

Procedure NSDO PR-09: Confidentiality and conflict of interest

1. Introduction

1.1 This procedure describes provisions to maintain confidentiality of any information obtained or generated by National Standards Development Organisation (NSDO), including personal information. It also describes arrangements to avoid potential or apparent conflict of interest and applies to all NSDO personnel.

2. Related documents

Privacy Act 1988 as amended in 2000; together with the eleven (11) Information Privacy Principles and ten (10) National Privacy Principles associated with the Act. Refer to Office of the Federal Privacy Commissioner: <http://www.privacy.gov.au/act/>

Procedure NSDO PR-03: *Developing a new Standard*

Procedure NSDO PR-07: *Responsibilities in Technical Committee work*

Procedure NSDO PR-09: *Confidentiality and conflict of interest*

3. Definitions

3.1 **Confidential information:** any information made available to or generated by NSDO, which is not already publicly available. This includes information that is about to become publicly available and/or not required to be published according to NSDO procedures.

3.2 **Document:** formal record of information, e.g. procedures, standards, forms, templates, web pages, contracts, publications and reference material. Documents are subject to amendment and revision.

3.3 **Information:** content of documents, a database, a website and other records kept electronically, in material form or otherwise.

3.4 **Personal information:** information or an opinion (including information / opinion that is part of a database), whether true or not, and whether recorded in a material form or otherwise, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion. [From the Privacy Act 1988 as amended 2000]

3.5 **Personnel:** includes anyone, paid or unpaid, who works with or is associated with National Standards Development Organisation, and has access to confidential information held by NSDO. This includes members of the Board and committees constituted by NSDO.

3.6 **Record:** information demonstrating that an action has been performed. Examples are reports, minutes, completed forms and the inserted or altered content in a template.

3.7 **Standard:** document, established by consensus and approved by a recognised body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a

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given context. Standards should be based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits. [ISO/IEC]

4. Application of the Privacy Act

4.1 NSDO collects and maintains a limited amount of personal information in accordance with the Privacy Act. If there is any conflict between the Privacy Act and requirements in this procedure, the provisions of the Privacy Act prevail.

5. Maintaining confidentiality

5.1 Some information obtained by NSDO during the normal Standards development process is not confidential. However, Technical Committee members must agree to not disparage in public the Technical Committee, its work, or NSDO and to refer requests for public comment on Technical Committee work to NSDO. Refer to Procedure NSDO-07.

5.2 NSDO is obliged to publish information on its activities and seek public comment at various stages in the review or development of a Standard(s). Refer to Procedure NSDO-03.

5.3 The following information is considered not confidential, unless identified as confidential by the NSDO Chief Executive Officer (CEO), a Committee Chair / Convener or Project Manager -

- Public comment on drafts of Standards being reviewed or developed by NSDO's Technical Committee and/or working groups,
- Names of organisations and individuals that submit comment on public review of drafts of a Standard(s), but not the comments, except as covered in 5.4 below,
- Membership of the NSDO Board and other administrative committees who are appointed as individuals,
- Nominating bodies and other parties with representatives on committees,
- Summaries of submissions which do not identify individuals,
- Information supplied to NSDO where confidentiality is not requested by the person supplying it, and
- Procedures that govern NSDO activities.

5.4 The following information is considered confidential, unless formally advised otherwise (eg; in writing) by the CEO or the owner of the information -

- Minutes of meetings/teleconferences,
- Proceedings relating to appeals and complaints,
- Details of assessments of Standards Development Organisations,
- Drafts of Standards being reviewed and developed by Technical Committees other than drafts for public comment,
- Individual submissions relating to a draft Standard(s) issued for public comment,

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- Proprietary or Commercial-in-Confidence and Committee-in-Confidence information tabled or discussed during Standards review or development and information identified as confidential by the person supplying the information, and
- Information where the need for confidentiality is identified by NSDO personnel and the minutes of meetings/teleconferences, where such information is tabled or discussed. Minutes must indicate circumstances that are confidential.

5.5 When in doubt, treat information as confidential, pending advice from a higher authority to the contrary.

5.6 Where documentation is marked *Committee-in-Confidence*, while a draft Standard(s) and/or other documentation is being considered by NSDO's Technical Committee, members representing nominating bodies may canvas the views of their stakeholder group (Procedures NSDO PR-03 and PR-07). When documents are forwarded by committee members, they must ensure that each recipient is aware of members' confidentiality and that such documents may not be forwarded further.

6. Managing conflicts of interest

6.1 Members of NSDO's Technical Committee and working groups declare potential and actual conflicts of interest, both on joining and if his/her personal situation changes or a potential conflict of interest arises subsequently. Refer to procedure NSDO PR-07.

6.2 NSDO personnel declare potential and actual conflicts of interest to the Technical Committee, eg; when handling complaints or appeals, or presented with proprietary or commercial-in-confidence information.

6.3 Members of a Technical Committee may have a vested interest in the outcome of the development of Standard(s) they are involved with and this is a conflict of interest only where such vested interests are hidden.

6.4 When personnel become aware of a potential or actual conflict of interest, they declare it immediately. Declarations may be in writing, or may be verbal if the situation arises at a meeting. Minutes of a meeting/teleconference record the declaration and the outcome.

6.5 If in doubt about a potential conflict of interest, seek advice from the CEO.

6.6 Anyone with a potential conflict of interest with a complainant or appellant is not allowed to investigate that complaint or hear that appeal.

6.7 All personnel must sign the declaration of conflict of interest (NSDO PR-09). The NSDO Secretariat holds original (signed) declarations.

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