

FORT COX AGRICULTURE AND FORESTRY TRAINING INSTITUTE

Fort Cox Agriculture and Forestry Training Institute policies will be recorded on the institutional policy catalogue, which will be available at the library and on the institute website, (as <http://www.fortcox.ac.za/policies/>) which will be regularly updated. As it is important to provide critical information such as when the policy was introduced, what it aims to achieve and who has responsibility for its implementation and review.

CONFIDENTIALITY MANAGEMENT POLICY

POLICY PARTICULARS

DATE OF APPROVAL BY CHAIRPERSON: COUNCIL: 31 / 10 / 2019

COMMENCEMENT DATE: 1 January 2019

REVIEW DATE: 1 January 2021

RESPONSIBILITY:

- IMPLEMENTATION & MONITORING: Human Resources together with Managers/Supervisors
- REVIEW AND REVISION: Human Resource in consultation with the Unions and

Managers/Supervisors

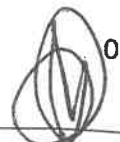


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CONFIDENTIALITY MANAGEMENT POLICY

1. Preamble

WHEREAS section 195 (1) (a) of the constitution of the Republic of South Africa Act No. 108 of 1996, as amended, stipulates that one of the democratic values and principles which shall form the cornerstone for public and private entities shall be the promotion and maintenance of high standards of professional ethics;

AND WHEREAS section 14 (d) of the constitution of the Republic of South Africa Act No. 108 of 1996, as amended, guarantees as fundamental the right of everyone to privacy, which right includes, the right not to have the privacy of their communications infringed;

RECOGNIZING that forming a partnership with stakeholders is central to the provision of qualitative services to the Institute.

AND RECOGNIZING FURTHER that such partnership with stakeholders are characterized by open and honest communication which is respectful of and sensitive to cultural other diversities;

REALIZING that Fort Cox Agriculture and Forestry Training Institute needs to develop practices that respect privacy and confidentiality so that stakeholders can begin to trust the organization and exchange information with both managers and staff of Fort Cox Agriculture and Forestry Training Institute.

WHEREFORE this policy is hereby formulated as an integral part of rules and regulations that gives effect to the concept of effective management of confidentiality within Fort Cox Agriculture and Forestry Training Institute.

2. Definition of terms

In this policy, unless the context indicates otherwise the following terms shall bear the meaning expressed below and words importing masculine gender shall include the feminine:-

- (i) **"Confidentiality"** means the non-disclosure of certain information except to another authorized person.
- (ii) **"confidentiality (Non-Disclosure) Agreement"** means a written contract entered into between the manager or staff member in terms of which the parties agree that certain types of information that pass from one party to the other or that are created by one of the parties or that are created or produced by one of the parties will remain confidential.
- (iii) **Management** means a member of Senior Management of the Institution.
- (iv) **Institution** means Fort Cox Agriculture and Forestry Training Institute.
- (v) **Staff** means any person employed by Fort Cox Agriculture and Forestry Training Institute and serves as a staff member within the Institute administration.

3. Purpose of the policy

- 3.1 To protect and promote the organization's fundamental right to privacy.
- 3.2 To provide guidance on the organization's confidentiality preservation practices.
- 3.3 To provide a comprehensive framework and guidelines on procedures to be followed for the collecting, storing, transmitting, usage and disposing of the information relevant for the purpose of enabling Fort Cox Agriculture and Forestry Training Institute discharge its organizational stated objectives.
- 3.4 To outline the criteria to be applied in determining what information the organization treats as confidential.
- 3.5 To outline the standards by which the parties will be expected to handle the confidential information and the procedure to be followed before confidential information could be disclosed.
- 3.6 To protect the organization's sensitive information from disclosure to other unauthorized parties.
- 3.7 To prevent the forfeiture by the organization of valuable patent information.

- 3.8 To establish or set time frame during which disclosure of confidential information could be made and the period during which the confidentiality of the information is to be maintained.
- 3.9 To provide for remedies available to Fort Cox Agriculture and Forestry Training Institute against management and staff who are found to have improperly disclosed to the other party the organizations confidential information.

4. Scope of application of the policy

- 4.1. The policy is binding upon all management and staff of Fort Cox Agriculture and Forestry Training Institute.
- 4.2. The policy shall become operational from the date determined by the Council and shall remain in operation until amended and/or repealed.
- 4.3. This policy serves as a guide and should not be applied mechanically. The application of good judgment and common sense, as well as, the modification of the concepts contained herein to fit the circumstances of a particular case is required.
- 4.4. This policy is not intended to substitute existing rules and regulations pertaining to confidentiality management but serve as a mechanism to reinforce and complement such existing rules and regulations.

5. Principles influencing the effective implementation of the policy

The successful implementation of this policy is founded on the following fundamental principles and to which Fort Cox Agriculture and Forestry Training Institute commits itself:

- 5.1. That confidentiality is one of the cornerstones of information security.
- 5.2. That Fort Cox Agriculture and Forestry Training Institute maintains strict confidentiality and security of records that contain information that identifies or could lead to the identification of a member of the public, management and staff, supplier, customer, service provider or business partner.
- 5.3. That both management and staff have access to Institute information necessary for them to do their respective functions properly.
- 5.4. Both management and staff are required to act honestly, exercise reasonable care and diligence and not make improper use of their positions and information at their disposal.
- 5.5. Both management and staff are expected to guard against unauthorized access to confidential information, to ensure the security and privacy of such confidential information, to

disclose or report any threats or hazards or anticipated threats or hazards to such confidential information.

5.6. Management and staff and other people acting on behalf of the Institute are responsible for protecting the information from unauthorized disclosure.

5.7. Unless the information is already publicly available, Management and staff are not at liberty to talk with people who were not present at the meeting about anything discussed at such a meeting.

5.8. Just as the Institute expects other parties to respect its confidential information, the Institute ~~sho~~ should likewise respect the information of other parties.

5.9. The Institute shall use only legal and ethical means to collect and use business and market information in order to understand its customers, suppliers and other stakeholders.

5.10. All information collected from persons will be considered private and confidential and not disclosed without prior knowledge or consent from the affected person(s).

5.11. If a member of management or staff releases the Institute information that they know, or ~~sho~~ should reasonably have known was confidential, they render themselves guilty of offence and will be held liable for such improper disclosure of confidential information.

6. Implementation process of the policy

6.1. The Institute must declare or make a determination as to which of its information is treated as or deemed confidential.

6.2. There are three (3) ways through which the Institute can declare information as confidential and such ways are:-

6.2.1. Where such information was furnished at a closed Management or Council meeting of the Institute.

6.2.2. Where the Chief Executive Officer or his/her assigned delegate has in writing designated such information as confidential

6.2.3 Where disclosure of such information is automatically deemed as illegal or unlawful by operation of the law.

6.3. The following information is generally classified as confidential:-

6.3.1. Information about the employment or possible employment of a particular person as a member of staff, if when publicly disclosed, such information could cause prejudice to the individual;

6.3.2. Information about the personal circumstances of a staff member

6.3.3 Information which is automatically subject to an obligation of confidentiality by operation of law;

6.3.4. Information provided to the Institute on condition that it be kept confidential;

6.3.5. Information that would, if publicly disclosed, be likely to;

- (a) Cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or
- (b) Prejudice the maintenance or administration of the law; or
- (c) Prejudice the security of the Institute, its managers and staff or
- (d) Prejudice the interest of the Institute or some other person.

6.4. Any person appointed as a member of management or staff shall immediately on appointment be caused to conclude a confidentiality (**Non-Disclosure**) agreement with the Institute. **The Confidentiality (Non-Disclosure) Agreement** is annexed to this policy as Form "A"

6.5. No management or staff is allowed to release confidential information to the public or other individual who has not been authorized or who do not have a legitimate institutional or business need to know or receive such confidential information.

6.6. Management and staff entrusted with the Institute confidential information should:-

6.6.1. Know the information classification of the Institute confidential information at their disposal.

6.6.2. Know the security precautions that apply to the Institute confidential information at their disposal.

6.6.3 Know how long they would be expected to retain the Institute confidential information and how they should properly dispose of it.

6.6.4. Protect the Institute confidential information regardless of the media in which the information is conveyed.



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6.6.5. Protect the Institute confidential information for the entire life cycle of the information (i.e. from creation, storage, use, transmittal, retention through disposal).

6.6.6. Contact the Principal or his/her assigned delegate to ascertain whether certain information has been classified as confidential.

6.6.7. Share confidential information inside the Institute only with those who have a business need-to-know the information.

6.6.8. Have a written, signed confidential disclosure agreement before disclosing confidential information to a party outside the Institute.

6.6.9. Retain all the Institute information in accordance with the Institute prescribed Records Retention Schedule

6.6.10 promptly report any actual or suspected unauthorized access to the Institute confidential information to the Principal or his duty assigned delegate.

6.7. Management and staff entrusted with the Institute confidential information should generally avoid:

6.7.1 Sharing Institute confidential information with their family and friends.

6.7.2 Talking about the Institute confidential information in public places.

6.7.3 Leaving the Institute confidential information unattended within the reach of other people.

7. Remedies for breach of confidentiality

7.1. Improper disclosure by any person of the Institute confidential information constitutes an offence

7.2. The Institute shall take disciplinary action against any manager or staff that renders him/herself guilty of breach of this policy.

7.3. Depending on the nature and severity of the breach of confidentiality, the Institute may institute criminal and/or civil proceedings against any manager or staff who renders him/herself guilty of breach of this policy.



8. Dispute resolution

8.1. Any management or staff member who has dissatisfaction with the interpretation and application of the provisions of this policy is entitled to lodge a grievance in accordance with the Institute applicable grievance code.

8.2. Should the grievance lodged by the employee in terms of clause 7.1. Above, not to be resolved to such grievant satisfaction, the grievant shall be entitled to pursue the matter in accordance with the dispute resolution procedure of the Institute.

9. Review

This policy will be reviewed every three years in consultation with all relevant stakeholders, from the date of implementation to determine whether it will contribute to the achievement of the overall objectives of Fort Cox Agriculture and forestry Training Institute. Unless otherwise there are other valid reasons for an earlier review

10. Approval


This policy has been developed through a consultative process and the following stakeholders were represented:

Signed:

Z. Dumezweni  15/04/19

NEHAWU Chairperson

Date

S. C. Busakwe  15/04/2019

PSA Chairperson

Date

S.S. Rawula  15/04/19


Fort Cox Institute Representative

Date

It is recommended that the Institute Principal and the Chairperson of the Council approve this policy for implementation, with effect from 01 January 2019

~~RECOMMENDED/NOT RECOMMENDED~~

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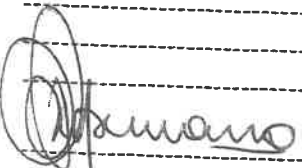


Dr PJ Masika: Principal

15/04/2019

Date

~~APPROVED/NOT APPROVED~~



Dr P Lupuwana: Chairperson of the Interim Council

31/10/2019

Date