

Subject: Confidentiality	Policy/Procedure Number: 00009
Effective Date: TBD	Review Date:
Applicable To: VT State Legislative Staff, Paid Interns, and Pages	Revision Date:
Issued By: Office of Legislative Human Resources	Approved By: Human Resources; Joint Legislative Management Committee

PURPOSE AND POLICY STATEMENT

During the course of employment with the Vermont General Assembly, legislative staff, paid interns, and pages (“legislative staff” or “staff members”) may have access to confidential communications and information related to their work with legislators, other legislative staff, State agencies, advocates, and others. Maintaining confidentiality is critical to the work of the General Assembly and legislative staff are required to keep such communications and information confidential under this policy.

What is Confidential?

Communications and information related to legislative matters are considered confidential unless:

- (1) the communication occurs in a public setting, such as a committee meeting, a floor session, or another legislative meeting where members of the public may be present or view the proceedings;
- (2) the relevant legislator or committee indicates that the communication or information is not intended to be confidential; or
- (3) the communication or information is generally known to the public.

Communications and information that are not related to legislative matters are generally not considered confidential unless:

- (1) the staff member knows or reasonably should know that the communication or information is confidential;
- (2) an individual participating in the communication or sharing of information indicates that it is confidential; or
- (3) an applicable law, rule, policy, or guideline requires the communication or information to be kept confidential.

This policy does not prohibit or restrict a staff member in any way from reporting sexual harassment, discrimination, or any other violation of law to a supervisor or

other appropriate authority. Sexual harassment, discrimination, and other violations of law should be immediately reported to a supervisor or other appropriate authority, as outlined in the applicable policies.

Protecting Confidentiality of Communications and Information

Staff members shall ensure that confidential communications and information in their possession are not left unattended or made accessible to anyone who is not permitted to access the communication or information.

Staff members shall also protect the confidentiality of electronic communications related to legislative matters, including emails and text messages. Legislative staff members are required to follow all applicable security guidance and protocols established by the Office of Legislative Information Technology.

When May a Staff Member Discuss or Disclose Something Confidential?

Staff members may discuss or disclose confidential communications or information when:

- (1) the disclosure is made to another staff member who is authorized to receive the communication or information;
- (2) the relevant legislator or committee has authorized the disclosure of the communication or information;
- (3) the relevant legislator or committee has publicly disclosed the communication or information;
- (4) the staff member's supervisor has authorized the disclosure of the communication or information;
- (5) the communication or information is generally known to the public through a source other than the staff member; or
- (6) the disclosure is required by law or by applicable rules of professional conduct.

Any other staff member with whom a confidential communication or confidential information is shared is also required to maintain the confidentiality of that communication or information under this policy.

Before disclosing confidential communications or information to a person who is not a legislative staff member, the disclosing staff member must get the approval of the relevant legislator or committee or the staff member's supervisor. Prior approval is not necessary if the disclosure is required by law or applicable rules of professional conduct.

State Code of Ethics

The State Code of Ethics, 3 V.S.A. § 1203e, also prohibits staff members from using confidential information for their own personal or financial gain or the personal or financial gain of another person.

Consequences for Violating Policy

Violations of this policy are subject to discipline, up to and including termination of employment or dismissal.

Confidentiality Agreement

Legislative staff are required to sign a Confidentiality Agreement. The Confidentiality Agreement requires legislative staff to maintain the confidentiality of legislative communications and information under the policy both during and after their employment with the General Assembly.

Conclusion of Employment

At the conclusion of their employment with the General Assembly, staff members are required to return any confidential communications or information in their possession to their supervisor. Legislative directors are required to give any confidential communications or information in their possession to their successor or another appropriate record custodian.

Following the conclusion of their employment with the General Assembly, staff members are required to maintain the confidentiality of all communications and information related to legislative matters under the terms of this policy.

Confidential communications and information may only be disclosed as permitted by this policy.

Relation to Rules of Professional Conduct

Staff members who are subject to rules of professional conduct are required to comply with any applicable rules of professional conduct that:

- (1) require greater protection of confidentiality; or
- (2) require or permit disclosure of communications or information under certain specific circumstances.



If a rule of professional conduct that applies to a staff member conflicts with this policy, the staff member shall follow the rule of professional conduct.

This document is subject to change and is not intended to establish a contract of employment or any contractual rights.

Employees with questions, concerns, or disputes with the content of this policy must notify their direct supervisor/director or the Legislative Office of Human Resources at the Vermont General Assembly, Montpelier, VT, in writing, which may include e-mail.