

Confidentiality Policy

1. PURPOSE

The Confidentiality Policy is established to provide guidance for the Montgomery County Public Schools Educational Foundation (MCPSEF) dealings with sensitive information about individuals, including board members, employees, donors, and Montgomery County Public Schools (MCPS) staff, students, and families. Adherence to this policy is expected of staff, board members, volunteers, contractors, etc.

There is a data sharing agreement outlined in the memorandum of understanding with MCPS. This policy is also established to ensure proper stewardship of MCPS employee and/or student data and to align with local, state, and federal laws and regulations. This includes MCPS policies and regulations such as, EGI-RA, *Release of Information on Students and Employees*, KBA, *Policy on Public Information*; JFF-RA *Federal Requirements for Use of Protected Student Information*; JOA-RA *Student Records*, etc. for data shared by MCPS with MCPSEF.

2. POLICY

Confidentiality is a hallmark of professionalism and integral to ensure credibility and trust as a philanthropic organization. To protect the confidentiality of board members, employees, volunteers, MCPS staff and students, and the organization, board members, employees, and volunteers are charged with ensuring all information that is confidential and privileged or that is not publicly available is not disclosed inappropriately.

- Information on a Donor's Fund: All information concerning a donor's fund, other than information published in the annual report, newsletter, or MCPSEF publication, shall remain confidential unless approved by the donor. This includes information on the size and types of existing or prospective grants and gifts, the size of the fund, and other such information.

When a donor requests that their gift or fund be treated as an anonymous gift or fund, the donor's wishes are to be honored by both board and staff.

- Information on Donors and Prospects: All information obtained about donors and prospective donors will remain confidential and not discussed with any individual other than a board or staff member, unless otherwise authorized by the donor or prospective donor.

The contact information (e.g. home addresses, telephone numbers, or e-mail addresses) of donors and prospective donors are not to be given out to any individual or organization without the express permission of the person to be disclosed.

- Personal Information on Staff and Board Members: The contact information of board and staff members are not to be given out to any individual or organization without the express permission of the person to be disclosed.
- Information obtained about or from MCPS students and employees; including through official records, MCPS or MCPSEF applications and other forms, conversations and other communications; shall be strictly controlled by staff and will be disclosed only as appropriate and as necessary - following guidance by MCPS Office of Shared Accountability, Office of General Counsel, or another proper office as circumstances dictate.

This information includes personally identifiable information about students, student educational records, information disclosed as part of scholarship applications (including financial eligibility documents), or any information deemed sensitive or private by board and/or staff members.

Board members and employees shall use confidential information solely for the purpose of performing services as a board member or employee for MCPSEF. Board members and employees of MCPSEF may not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with MCPSEF to any person, including relatives, friends, and business and professional associates, other than to persons who have a legitimate need for such information and to whom MCPSEF has authorized disclosure. This policy is not intended to prevent disclosure where disclosure is required by law.

Board members and employees must exercise good judgment and care at all times to avoid unauthorized or improper disclosures of confidential information. Conversations in public places, such as restaurants, elevators, and airplanes, should be limited to matters that do not pertain to information of a sensitive or confidential nature. In addition, board members and employees should be sensitive to the risk of inadvertent disclosure and should, for example, refrain from leaving confidential information on desks, in open computer desktops, or otherwise in plain view and refrain from the use of speakerphones to discuss confidential information if the conversation could be heard by unauthorized persons.

At the end of a board member's term in office or upon the termination of an employee's employment, they shall return, at the request of MCPSEF, all documents, papers, electronic records, and other materials, regardless of medium, that may contain or be derived from confidential information in their possession.

Any such employee or board member that divulges confidential or privileged information, whether during or after their term of employment or service, is subject to appropriate

discipline, including dismissal, or other criminal sanctions. Employees and board members recognize that MCPSEF has a proprietary interest in any such information and/or documents and would be irreparably damaged as a result of any disclosure or dissemination thereof.

Breaches of confidential information are subject to disciplinary action up to and including immediate termination and/or removal.

3. COMPLIANCE

The executive director and the vice-chair shall review this policy regularly to ensure the Foundation's actions follow the guidelines.

The vice-chair shall periodically review this policy and related procedures with legal counsel to ensure the policy and practice are compliant with new or revised MCPSEF, MCPS, and other regulatory bodies' policies and regulations.

Policy History

- Adopted September 10, 2025