



**LAC SEUL FIRST NATION**

**CONFIDENTIALITY POLICY**

These Policy and Guidelines for Chief and Council were passed during a duly convened meeting of the Lac Seul First Nation Council held on September 20th, 2024, and confirmed by BCR 24-45-20.

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## **CHAPTER 1: INTRODUCTION**

### **Purpose**

- 1** The purpose of this Confidentiality Policy is to protect the privacy of Lac Seul First Nation Chief and Council, Members, Staff, and other individuals, as well as to safeguard the confidentiality of Lac Seul First Nation business operations and relationships, as appropriate.
- 2** The Confidentiality Policy furthers Lac Seul First Nation’s Comprehensive Community Plan (2022) by strengthening governance processes and fostering accountability.

### **Application**

- 3** The Confidentiality Policy applies to the Chief and Council of Lac Seul First Nation and members of Committees of Council.

### **Responsibilities**

- 4** All members of Lac Seul First Nation Council and Committees are required to comply with the Confidentiality Policy.
- 5** The Governance Committee is responsible for periodically reviewing the Confidentiality Policy to ensure effectiveness, and making recommendations regarding proposed amendments to Council.

### **Review**

- 6** This Policy will be reviewed every three years and may be amended from time to time.

### **Approval & Amendment Dates**

- 7** This Policy was passed by the Lac Seul First Nation Council by BCR on September 20<sup>th</sup>, 2024.

## **CHAPTER 2: DEFINITIONS**

- 8** The following definitions apply in this Policy:

- (1) **“Confidential Information”** is information produced or received in the course of one’s duties for LSFN that:
  - (a) concerns LSFN business operations or relationships and is sensitive in nature;
  - (b) contains Personal Information; or

- (c) based on the circumstances in which it was produced, shared, or received, is reasonably understood to be confidential;

in any format, including written, oral, electronic, and hard copy, regardless of whether it is marked “Confidential.”

- (2) “**Council**” means the elected Chief and Council of Lac Seul First Nation.
- (3) “**Executive Director**” means the Staff member appointed by Council to oversee the administration and operations of LFSN.
- (4) “**LSFN**” means Lac Seul First Nation.
- (5) “**Member**” means a person whose name appears, or who is entitled to have their name appear, on the Lac Seul First Nation Band List, and Membership refers to Members as a collective.
- (6) “**Personal Information**” means information about a specific individual over which the individual has a reasonable expectation of privacy. This includes information pertaining to an individual’s name, gender, date of birth, physical characteristics, address, contact information, identification numbers, and information regarding an individual’s medical, financial, family, educational, or criminal background.
- (7) “**Staff**” means an employee of Lac Seul First Nation, or all employees of Lac Seul First Nation, depending on the context, and includes employees with full-time, part-time, permanent, and fixed-term roles.
- (8) “**Staff Resource**” means the Staff member appointed by the Executive Director to provide support to a Committee of Council, in accordance with the Committee’s terms of reference.

### **CHAPTER 3: DUTIES AND OBLIGATIONS**

- 9 All members of Council and Committees of Council have a general duty of confidentiality to LFSN.
  - (1) Carrying out this duty requires diligence in identifying whether information produced, shared, or received is Confidential Information and using good judgment to safeguard Confidential Information.
  - (2) This duty remains in effect after the conclusion of a Council or Committee member’s term.

**10** Disclosure of an individual's Personal Information to any person or organization external to LSFN without the individual's consent, except where required by law, is prohibited.

**11** Members of Council and Committees of Council are required to:

- (1) Appropriately safeguard Confidential Information in their possession and not disclose Confidential Information unless authorized;
  - (a) This includes using password protection for electronic materials and not disclosing passwords to anyone unless authorized;
- (2) Ensure that all internal briefing materials, particularly those which are prepared for discussion purposes only, are not shared outside of the Council or Committee meeting to which they pertain;
- (3) Maintain strict confidentiality over any personnel matters they become aware of;
- (4) Comply with Chapter 7 of the Policy and Guidelines for Chief and Council, which sets out specific rules for maintaining confidentiality over In-Camera Sessions of Council and Committees;
- (5) When engaging with third parties on behalf of LSFN, take steps to ensure that Confidential Information is protected, which may include marking materials as "Confidential" and explaining the applicable portions of this Confidentiality Policy to third parties;
- (6) Bring any possible breaches of this Confidentiality Policy to the attention of the Chief, or raise a suspected breach as a complaint in accordance with Chapter 10 of the Policy and Guidelines for Chief and Council; and
- (7) Upon the conclusion of their term, return all materials containing Confidential Information to:
  - (a) the Executive Assistant to Chief and Council, in the case of members of Council; or
  - (b) the Staff Resource assigned to the Committee of Council, in the case of Committee members.

### **Requests for Disclosure**

**12** In the course of their duties, members of Council or Committees of Council may receive requests for disclosure of records containing Confidential Information. Members of Council and Committee members are not permitted to disclose records containing Confidential Information. Any requests for disclosure must be directed to the Executive Director.

- 13** When a request for disclosure of records containing Confidential Information is received by a Committee member other than a member of Council, the Committee member will direct the person making the request to the Chair or Vice Chair of the Committee. The Chair or Vice Chair will follow the procedure set out in section 14.
- 14** When a request for disclosure of records containing Confidential Information is received by a member of Council, the following procedure will be followed:
- (1) The member of Council will ask the person to make the request in writing to the Executive Director, to be as specific as possible, and to include the reason for the request. The member of Council will ensure that the Executive Director receives a copy of the written request.
  - (2) The Executive Director will review the written request and determine if the requested records relate to Council business or LSFN administration and operations.
  - (3) If the requested records relate to LSFN administration and operations, the Executive Director will ensure that the request is handled in accordance with the confidentiality rules and procedures contained in the LSFN Human Resources Policy Manual.
  - (4) If the requested records relate to Council business, the Executive Director will direct relevant Staff to gather the records referenced in the request. The Executive Director will determine whether the disclosure should be granted, and will consult with Council and/or legal counsel as necessary. In making this decision, the Executive Director will consider:
    - (a) The nature and reason for the request;
    - (b) Whether the records requested contain Personal Information; and if so, whether the Personal Information may be redacted or written consent of the person to whom the Personal Information relates may be obtained;
    - (c) Any risk to LSFN or its Members that may arise if the records are disclosed;
    - (d) The interests of anyone other than LSFN that would be affected by disclosure of the records; and
    - (e) The importance of transparency for good governance.
  - (5) The Executive Director will ensure that no records containing Personal Information will be disclosed without first:
    - (a) having all Personal Information carefully redacted; or

- (b) obtaining the consent of the person to whom the Personal Information relates.
- (6) The Executive Director will inform the person making the request of the decision in writing. If disclosure is granted, copies of the requested records will be provided with the decision.
  - (a) If the records requested have been destroyed in accordance with record retention procedures, the Executive Director will inform the person making the request of this in their written decision.
- 15** With respect to section 14(4)-(5), a Member will not be denied access to records containing their own Personal Information. If the Personal Information of another individual is included in the record, the Executive Director will ensure that portion of the record is redacted or obtain consent to facilitate disclosure.
- 16** Section 14 will not prevent the disclosure of records that is required by law. Where there is any question regarding whether disclosure is required by law, the matter will be brought to the attention of the Executive Director.

#### **Enforcement**

- 17** A suspected violation of this Confidentiality Policy by a member of Council will be addressed in accordance with Chapter 10 of the Policy and Guidelines for Chief and Council.
- 18** A suspected violation of this Confidentiality Policy by a member of a Committee of Council will be addressed in accordance with the Committee Terms of Reference.