

CONFIDENTIALITY POLICY

AIM

Australia and New Zealand Transplant and Cellular Therapies Ltd ("ANZTCT") recognises that there are situations where its staff are in, or will come into, possession of confidential information.

This Policy provides an overview as to how staff (which includes employees, contributors, contractors and volunteers) can identify confidential information, key duties that may apply to staff in respect of confidential information, and steps that staff can take to ensure these duties are upheld and the confidentiality of information is protected and maintained.

ANZTCT considers it to be imperative that the security and confidentiality of confidential information be maintained. Improper use or disclosure to third parties of confidential information may cause serious loss or damage to ANZTCT and to our service users, contributors, funders and partners.

SCOPE

This Policy applies to all staff at ANZTCT (employees, Board members, contractors, volunteers and students) who are subject to contractual, ethical and other duties of confidentiality through their dealings with ANZTCT.

CONFIDENTIAL INFORMATION

What is confidential information?

During the course of conducting business, staff will regularly be exposed to information relating to ANZTCT its operations, service-users and other third parties which is considered confidential.

Broadly, confidential information includes personal information obtained while working for or being engaged by ANZTCT, (whether that be about our operations, or our service-users).

Confidential information includes any confidential information relating to the past, present or future business of ANZTCT that comes to the knowledge of the staff member, including:

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- a) Financial, budgetary, marketing, research or business plan information of ANZTCT or any customer or service-user of ANZTCT;
- b) Customer or service-user lists and supplier lists;
- c) Third party information disclosed in confidence;
- d) Any confidential information or data belonging to a customer or service-user of ANZTCT (including data that is communicated as being confidential), and
- e) Any other information the disclosure or use of which may be detrimental to the interests of ANZTCT or of any other person who has provided it to ANZTCT on a confidential basis but does not include information in the public domain (unless in the public domain due to a breach of confidentiality by any person).

Identifying confidential information.

Just because a document isn't identified or labelled as confidential does not necessarily mean that the document is not confidential.

Staff should be mindful that a lot of the information they are dealing with in the course of their work is a confidential nature and err on the side of caution.

Before disclosing or distributing information, staff must:

(a) Consider whether the information or any aspect of the document is confidential considering the nature of the information. For example:

- I. Is the information publicly available? If so, it may not be confidential.
- II. Is the information about a client, or the service we have provided to them? If so, it is almost certainly confidential.
- III. Is the information commercially sensitive? If so, it is likely that the information will be confidential.

(b) If uncertain about whether information is confidential, please check with your manager or other member of management.

DUTIES OF CONFIDENTIALITY

Staff must:

- not disclose confidential information, except with prior written consent or is required by law or where necessary for a person to do their job or provide their services;
- not copy, produce or misuse confidential information, except where necessary for a person to do their job or provide their services;
- take whatever measures are reasonably necessary to prevent the loss, disclosure or misuse of confidential information;
- report any breach of these obligations;
- use confidential information solely where necessary for a person to do their job or provide their services;
- safeguard and protect all confidential information;

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- not sell, let for hire, assign rights in or otherwise commercially dispose of confidential information;
- not commercialise or otherwise exploit any confidential information;
- comply with any conditions on any consents provided by ANZTCT to disclose confidential information;
- comply with all privacy laws (including the Privacy Act 1988 and state based privacy laws).
- If staff are required by law to disclose confidential information, staff **must** notify ANZTCT and comply with any lawful and reasonable directions or requirements provided by ANZTCT with respect to that disclosure.

DELIVERY OF DOCUMENTS

Staff **must** deliver up to ANZTCT all confidential information at the end of their employment with ANZTCT, at the end of their engagement as a contractor with ANZTCT, or earlier if directed by ANZTCT.

STAFF ASSISTANCE

Staff **must** execute any document reasonably requested by ANZTCT, or as requested by a service-user, funder or customer of ANZTCT, in relation to their obligations with respect to confidential information.

ONGOING OBLIGATIONS

The obligations in this Policy continue to apply after the end of the employment or engagement of the staff member.

RESTRICTIONS

ANZTCT may limit access to certain information to specified staff only. Staff dealing with restricted information will be advised as such. Staff may be required to handle this information in a specified way, including keeping the information confidential and not disclosing the information to other staff.

NO EXCLUSION OF LAW OR EQUITY

Any existing laws or principles that safeguard ANZTCT's confidential information are not excluded from this Policy and **must** be followed, even if they are not explicitly mentioned in this Policy.

BREACH OF POLICY

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A breach of this policy may result in the staff member (if an employee) being disciplined, including the termination of their employment, or (for a contractor, volunteer or student) their services no longer being required. Action may be taken against Board members in accordance with the governing rules of ANZTCT.

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