

Charleston Research Institute

Policy Memorandum

Title: CRI Nondisclosure Policy

Reviewed by: Board of Directors

Implementation Date: 9/24/2015

Next Scheduled Review Date: 9/24/2018

Approval: Amanda C. LaRue, Ph.D., Acting Chairperson

Policy Statement:

CRI employees are required to maintain the confidentiality of information obtained in the performance of their duties. All NPC employees, including those with a VA Without Compensation appointment, will be required to sign a nondisclosure agreement.

Background:

VHA Handbook 1200.17, Department of Veterans Affairs Nonprofit Research and Education Corporations Authorized by Title 38 United States Code (U.S.C.) Sections 7361 through 7366 requires VA Nonprofit corporations to adopt a nondisclosure policy.

Guidelines:

There are three main categories of confidential information that NPC employees will encounter:

- VA Confidential Information – VA is subject to various laws regarding confidentiality, including but not limited to the Privacy Act, the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), the Freedom of Information Act, and 38 U.S.C. §§5701, 5705, and 7332. VA may only use or disclose Confidential Information consistent with applicable legal authority. Examples of VA Confidential Information include Individually Identifiable Information contained in VA patient files, VA data, VA research and VA employee records including but not limited to licensure and credentialing.
- Third Party Confidential Information – Confidential Information obtained from federal or nonfederal sponsors and research collaborators in the context of potential and actual collaborative research and/or education. This information includes, but is not limited to, trade secrets, commercial, financial information, protocols and data.
- Charleston Research Institute's Confidential Information. – Confidential information of NPCs, such as budget, personnel, and information pertaining to internal business operations matters.

For New Employees – New employees shall be provided a copy of this policy and shall be required to execute a nondisclosure agreement substantially equivalent to the attached sample template (see attached NDA agreement) as part of their orientation process within 15 days of hiring.

For Existing Employees – Existing employees who have not executed a nondisclosure agreement shall be provided a copy of this policy and will be required to execute a

nondisclosure agreement substantially equivalent to the attached sample template (see attached NDA agreement) within 45 days of the effective date of this policy.

For VA WOC Employees - NPC employees who hold a VA Without Compensation appointment are subject to various laws regarding confidentiality, including but not limited to the Privacy Act, Freedom of Information Act, 38 U.S.C. §§5701, 5705, and 7332. VA WOC employees may only use or disclose confidential information consistent with applicable authorities. Requests for disclosure of confidential information will be handled in accordance with 5 U.S.C. §552, E.O. 12600, and 38 C.F.R. 1.554a. VA employees are bound by 18 U.S.C. § 1905, known as the Federal Trade Secrets Act, to not disclose confidential and proprietary information disclosed to them in the conduct of their official duties. Additionally, the Economic Espionage Act of 1996 makes the theft or misappropriation of a trade secret by VA employees a federal crime. 18 U.S.C. §§ 1831-1839.

NDA Record Maintenance – NDAs shall be maintained in the NPC employee's personnel file.