be disclosed or discussed with anyone without permission or authorization from the [executive director]. Care shall also be taken to ensure that unauthorized individuals do not overhear any discussion of confidential information and that documents containing confidential information are not left in the open or inadvertently shared.

Employees, volunteers and board members of [Name of Nonprofit] may be exposed to information which is confidential and/or privileged and proprietary in nature. It is the policy of [Name of Nonprofit] that such information must be kept confidential both during and after employment or volunteer service. Staff and volunteers, including board members, are expected to return materials containing privileged or confidential information at the time of separation from employment or expiration of service.

Unauthorized disclosure of confidential or privileged information is a serious violation of this policy and will subject the person(s) who made the unauthorized disclosure to appropriate discipline, including removal/dismissal.

SAMPLE #2

Confidentiality Policy

All information concerning clients, former clients, our staff, volunteers, and financial data, and business records of [Name of Nonprofit] is confidential. "Confidential" means that you are free to talk about [Name of Nonprofit] and about your program and your position, but you are not permitted to disclose clients' names or talk about them in ways that will make their identity known. No information may be released without appropriate authorization. This is a basic component of client care and business ethics. The board of directors, staff and our clients rely on paid and volunteer staff to conform to this rule of confidentiality.

[Name of Nonprofit] expects you to respect the privacy of clients and to maintain their personal and financial information as confidential. All records dealing with specific clients must be treated as confidential. General information, policy statements or statistical material that is not identified with any individual or family is not classified as confidential. Staff members are responsible for maintaining the confidentiality of information relating to other staff members and volunteers, in addition to clients.

Failure to maintain confidentiality may result in termination of your employment, or other corrective action. This policy is intended to protect you as well as [Name of Nonprofit] because in extreme cases, violations of this policy also may result in personal liability.

Rationale

Confidentiality is the preservation of privileged information. By necessity personal and private information is disclosed in a professional working relationship. Part of what you learn is necessary to provide services to the applicant or client; other information is shared within the development of a helping, trusting relationship. Therefore, most information gained about individual clients through an assignment is confidential in terms of the law, and disclosure could make you legally liable. Disclosure could also damage your relationship with the client and make it difficult to help the person.

DRAFT

Before you begin your assignment as a staff member/volunteer, you should be aware of the laws and penalties for breaching confidentiality. Although the agency is liable for your acts within the scope of your duty, giving information to an unauthorized person could result in the agency's refusal to support you in the event of legal action. Violation of the state statutes regarding confidentiality of records is punishable upon conviction by fines or by imprisonment or by both.

Certification

I have read [Name of Nonprofit]'s policy on confidentiality and the Statement of Confidentiality presented above. I agree to abide by the requirements of the policy and inform my supervisor immediately if I believe any violation (unintentional or otherwise) of the policy has occurred. I understand that violation of this policy will lead to disciplinary action, up to and including termination of my service with [Name of Nonprofit].

Signature _____ Name _____ Date _____

SAMPLE #3

ACKNOWLEDGEMENT OF CONFIDENTIALITY OF CLIENT INFORMATION

I agree to treat as confidential all information about clients or former clients and their families that I learn during the performance of my duties as _____ (position title), and I understand that it would be a violation of policy to disclose such information to anyone without checking first with my supervisor.

Signature of Staff Member/Volunteer _____

Date _____ Name _____

SAMPLE #4

Confidentiality Policy

It is the policy of [Name of Nonprofit] that board members and employees of [Name of Nonprofit] will not disclose confidential information belonging to, or obtained through their affiliation with [Name of Nonprofit] to any person, including their relatives, friends, and business and professional associates, unless [Name of Nonprofit] has authorized disclosure. This policy is not intended to prevent disclosure where disclosure is required by law.

Board members, volunteers and employees are cautioned to demonstrate professionalism, good judgment, and care to avoid unauthorized or inadvertent disclosures of confidential information and should, for example, refrain from leaving confidential information contained in documents or on computer screens in plain view.

Upon separation of employment and at the end of a board member's term, he or she shall return, all documents, papers, and other materials, that may contain confidential information.

Failure to adhere to this policy will result in discipline, up to and including separation of employment or service with [Name of Nonprofit].