

Special Notice | 6.18.20:

The Land Trust Accreditation Commission keeps all material provided by applicants confidential in keeping with standards for accreditation bodies and as part of upholding the trust the land trust community places with the Commission when it submits an application. To help inform the Land Trust Alliance's training and technical assistance program, the Commission does share aggregate data about challenges facing land trusts. A strict confidentiality policy governs how information is shared between the two organizations.

In the joint interest of serving the land trust community, the Commission and the Alliance recently made some changes to this policy. The policy now allows, in very limited circumstances, the Commission to share with the Alliance limited information. It can now share 1) the name of a land trust whose accreditation was revoked, not renewed, or not awarded and 2) the indicator element that was the basis of the decision. However, this information would only be shared when the decision was made on the basis of a) willful disregard for the Standards or b) significant actions or omissions that could threaten the credibility or integrity of the Alliance, land trust community, or accreditation program. This change in policy enables the Commission to be a source of information the Alliance can rely on to implement its [membership suspension and termination policy](#) when a land trust is engaging in conduct that could bring the Alliance or the land trust community into disrepute.

These policy changes will become effective **7/15/2020**. Please contact Lisa McCarthy at lmccarthy@landtrustaccreditation.org if you have any questions about this change.

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Statement of Policy

It is the policy of the Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, and the Land Trust Alliance to respect the confidentiality of data provided to each organization and to create a "firewall" of confidentiality between data used to make accreditation decisions and information gathered as part of the Alliance's technical assistance programs.

Furthermore, it is the policy of both organizations that both will act in a manner that protects the credibility and integrity of the Alliance, land trust community and accreditation program and neither will compromise the Commission's ultimate authority to make final decisions with respect to accreditation applications. Both organizations will also operate in a fashion that does not compromise the Alliance's relationship with land trusts or the capacity-building programs it offers.

Introduction

The Commission is committed to making objective, fair and consistent accreditation decisions. The Commission recognizes that, in the course of conducting its business, land trusts will submit highly confidential information to representatives of the Commission. The Commission is committed to maintaining the confidentiality of this material. The Commission's processes are designed to request and use only that information that is needed to assess compliance with the eligibility requirements and accreditation indicator practices and is essential to examine in order to make an accreditation decision.

The Alliance is committed to providing technical assistance to land trusts to help build strong organizations that are able to implement *Land Trust Standards and Practices* and to help organizations prepare for accreditation. The Alliance recognizes that, in the course of providing this assistance, land trusts must be able to candidly discuss challenges in their organizations and be confident that information provided in the course of receiving technical assistance will be confidential to the Alliance and not forwarded to the Commission to be used as part of the accreditation evaluation.

Both organizations respect and understand that only the Commission can make a final decision on an applicant and that those providing technical assistance or help during the application process may not provide assurances of accreditation to potential applicants.

Scope

This policy applies to all Commission members, staff, consultants, contract employees and other individuals working on behalf of the Commission, and all Alliance staff, board members, consultants and contract employees and others working on behalf of the Alliance to provide direct technical assistance to land trusts; herein referred to as representatives of the Commission or representatives of the Alliance.

Definitions

- A. Covered Land Trust: A land trust that is an applicant for accreditation or that is an accredited land trust.
- B. Confidential Material: This policy shall apply to the following categories of Confidential Material, as further defined below.
 - 1. Applicant Materials: All data and documents submitted to the Commission by a Covered Land Trust (confidential to the Commission and those working on behalf of the Commission).
 - 2. Commission Records: All internal Commission discussions, deliberations, plans, and documents (confidential to the Commission and those working on behalf of the Commission).
 - 3. Alliance Data: Data provided to the Alliance for the purposes of grant proposals, organizational assessments, mentoring, information requests, or other forms of technical assistance (confidential to the Alliance).

This policy shall not apply to general information maintained by the Alliance (such as organization contact information, attendance at training events, publication orders, or membership status) that is available to the Commission via the Alliance's standard membership database. However, the Commission may not use the data listed above as a determining factor in an accreditation decision.

This policy does not prevent the Alliance or the Commission from sharing information regarding general trends in accreditation or technical assistance needs in order to design training, technical assistance and other programs to better serve the land conservation community, so long as information about individual organizations is not revealed.

Procedures for Protecting Confidentiality

- A. All representatives of the Commission will:
 - 1. Only request and use information that is needed to assess compliance with the accreditation eligibility requirements and indicator practices and is essential to have in order to make an accreditation decision.
 - 2. Not release to any third party any Applicant Materials provided by an individual applicant as part of the accreditation process without the express written permission of the applicant – [or, as necessary, author of proprietary materials (e.g., certain appraisals, etc.)] or as required by court order or state and/or federal law.
 - 3. Not exploit for individual benefit, or improperly use or permit to be used for the benefit of others, any information obtained or knowledge gained through association with the Commission.
 - 4. Not release Commission Records without prior approval of the executive director and/or executive committee.
 - 5. Not provide any potential applicant with an advantage in the accreditation process by providing information about the Commission's evaluation and review process that is not generally available to all applicants.
 - 6. Keep all Confidential Material in their possession in a safe and secure place and take reasonable steps to protect the information against inadvertent disclosure or theft.
 - 7. Retain Commission copies of Confidential Materials for only so long as directed by its records policy, and destroy materials in accordance with its document destruction procedures.
 - 8. Inform the executive director of the Commission immediately if Confidential Material has been compromised due to events such as loss or theft.
 - 9. Advise the executive director of the Commission promptly upon becoming aware that another party has disclosed, used or handled Confidential Material in a manner inconsistent with this agreement.
 - 10. Return all –paper copies of Confidential Material to the Commission's office by appropriate means when an accreditation decision is made and the materials are no longer needed (unless directed by the Commission to destroy the materials rather than return them), purge electronic documents from computers when no longer needed for Commission business, and complete certification of document destruction forms.
 - 11. Not provide any assurances to any potential accreditation applicant that the Commission will take a specific action with respect to their application.
 - 12. Not use any information obtained from the Alliance in a manner that would violate this policy.
 - 13. Follow the Commission's Conflict of Interest Policy if data is obtained in violation of this policy that would impair the commissioner's ability to make objective, fair and consistent decisions.
 - 14. Follow the Commission's Conflict of Interest Policy in the event that there is a conflict between this Confidentiality Policy and the Conflict of Interest Policy, as the Conflict of Interest Policy takes precedence.
- B. All representatives of the Alliance, with respect to accreditation, will:
 - 1. Not divulge to the Commission any Alliance Data without the land trust's express permission.
 - 2. Not provide any assurances to any potential accreditation applicant that the Commission will take a specific action with respect to their application.
 - 3. Not exploit for individual benefit, or improperly use or permit to be used for the benefit of others, any information obtained or knowledge gained through the Alliance's technical assistance programs.
 - 4. Not provide assurances to funders that specific accreditation decisions will be made.
 - 5. Keep all Confidential Material in their possession in a safe and secure place and take reasonable steps to protect the information against inadvertent disclosure or theft.

6. Inform the vice president of education of the Alliance immediately if materials have been compromised due to events such as the loss or theft.
7. Advise the vice president of education of the Alliance promptly upon becoming aware that another party has disclosed, used or handled Confidential Material in a manner inconsistent with this agreement.
8. Not use any information obtained from the Commission in a manner that would violate this policy.
9. Not reveal to any party outside of Alliance staff, the names of any organizations that have withdrawn from the accreditation program, have not been successful in the pre-application, application or renewal process, and/or are no longer current applicants or accredited land trusts, unless required by court order or state or federal law and after informing the land trust and the Commission's executive director of the requirement to release the names.

Exceptions

The Alliance and Commission recognize and respect the confidence of land trusts in sharing otherwise confidential material with them. To balance that important interest with the ability to appropriately serve land trusts and to preserve the credibility and integrity of the Alliance, land trust community and accreditation program, notwithstanding anything else contained in this Policy, the Alliance and Commission reserve the ability to disclose limited information about Confidential Material as described below. In making these disclosures the Commission and Alliance shall disclose only the minimum amount of information necessary and shall never disclose personal identification information or specific property details (such as Applicant Materials and individual's names, addresses, or social security numbers).

A. Disclosure by the Commission

The executive director of the Commission may verbally disclose, or authorize a commissioner or staff member to verbally disclose, the substance of Commission Records or Applicant Materials to Alliance staff to the limited extent reasonably necessary: 1) to respond when a Covered Land Trust raises questions about a Commission action to the Alliance, 2) to aid the Alliance in providing services requested by a Covered Land Trust to comply with accreditation requirements, 3) to alert the Alliance about an accreditation decision that it may receive inquiries about, or 4) to inform the Alliance director of standards and educational services or other designee about organizations that have withdrawn or are no longer part of the accreditation program. Alliance staff may share this information within the Alliance at their reasonable discretion, subject to the provisions of VB9.

The executive director shall, upon authorization of the Commission or the Commission's executive committee, inform the president of the Alliance in writing, after the appeal period has expired, of a Commission decision to revoke or not award accreditation or renewal on the basis of (1) willful disregard of Land Trust Standards and Practices or (2) other significant actions or omissions that could threaten the credibility or integrity of the Alliance, land trust community or accreditation program, and will include the indicator element(s) that was the basis for the decision in (1) or (2). This information may serve as a "credible source" for the purposes of Alliance implementation of its Policy on Suspending or Terminating a Land Trust's Membership in the Alliance.

B. Disclosure by the Alliance

Representatives of the Alliance may disclose to the Commission information (including Alliance Data) related to a Covered Land Trust that in the Alliance's reasonable judgment is reliable, serious in nature, material to the Covered Land Trust's application or accredited status and that demonstrates conduct or activities directly by a Covered Land Trust that, if unreported, reasonably threatens the credibility and integrity of the Alliance, land trust community or accreditation program. The Commission may use this information in implementing its accreditation application final decision, compliance confirmation and disciplinary action policies.

Alliance staff shall communicate information to be shared under this exception to the Alliance's vice president of education and/or director of standards and educational services who shall forward it or communicate it in writing to the Commission's chair or executive director.

If the information relates to a Covered Land Trust for which an application is pending, the Commission's chair may direct that the information be provided to the assigned accreditation review team to gather additional information, which the Commission shall consider in accordance with its existing policies and procedures. If the information otherwise relates to an accredited land trust, the Commission Chair may trigger the Commission's compliance confirmation procedures.

Breach of Confidentiality

Any land trust or stakeholder in the land trust community that believes an individual has breached these confidentiality policies and procedures may report the facts to the Commission as part of the Commission's process to receive and address public complaints. The Commission will share complaints with the Alliance as appropriate.

Individuals who the Commission and/or the Alliance have determined to have failed to comply with these policies and procedures deliberately or recklessly may be required to terminate their affiliation with the Commission or the Alliance.

Periodic Review

The Commission and the Alliance commit to periodic monitoring and review of this policy to ensure that each organization is operating in a manner that maintains the confidentiality of data provided to them.

Approved by the Land Trust Accreditation Commission September 2006

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Administrative update to change staff titles April 2018

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