

Q232	CONFIDENTIALITY & INTELLECTUAL PROPERTY POLICY
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Policy context: This policy relates to	
Legislation or other requirements	Enhanced Lifestyles Inc EBA 2015
Contractual obligations	

POLICY STATEMENT

Enhanced Lifestyles (EL) and Lifestyle Assistance and Accommodation Service (LAAS) has a responsibility to manage and protect its intellectual property rights. This policy will describe and define the intellectual property of EL and LAAS and the conditions placed upon it.

The document complies with NDIS Practice Standards 2020, standard 2.4 Information Management.

This document is readily available to all clients and employees of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service including The Boards.

PROCEDURE STATEMENT

The purpose of this policy is to define the ownership of Enhanced Lifestyles (EL) and Lifestyle Assistance and Accommodation Service (LAAS)'s intellectual property and to ensure that responsibilities regarding intellectual property and confidentiality are clear.

Employees and subcontractors must comply with the requirements of this policy.

Definitions

“Intellectual Property Rights” means all intellectual property rights, including without limitation:

- patents, copyright, registered designs, trademarks, and the right to have confidential information kept confidential; and
- any application or right to apply for registration of any of those rights.

“**Materials**” means all things, materials and information, including without limitation all inventions, software, databases, models, drawings, plans, processes, formulae, recipes, artwork, designs, logos, reports, proposals and records.

“**Confidential information**” means any confidential or proprietary information provided by the organisation's (in any form) to an employee in connection with their employment, including but not limited to:

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- names, details and any information relating to the business affairs of the members, customers, clients, potential members/customers/clients, or suppliers of the organisation
- matters of a technical nature, trade secrets, technical data, marketing procedures and information, pricing and/or discount structures, accounting programs and procedures, financial information, strategic and business plans and like information relating to the business of the organisation
- other information which the organisation informs the employee is confidential or which if disclosed, the employee knows, or ought reasonably to know, would be detrimental to the organisation; and
- all other information which is imparted to the employee in circumstances which the employee knows, or ought reasonably to know, that the information is confidential, but excludes any information that is public knowledge or is in the public domain.

Intellectual Property

The organisation has rights to ownership of all existing and future intellectual property created or generated by employees, whether alone or with the organisation's or its employees or contractors, in the course of employment with the organisation's, when using any equipment or facilities of the organisation, or for the benefit of the organisation.

Employees must assign to the organisation's, all existing and future intellectual property rights in all materials created or generated, whether alone or with the organisation's or its employees or contractors:

- in the course of employment;
- using any equipment or facilities of the organisation; or
- for the benefit of the organisation

Employees must disclose all materials as they are created or generated and must warrant that in creating or generating all Materials and supplying all services will not infringe the intellectual property rights of any person.

Employees must sign all necessary documents and do all things necessary immediately at the organisation's request to establish and protect any of the company's intellectual property rights and to assign any intellectual property rights to the organisation.

Former employees who wish to use materials which they prepared or used at the organisation must request permission from the Chief Executive Officer (CEO). The organisation may restrict or prohibit the use of its intellectual property at its discretion.

Confidentiality

Employees may use confidential information solely for the purposes of performing their duties as an employee and must not use confidential information for their own personal financial or other gain.

Employees must not communicate (or permit anyone else to communicate) any confidential information, except with the prior written authority of the organisation.

Employees may only disclose confidential information to persons who are aware that the confidential information may be kept confidential and who have a need to know (but only to the extent that each person has a need to know).

Obligations do not extend to the extent that the law requires confidential information to be disclosed.

Employees must store all confidential information in a secure manner including that;

- if it is in a material form, it must be kept in a locked, secure area; and
- if it is in electronic form, it must be kept in encrypted files accessible only by password,

except when being used for purposes of their employment.

At the end of employment, employees must immediately return all property of the company which is in the employee's possession or control including:

- all confidential information in material or electronic form;
- those parts of all notes and other records based on or incorporating confidential information;
- all copies of confidential information and notes and other records based on or incorporating confidential information;
- all property belonging to or leased by the company including that which may include confidential information, including but not limited to books, documents, records, electronic storage media, discs, access cards, computer hardware, credit cards and computer log in codes; and
- delete any electronic copies of confidential information held in any medium or any place that is in the employee's control, after checking with the immediate manager that these have been saved.

Employees found in breach of their obligations regarding intellectual property or confidentiality will have their employment terminated.

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Employee's legal obligations will continue after employment in respect to intellectual property and confidentiality, other than information forming part of the employee's stock of general skill and knowledge.

Consequences

Employees and former employees may be subject to legal action being taken against them if they breach their obligations in respect to intellectual property and confidentiality.

DOCUMENTATION

Documents related to this policy	
Related policies	Q400 – WHS Policy M400 – WHS Manual
Forms, record keeping or other organisational documents	Enhanced Lifestyles Inc EBA 2015

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Employee Declaration

I confirm that I have received the Confidentiality and Intellectual Property Policy.

I have read the policy completely and I understand my rights and obligations.

I agree to abide by requirements of this policy.

Signature: _____

Date _____

Print
Name: _____