

CHAPTER 3.6 - IPC POLICY ON CONFIDENTIALITY

PREAMBLE

The issue of confidentiality arises in a number of contexts within the IPC structure:

1. In the context of meeting discussions where information is sensitive, confidential and not to be shared;
2. In the context of individual IPC Governing Board/Committee/Council members keeping their personal views separate and confidential where they differ from a formal decision of the IPC Governing Board/Committee/Council; and
3. In the context of information to which the IPC Governing Board/Committee/Council may be privy and that is confidential, either due to its sensitive nature or out of respect for the individual or organization that has provided the information.

The IPC Policy on Confidentiality applies to all hand-written, printed, copied and computer-generated files, documents, and datasets which are required in the conduct of current business, as well as to any type of spoken information. The treatment of records no longer used for administrative or operational purposes is regulated in the IPC Policy on Records Retention and Disposition.

The IPC shall develop a comprehensive Information and Records Management, whereby each file/document will be assigned a confidentiality classification. In general, the following classification shall be applied:

- **Unrestricted:** The information can be shared with the general public, including press.
- **Internal Use:** The information can be shared only within the IPC family ie, across departments, committees, and councils.
- **Confidential:** The information can be shared and/or discussed only within the IPC Governing Board/Committee/Council or department that it pertains to, unless otherwise decided by the IPC President, IPC CEO or the IPC Governing Board.
- **Strictly confidential:** The information is strictly for individual information only; it cannot be shared and/or discussed with any other person unless otherwise decided by the IPC President or IPC Governing Board.

Confidential and Strictly Confidential information shall be released through the IPC CEO.



1. Confidentiality Related to IPC Meetings

Policy Rationale: The International Paralympic Committee is committed to the principles of good governance and transparency in its decision-making at all levels. It also encourages and welcomes frank debate as well as divergent opinions and perspectives in reaching its decisions. This being said, it must be recognized that it is sometimes more appropriate and even more fair to restrict the participants in meetings and/or to keep the content of meetings confidential.

Meetings, or sessions of meetings, of the IPC Membership, IPC Governing Board and IPC Committees/Councils may be open, closed or in camera.

1.1 Open Meetings/Sessions

Open meetings or sessions are open to IPC members, the public, and the media, up to the capacity of the room to seat guests.

All discussions at open meetings may be disclosed publicly inside and beyond the IPC.

IPC Conferences and Congresses are open meetings (registration and accreditation may be required).

1.2 Closed Meetings/Sessions

The IPC General Assembly (GA) is a closed meeting. However, specific sessions of the GA may be declared as open sessions (eg, official opening and closing, awarding of Paralympic Orders, Paralympic Games reporting sessions and elections). Any such open sessions will be clearly identified by the IPC prior to the GA.

Closed meetings or sessions are restricted to IPC members and/or IPC Governing Board/Committee/Council members for which that meeting is being held. Closed meetings or sessions are held specifically to deal with the business as outlined in the roles and responsibilities in either the IPC Constitution or the bylaws of the IPC Governing Board/Committees/Councils, following a mutually agreed agenda for that meeting.

Other individuals (eg, IPC Management Team members), whose presence is considered by the IPC Governing Board/Committee/ Council to be necessary to facilitate its work, may also be present.



At the discretion of the Chairperson, outside individuals may be invited as guests/observers for all or a portion of the closed meeting or session. Guests/observers have no speaking or voting rights. A guest may be invited by the Chairperson to speak on a particular topic. The Chairperson shall inform guests/observers in the case information of a confidential nature is shared with them and request this shall not be disclosed.

The proceedings at a closed meeting will not be discussed beyond the persons entitled to be in attendance at that meeting. Closed meeting discussions will be treated as confidential.

The decisions made at a closed meeting will not be made public until:

- (a) the Chairperson of the IPC Governing Board/Committee/Council so advises, or
- (b) the minutes of the particular meeting, containing the decisions, are released through the IPC CEO.

Meetings of the IPC Governing Board/Committees/Councils will, as a matter of course, be closed meetings.

The IPC Governing Board/Committees/Councils will normally utilize the closed meeting procedure in preference to the in camera session.

1.3 In Camera Meetings / Sessions:

A meeting or session of the IPC Governing Board/Committee/Council may be held in camera for the purpose of considering matters relating to personnel, human resources, the acquisition, disposition, lease and security of property, legal opinions or other confidential information as determined by the Chairperson of the IPC Governing Board/Committee/Council. A majority of members present at the meeting may also determine that the meeting will be conducted in camera.

In the case of IPC Governing Board meetings, only members of the IPC Governing Board will attend the in camera meeting. Other individuals, whose presence is considered to be necessary by the IPC Governing Board to facilitate its work, may be in attendance. All others will be asked to withdraw from the meeting.



In the case of Committee/Council meetings, only members of that Committee/Council will attend the in camera meeting. Other individuals, whose presence is considered to be necessary by the Committee/Council to facilitate its work, may be in attendance. All others will be asked to withdraw from the meeting.

The proceedings at an in camera meeting or session will not be discussed beyond the persons entitled to be in attendance. In camera meeting discussions will be treated as strictly confidential. Any written material must be returned to the IPC immediately upon request of the IPC CEO, no copies shall be made.

Minutes or reports of in camera sessions do not form part of the regular minutes or reports. However, a reference shall be included in the regular minutes or reports to the fact that an in camera session took place.

Where appropriate, decisions made in camera will be made public through the IPC CEO.

1.4 Minutes of IPC Governing Board/Committee/Council Meetings

The following procedures shall apply for approving minutes and for releasing decisions taken at meetings of the IPC Governing Board and where relevant Committee/Council meetings.

- 1.4.1 The responsible member of the IPC Management Team or, where relevant, the Secretary of the IPC Governing Board/Committee /Council shall produce the minutes of that meeting, and shall submit - where possible within ten (10) working days following the meeting - the draft minutes to the respective Chairperson for comments and approval.
- 1.4.2 The draft Minutes as approved by the Chairperson shall be circulated to all the respective IPC Governing Board/Committee/Council members with a request for written feedback within ten (10) working days. The draft minutes shall be revised taking into consideration the comments received from the members. In case of discussion, it is at the discretion of the Chairperson to finalize the minutes.
- 1.4.3 The minutes as approved by the Chairperson shall be distributed to all the members of the respective IPC Committee/Council and all the members of the IPC Governing Board by the IPC CEO. In addition, a note of the decisions



reached at the meeting shall be distributed, through the IPC CEO, to other relevant parties for information and/or action, where possible within thirty (30) working days following the meeting.

- 1.4.4 The minutes shall be formally adopted by the IPC Governing Board/Committee/Council at its next meeting, following which they may be distributed to other relevant parties through the IPC CEO. Minutes of meetings of the IPC Governing Board can only be distributed subject to the Governing Board formally approving the release of such minutes or an extract of these minutes to an interested party. The final minutes, including appendices, shall be archived at the IPC Headquarters.

1.5 Minutes of the IPC General Assembly

The following procedures shall apply for approving minutes and for releasing decisions taken at meetings of the IPC General Assembly.

- 1.5.1 The responsible member of the IPC Management Team shall produce the minutes of the IPC General Assembly and shall submit - where possible within ten (10) working days following the meeting - the draft minutes to the IPC President, or, where relevant, other chairperson of the General Assembly, for comments and approval.
- 1.5.2 The draft minutes as approved by the IPC President/Chairperson shall be circulated to all IPC members having attended the respective General Assembly, with a request to submit in writing any requests for amendments to the minutes within the two (2) months following the IPC General Assembly. A note of the decisions reached at the IPC General Assembly shall be distributed, through the IPC CEO, to other relevant parties for information and/or action, where possible within thirty (30) working days following the IPC General Assembly.
- 1.5.3 The draft minutes and any request for amendments thereto shall be considered by the IPC Governing Board at the next meeting. In case of discussion, it is at the discretion of the IPC Governing Board to finalize the draft minutes. The draft minutes as approved by the IPC Governing Board may be published and shall serve as a basis for the IPC Governing Board to act upon the decisions taken by the IPC General Assembly.



- 1.5.4 The draft minutes as approved by the IPC Governing Board shall be circulated to the IPC Members with the meeting papers for the next IPC General Assembly, except in the case where substantial changes were made to the draft. In such case, the draft minutes will be circulated to the IPC Members immediately following the IPC Governing Board meeting.
- 1.5.5 The IPC Membership shall adopt the minutes at the next IPC General Assembly.

2. Treatment of Confidential Information by Individual IPC Governing Board/Committee/Council Members

Policy Rationale: Information collected or obtained by the IPC may be sensitive, personal and confidential. Confidentiality may be important to protect the IPC's negotiating position in its relations with external parties and in its maintenance of a unified corporate image. Furthermore, the IPC is committed to respect the IPC Code of Ethics and will treat third party information as strictly confidential.

2.1 In General

Members shall safeguard confidentiality. No person shall use for her/his personal gain or disclosure outside the IPC any confidential information obtained through her/his association with the IPC. This includes spoken, written and computer generated data relating to IPC business. It includes not only material marked as 'confidential' but all IPC material and information that a member should reasonably understand to be subject to a duty of confidentiality.

- 2.2 Materials and information discussed in meetings shall not be made available to anyone not on the IPC Governing Board/Committee/Council without the permission of the Chairperson or IPC CEO.

- 2.3 Discussions at the IPC Governing Board/Committee/Council meetings are confidential. The Chairperson and/or IPC CEO shall disclose any required information to the public. Confidential information includes the proceedings of the closed and in camera meeting sessions, until officially released.

- 2.4 Members of the IPC Governing Board/Committee/Council shall not give any media statements or interviews to the press on behalf of IPC, and shall endeavour to refrain from giving personal interviews unless coordinated through the IPC Media & Communication Department. Members shall refrain from



making official statements and giving interviews on topics that are outside their area of expertise.

2.5 The IPC Ethics Committee (EtC) will be asked for advice in the case of any doubt on the level of confidentiality or the treatment of confidential information. The IPC CEO shall seek legal counsel where appropriate.

2.6 Upon termination of membership, dissolution of a Committee/ Commission or termination of a closed meeting session or in camera meeting, members may be asked to return to IPC any confidential document, paper or other property relating to IPC business. Details are regulated in the IPC Policy on Records Retention and Disposition.

2.7 The IPC will arrange for the disposal of confidential papers that are no longer of relevance for its business and will secure the confidentiality in the archiving of other such confidential documents and/or other material (cf. Rules on Access to IPC Library and IPC Archives).

2.8 **Confidentiality with Regard to Personal Opinions**
Members disagreeing with the outcome of a majority vote at the IPC Governing Board/Committee/Council meeting shall nevertheless publicly support the properly made decision as a decision of the IPC Governing Board/Committee/Council, and shall neither publicly nor privately work against it. Any such disagreement or other concern shall be voiced only internally within the IPC Governing Board/Committee/Council or with the IPC President and/or IPC CEO. Ultimately, an appeal can be considered through the IPC's Alternative Dispute Resolution system.

2.9 Members shall respect and protect from any inappropriate disclosure the confidentiality of opinions expressed by other members.

2.10 **Information on Athletes and Members of the Paralympic Family (Third Party Information)**
The IPC shall indicate to relevant parties what exactly the information collected will be used for.

2.11 Members shall respect and protect from any inappropriate disclosure outside the IPC Governing Board/Committee/Council, by oral, written or electronic means, the confidentiality of any private and personal information concerning athletes and members of the Paralympic Family that is shared during the work of the IPC Governing



Board/Committee/Council. Confidential information that members receive due to their position must not be divulged to anyone other than persons authorized by IPC to receive the information.

- 2.12 Specifically information collected with regard to classification/eligibility, therapeutic use exemption and anti-doping shall not be disclosed other than in compliance with the procedures outlined in the relevant IPC codes, rules and regulations.
- 2.13 The restrictions regarding media statements or interviews by members of the IPC Governing Board/Committee/Council (see article 2.4) are especially important regarding topics related to doping infractions, CAS cases or any type of appeal. The IPC Media & Communication Department will not disclose any confidential information concerning athletes or other members of the Paralympic Family unless specifically approved by the IPC President and/or IPC CEO. The right of the individual shall be respected.