

A COVENANT OF CONFIDENTIALITY For Use by the Commission on Ministry (COM)

MYTH #1: Confidentiality means secrecy.

MYTH #2: If you receive confidential information, you cannot use it.

FACT #1: The deliberations of COM should be considered confidential. The *actions* of COM will be reported to Presbytery, but the *deliberations* should be treated as confidential and any background or supporting information shared during the reporting should be considered carefully.

FACT #2: Once you report information, it is open information, unless it occurs in the context of an executive or private session of the group to whom you are reporting. Any files which you keep should be secured, maintained carefully, and accessible only to qualified persons (those approved by COM).¹

Definition of Confidentiality

Confidentiality may best be understood as the careful stewardship and wise management of the information with which COM members are entrusted as they conduct business on behalf of the Presbytery.

By proper definition the word "confidential" refers to information released to a second person, with the assurance or professional requirement that it will not be shared with others without expressed or written permission.²

Content of Confidential / Limited Access Information

All information obtained and discussed by the members of the Commission on Ministry of Mission Presbytery **shall** be respected as confidential/ limited access information.³ All information and documentation is to be considered for *internal use only* and is not to be shared with any person who does not have the need to know.

The majority of information shared within the context of COM is more appropriately defined as "limited access information" or "qualified confidential information." This information may or may not have been confidential in nature but is released for the purpose of relevant, responsible committee work prior to the information becoming general knowledge. "Limited access information" **usually** reveals specific but limited details (and even may be anonymous) and is protected for a specified period of time.

Specified Period of Time

Most COM information becomes "open information" once it is reported/ received by the Presbytery and therefore is no longer considered "confidential/ limited access information." Even when such information becomes open information, COM members need to be mindful that they often possess more details than others in the Presbytery. As "information stewards" COM members **shall not** reveal details beyond the information shared as open information.

Wise use of information

Discernment is crucial in determining *who* needs to receive the information as well as *what* needs to be shared. A good rule in evaluating sensitive information is that only the *essential details* should be shared.

There are occasions when there is a need for the name(s) of the person(s) involved to remain anonymous until it is appropriate to release the name(s).

Electronic Communications:

Discipline is necessary with the relative ease of electronic communication. E-mail transmission of COM business **shall not** be forwarded or copied to those inside or outside COM who are not participating in the particular matter/situation. E-mail communications regarding the business of COM should be deleted from member's computers upon completion of service on COM.

Limitations of Confidentiality

The Commission on Ministry recognizes that there may be times during the course of consulting with clergy and congregations that certain things cannot be kept confidential, such as incidents involving illegal discrimination or abuse, sexual harassment, acts of workplace violence or felony activity, where the laws of the State of Texas dictate certain action(s). Information will be disclosed according to applicable legal mandates for reporting and according to the ethical standards of the leadership in the PC(USA). In those cases, however, confidentiality will be maintained about any and all information not directly related to the concern for safety.

Defamation, Slander, and Libel

Nothing is defamation if it is TRUE and not spread with MALICE or "careless disregard of the facts." The same is true for slander and libel (oral or written testimony, respectively). It is very important that the information shared during the search process and during any committee deliberations or work with congregations, pastors, and inquirers/candidates to be TRUE to be best of your knowledge and investigations. If you are unsure of the veracity of any information, it is best not to share or act upon it. RUMORS should never be spread. Even if what is shared is not technically illegal, remember that perception is often more powerful than truth.

Violation of Confidentiality

Violation of this Covenant of Confidentiality shall be considered highly detrimental to the member ministers and churches of the Presbytery and may result in removal from the Commission on Ministry, as well as disciplinary action as per the Rules of Discipline of the *Book of Order* of the PC(USA).

I have read and agree to the terms of **A Covenant of Confidentiality**.

Signature

Date

Printed Name

Endnotes:

1) Adapted from: "COMs, CPMs, and Confidentiality"

Synod of Lakes and Prairies *Prepared by Diana Barber, Associate Synod Executive for Leadership Development 6/23/97/Rev 2/4/03*

<http://www.pcusa.org/mgbconnect/pubs/comcpmconfidentialitysynodoflandp.pdf>

2) **Healthy Disclosure, Ruth & McClintock, Alban, 2007, p. 94-100**

Levels of Information Disclosure

Private: Information known only by one person who therefore owns it.

Confidential: Information released to a second person, usually with assurances that it will not be shared with anyone beyond the two without expressed or written permission.

Limited access: Information known by three or more people but protected from distribution by agreements protecting it.

Open: Information shared openly with the (constituency) yet not easily accessible to the public.

Public: Information easily accessible and widespread, such as news reports and criminal records.

3) *Ibid.*, p. 100-106; 4) *Ibid.*; 5) *Ibid.*, p. 96-100; 6) *Ibid.*, p. 100-106; 7) *Ibid.*, p. 98; 8) "COMs, CPMs, and Confidentiality"