

## OMBUDSLETTER

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### Ombuds confidentiality applies both ways

During one of the meetings in which UNDP/UNFPA/UNOPS Ombudspersons discuss various issues that are brought to their attention, a colleague points out that a message sent to a staff member on the understanding that it was a confidential communication was copied and circulated to several other people.

**"We always hope that confidentiality would be respected both ways, remarks another fellow Ombudsperson; perhaps we should inform staff members about the importance of the matter..."**

Confidentiality is a major principle governing the work of Ombudspersons. It is the same principle that allows staff members to raise issues without fear that their identity would be revealed without their express permission.

The International Ombudsman Association (IOA) Code of Ethics and Standards of Practice put confidentiality as one of the foremost principles of the Ombuds profession, marking it as an essential tool to protect the safety of people who raise issues with an Ombudsperson.

The IOA Code of Ethics states that: "The Ombudsman, as a designated neutral, has the responsibility of maintaining strict confidentiality concerning matters that are brought to his/her attention unless given permission to do otherwise. The only exceptions, at the sole discretion of the Ombudsman, are where there appears to be imminent threat of serious harm. The Ombudsman must take all reasonable steps to protect any records and files pertaining to confidential discussions from inspection by all other persons, including management."

In the United Nations, staff members do sometimes ask the Ombudsperson to raise their issues with the supervisor or management. The Ombudsperson will always be sure to clarify with the staff member which of the information provided to the Ombudsperson is to be shared.

It is important to stress however that confidentiality works in both directions: visitors and clients of an Ombudsperson's office are also expected to observe strict confidentiality, and also benefit from keeping their discussions and any other communications with the Ombudsperson confidential. An Ombudsperson provides informal advice and options that

he/she believes are in the best interest of all parties involved, advice which is not intended to be regarded as a judgment or an official decision on an issue. It is also not drawn from a formal perspective of the matter but rather, reflects the Ombudsperson's main priority, which is to find a speedy and conciliatory way out of the problem, without recourse to the formal, legal process. Most importantly, while a case is ongoing, revealing information might hinder the evolution of the case, and, eventually, negatively influence the outcome.

While it is true that individuals understand the importance of the concept and are keen to protect it, in some cases, the Office finds its confidential messages exposed to third parties. The Office of the Ombudsperson therefore always reiterates that, for the benefit of all parties involved, confidentiality should be respected both ways.