

DEALING WITH CONFIDENTIAL and SENSITIVE INFORMATION

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1. CONFIDENTIALITY POLICY STATEMENT

Confidentiality is important for many reasons, a vital element being that the safeguarding of sensitive information aids in developing, building and maintaining trust between the Commission and the growers / producers, stakeholders and industries with which we have professional relationships.


It is also true that maintaining a healthy and productive relationship with the community of growers and producers who make up the producers' committees is an integral component of promoting the effective operations of committees.

The Commission collects and administers a wide diversity of information on a range of industries.

This information is collected to enable and assist the provision of services by the APC producers' committees.

The Commission will always require that this confidential and sensitive information is protected by the appropriate access and circulation requirements and is treated in an ethical manner.

In this way the integrity of the APC and the relationships which are fundamental to the effective operations of the Commission and producers' committees will be maintained.



William Ryan
Chairman
Agricultural Produce Commission

2. PURPOSE

This policy establishes the Commission position on dealing with confidential and sensitive information.

3. DEFINING CONFIDENTIALITY

Confidentiality, for this purpose, is the protection and safeguarding of business or personal sensitive information which is in the keeping of the Commission as well as the content of committee discussions.

Confidential information is information not generally known to outside / third parties and which is proprietary to the Agricultural Produce Commission and its producers' committees.

This includes:

- All verbal, electronic or written information which refers, or relates to,
 - Producers /growers
 - Dealers / wholesalers
 - Committee business, discussions and meetings

And specifically:

- Customer Information, including but not limited to:
 - Names
 - Contacts
 - Produce types

- Production levels / quantity

4. SCOPE

This policy applies to the Commission and Commission staff and producers' committees and staff of producers' committees.

5. POLICY

Highly sensitive or confidential information must sometimes be made available to committees in order for them to carry out their business or for the Commission to perform compliance checks on the payment of the FFS charge.

In these circumstances:

- Commission members and staff and producers' committee members and staff will be instructed in the handling and recognition of information which falls into the scope of confidential and /or sensitive.
- Commission members and staff and producers' committee members and staff will complete the APC Confidentiality and Conflict of Interest Declaration¹ each time there is a change in membership / staff.
- Confidentiality will be ensured by placing reasonable and appropriate restrictions on confidential and sensitive information, including password protection on electronic documents.
- Confidential information will clearly identify that it is confidential and will prescribe the handling requirements for that information².
- Where information which has been designated as confidential is required, for business reasons, to be distributed or entrusted to any party other than the original recipient the original recipient will:
 - Advise the Commission of this action
 - Record the distribution
 - Advise the recipient of the confidentiality status of the information and equal confidentiality practices to those required by the Commission in relation to the information required and agreed.

6. ROLES AND RESPONSIBILITIES

Members of the Commission and Commission staff, and members of producers' committees and committee staff -

- Will not share, misuse or divulge confidential information if there is a belief that the information could be misused in any way.
- Will immediately notify the Commission if a breach of confidentiality has been identified or is likely.
- Keep confidential information secure at all times.
- When working with confidential or sensitive information only those persons essential to the process will be provided access to the information.
- Only use confidential information for the permitted, stated and agreed purpose.
- Not use confidential information for any purpose which could or might directly or indirectly be detrimental to the Commission, producers' committees, producers / growers, dealers / wholesalers or producer industries.

¹ See Appendix 1 – Producers' Committee Confidentiality and Conflict of Interest Declaration

² See Appendix 2 – Example confidentiality statement

- Will ensure that members, staff and any organisations / persons employed to assist the committee in carrying out the business of the committee are aware of, and abide by, this confidentiality policy.

7. MANAGING BREACHES OF CONFIDENTIALITY

A breach of confidentiality, even when unintentional, is serious and can result in financial loss and / or reputational damage to both the person / organisation whose information is divulged and to the Commission and producers' committees.

In the instance of a breach the Commission will:

- Review the circumstances of the breach and gather any relevant evidence, including whether intentional or unintentional.
- Identify the severity and apparent or likely impacts of the breach.
- If the breach relates to a specific committee work with the committee to understand the breach.
- Notify affected parties of the breach.
- Identify and implement appropriate actions to remedy or minimise the effects of the breach.
- Identify and implement appropriate actions to deal with the instigator of the breach.
- Should the occurrence be found to be in breach of any Commission policy, the APC code of Conduct or APC Producers' Committee Directions apply the appropriate actions.
- If all above fails and no other course is available or appropriate consult a lawyer for legal advice.

8. RELATED / SUPPORTING POLICIES

The following are Commission policies or documents which relate to or support this policy:

- Producers' Committee Confidentiality and Conflict of Interest Declaration
- Producers' Committee Conflict of Interest (Standing) Disclosure
- Commission Confidentiality and Conflict of Interest Declaration
- Code of Conduct and Committee Procedural Manual

9. APPENDICES

- Example confidentiality statement
- Producers' Committee Confidentiality and Conflict of Interest Declaration
- Commission Confidentiality and Conflict of Interest Declaration

EXAMPLE CONFIDENTIALITY STATEMENT

This statement below is to be included on the top and bottom of the relevant document.

CONFIDENTIAL FOR APC XXXX PRODUCERS' APPROVED COMMITTEE USE ONLY. DATA IS NOT TO BE SHARED OR DISTRIBUTED OUTSIDE OF OFFICIAL COMMITTEE BUSINESS OR WITHOUT THE PRIOR AGREEMENT OF THE COMMITTEE OR THE COMMISSION



PRODUCERS' COMMITTEE CODE OF CONDUCT, CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

*This declaration to be signed by all members'
every time there is a change in Committee membership.*

On accepting an appointment to an APC producers' committee (a committee) and becoming a committee member the member has a fiduciary responsibility (a duty of loyalty and care) to the committee and the growers / producers who pay the FFS charge.

This declaration serves to

- understand
- acknowledge
- affirm and
- declare

members' responsibilities in carrying out duties as a member of an Agricultural Produce Commission producers' committee, established under the APC Act 1988.

APC CODE OF CONDUCT AND ETHICS

The following provides specific direction on the APC Code of Conduct and Ethics and applies to all APC Commissioners, employees and producers' committee members. The Code must be observed at all times.

The Producers' Committee Directions 2021 include that a breach of the code by employees or producers' committee members to be grounds for removal from a committee³.

- **Personal Integrity** – acting with care and diligence, considering all relevant information then making decisions that are honest, fair, impartial and timely.
- **Relationships with others** – people are treated with respect, courtesy and sensitivity and their interests, rights, safety and welfare are recognised.
- **Accountability** – the resources of the State and funds contributed by producers are used in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural financial and physical resources, property and information.
- **Justice** - being impartial and using power fairly for the common good. Not abusing, discriminating against or exploiting people.

³ Producers' Committee Directions 2021 – sec8



Use of Confidential Information - maintain confidentiality, respect the privacy of individuals, committee members and organisations. Do not divulge information deemed confidential or sensitive. Information obtained in the course of Commission or committee meetings or activities must not be misused for direct or indirect gain, or to do harm to others or the Commission or any of its producers' committees.

- Members and employees affirmation, and observance of, the Confidentiality and Conflict of Interest Declaration constitutes part of the Use of Confidential Information.

CONFIDENTIALITY

Highly sensitive or confidential information or data must sometimes be made available to committees in order for them to carry out their business or for the Commission to perform compliance checks on the payment of the FFS charge.

- I will maintain confidentiality and hold in strict confidence all information, proprietary or otherwise, to which I am provided access or which comes into my keeping as a result of my membership on the APC Producers' Committee.
- I will ensure that any agendas, minutes, emails or documents (confidential or otherwise) are subject to appropriate access procedures, which includes that these forms of communication will not be freely accessible to persons or organisations not directly connected to the APC Producers' Committee.
- I will respect and protect the privacy of individuals or business organisations whose information might become known to me as a result of my membership on the APC Producers' Committee.
- I will be aware of and abide by the APC policy on Dealing with Confidential and Sensitive Information.

Opinions, discussions and relayed information are an important part of committee meetings. To enable committee's to thoroughly and accurately consider matters and arrive at fair and just decisions it is necessary that frank and full discussions take place within committees.

Members must be able to trust that these discussions are respected and kept within committee confines. Following this full and frank discussion, and once a committee position has been arrived at on any matter, that position becomes the position of the committee and must be observed.

A member not agreeing with a stated position can have their opposition to the committee's position recorded in the committee Minutes.

CONFLICT OF INTEREST

A conflict of interest (COI) within an APC committee is when a member's personal or other business interests or loyalties conflict with the professional business of the committee. This conflict has the potential to compromise or bias the decision making and decisions of the committee.

A conflict of interest when not managed, can lead to the abuse (real, perceived or potential) of the trust that people have in the committee or the Commission.

To be a member on an APC Producers' Committee one must be a producer within that particular industry. This is how the representation and interests of producers are maintained and ensured.

This is accepted and acknowledged as an inherent possible perceived conflict for all committee members and is not required to be notified/recorded. However, sometimes a conflict might fall outside of this definition, in which case a COI must be declared, recorded and managed.

Should you believe that you have a COI which is not addressed by the declaration below or which needs to be declared, please read and if necessary complete the 'Producers' Committee Conflict of Interest Disclosure' form.

- I will be free of any commercial, financial or other pressures or conflicts of interests that might cause me to act in other than an impartial or non-discriminatory manner.
- I will not misuse information obtained as a result of my membership on the Committee for direct or indirect gain, or to do harm to other people, the Commission, any of the APC Producers' Committees or industry members or bodies.
- I will not influence, or attempt to influence, any decisions or activities of the Producers' Committee for direct or indirect personal gain or for direct or indirect gain for any member of my family, acquaintances or business associates.
- I will keep the committee informed, in a timely manner, of any conflicts of interest (actual, potential or likely to be perceived), activities, affiliations or relationships which might compromise or affect my impartiality.

**PRODUCERS' COMMITTEE CODE OF CONDUCT,
CONFIDENTIALITY AND CONFLICT OF INTEREST**

DECLARATION

I hereby **DECLARE AND COMMIT** to the following during my tenure on the APC Producers' Committee:

- I will observe and comply with all Confidentiality and Conflict of Interest declarations included above.
- I agree to comply with all legislation, policies, procedures and rules as required by the relevant legislation and Commission policies.
- I will comply with any decisions, conditions or restrictions imposed by the APC Producers' Committee to manage, mitigate or eliminate any actual, potential or perceived conflict of interest and/or commitment.
- I will comply with any decisions, conditions or restrictions imposed by the Commission or the APC Producers' Committee to manage, mitigate or eliminate any breach of Commission or committee confidentiality.
- I will abide by the APC Code of Conduct and Committee Manual, and in particular, the use of confidential information, conflict of interest and Code of Ethics requirements.
- I understand that a breach of any of the above can lead to action being taken against me with respect to my membership on the committee by the Commission with the support of the committee.

All members please sign on the following page

Name of Committee: _____ producers'
committee

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Signature of Chairperson **Date**

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Signature of Member **Date**

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Signature of Member **Date**

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Signature of Member **Date**

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Signature of Member **Date**

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Signature of Member **Date**

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Signature of Executive Officer / Secretary **Date**



COMMISSION CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION

This declaration to be signed by all members' every time there is a change in Commission membership.

On accepting an appointment to the Commission the member has a fiduciary responsibility (a duty of loyalty and care) to the Commission, the Minister and APC producers' committees and the growers / producers who pay the FFS charge.

This to





- understand
- acknowledge
- affirm and
- declare

my responsibilities in carrying out my duties as a member of the Agricultural Produce Commission.

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Personal Integrity – acting with care and diligence, considering all relevant information then making decisions that are honest, fair, impartial and timely.
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- 
Justice - being impartial and using power fairly for the common good. Not abusing, discriminating against or exploiting people.

⁴ Producers' Committee Directions 2021 – sec8



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- Members and employees affirmation, and observance of, the Confidentiality and Conflict of Interest Declaration constitutes part of the Use of Confidential Information.

CONFIDENTIALITY

The business of the Commission will require that at times sensitive or confidential information will be made available to the Commissioners to enable the Commission to make appropriate and considered decisions.

- I will maintain confidentiality and hold in strict confidence all information, proprietary or otherwise, to which I am provided access or which comes into my keeping as a result of my membership on the Commission.
- I will ensure that any agendas, minutes, emails or documents (confidential or otherwise) are subject to appropriate access procedures, which includes that these forms of communication will not be freely accessible to persons or organisations not directly connected to the Commission.
- I will respect and protect the privacy of individuals or business organisations whose information might become known to me as a result of my membership on the Commission.
- I will be aware of and abide by the APC policy on Dealing with Confidential and Sensitive Information.

Opinions, discussions and relayed information are an important part of Commission meetings. To enable the Commission to thoroughly and accurately consider matters and arrive at fair and just decisions it is necessary that frank and full discussions take place within committees.

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Should you believe that you have a COI which is not addressed by the declaration below or which needs to be declared, please read and if necessary complete the 'Conflict of Interest (Standing) Disclosure' form.

- I will be free of any commercial, financial or other pressures or conflicts of interests that might cause me to act in other than an impartial or non-discriminatory manner.
- I will not misuse information obtained as a result of my membership on the Commission for direct or indirect gain, or to do harm to other people, the Commission, any of the APC Producers' Committees or industry members or bodies.
- I will not influence, or attempt to influence, any decisions or activities of the Commission for direct or indirect personal gain or for direct or indirect gain for any member of my family, acquaintances or business associates.
- I will keep the commission informed, in a timely manner, of any conflicts of interest (actual, potential or likely to be perceived), activities, affiliations or relationships which might compromise or affect my impartiality.

**COMMISSION CODE OF CONDUCT, CONFIDENTIALITY AND
CONFLICT OF INTEREST**

DECLARATION

I hereby **DECLARE AND COMMIT** to the following during my tenure on the Commission:

- I will observe and comply with all Confidentiality and Conflict of Interest declarations included above.
- I agree to comply with all legislation, policies, procedures and rules as required by the relevant legislation and Commission policies.
- I will comply with any decisions, conditions or restrictions required to manage, mitigate or eliminate any actual, potential or perceived conflict of interest and/or commitment.
- I will comply with any decisions, conditions or restrictions required to manage, mitigate or eliminate any breach of confidentiality.
- I will abide by the APC Code of Conduct and Committee Manual, and in particular, the use of confidential information, conflict of interest and Code of Ethics requirements.

Please sign on the next page

Agricultural Produce Commission -

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Signature of Chairperson

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Date

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Signature of Member

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Date

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Signature of Member

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Date

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Signature of Member

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Date

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Signature of APC CEO

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Date