

MARLBOROUGH JUSTICES OF THE PEACE ASSOCIATION

CONFIDENTIALITY PROTOCOLS

GENERAL DUTIES

BASIC PREMISES

1. All transactions irrespective of their nature should be treated as confidential.

Exceptions:

- Client agrees to waive confidentiality, with or without conditions
- Reference to a transaction is used for training purposes where the subject matter is kept general and client identity is suppressed.
- General reference is made to a transaction or type of transaction, its frequency, complexity, issues arising or other matter where the reference in no way leads to the identification of an individual client or clients.

2. Any written record of transactions are to be

- Restricted to date, time, type, client name
- Kept in a secure place unavailable to other eyes
- Destroyed or lodged with the Association on cessation of JP duties.

3. JPs, when discussing their duties with members of the public must never disclose client names or any information which may lead to the identification of a client.

COUNCIL DUTIES

BASIC PREMISES

1. All Council business should initially be treated as confidential unless its nature automatically indicates that it may be communicated informally or should be formally promulgated. (see below **)
2. Formal promulgation must be through proper approved channels of communication and not by those not so authorised by Council process or specific authority of President or Registrar.
3. The principle of collective responsibility prevails at all times:
 - Decisions taken by Council are supported regardless of individual opinions.
 - The nature of discussions leading to decisions and the opinions expressed by individual councillors are not revealed outside the Council meeting.

** While Council meetings are open to members unless otherwise formally restricted, and members are entitled to know the reasoning behind Council

decisions, Council members are required to exercise discretion in communicating with members on Council business, especially in respect of the above bullet points. Pre-emptive disclosure of important Council decisions may cause unnecessary concern or misinterpretation. The onus is on individual Council members to exercise proper discretion at all times, where thought necessary obtaining advice from the President or Registrar.

INTER-JP ACTION

1. Any exchange of information between JPs relating to a mutually-known client remains strictly between those JPs. It should not be in written form but, if necessary so to be, must be delivered and kept by a secure method.
2. Where it may be felt necessary to bring the actions of a client to the attention of Council, this must be done in - committee and subject to in-committee rules. Written form should follow (1) above.

JUDICIAL

It is axiomatic that all matters relating to Judicial function and decisions are treated as confidential except:

- where publicly available
- used for training purposes and where the identities of participants are protected unless publicly available

PRIVACY ISSUES

JPs and particularly councillors must be aware at all times of a client's right of access to, and ability to, correct information relating to them, in accordance with Principles 5 & 6 of the Privacy Act 1993.

Note: this also may apply to relationships between JPs.