

Non-Disclosure Agreement - research projects - for project employees not employed by MF Norwegian School of Theology, Religion and Society

Project title

Project Manager

Project Employees

For research projects, MF acts as Data Controller for the collection, storage and use of information about individuals, as well as other matters. The collection, management and use of such information is subject to special licenses, consent and/or agreements that must be known to those involved. As a rule, the processing of personal data must be reported to the Norwegian Centre for Research Data (NSD) ,which assists MF in the processing of personal data for research purposes. In some cases, the project must also be approved by a Regional Committee for Medical and Health Research Ethics (REC).

I undertake to familiarise myself with the rules that apply to me and the project for which I am an employee.

I further undertake to prevent others from gaining unauthorised access or knowledge about what I come to know in connection with my assignment for the MF Norwegian School of Theology, Religion and Society regarding confidential information.

I have read the statutory provisions that are referred to in this Agreement and am thus aware of the content of section 7-6 (1) of the Norwegian Universities and University Colleges Act, sections 13-13 (f) of the Norwegian Public Administration Act, and sections 209 - 210 of the Norwegian Penal Code.

I am aware that breaches of the duty of confidentiality may be a punishable offence and that breaches of the provisions on confidentiality may have consequences for my assignment with MF.

I am also aware that the duty of confidentiality will apply after the assignment has ended.

References

[Norwegian Universities and University Colleges Act, section 7-6 \(1\)](#)

[Norwegian Public Administration Act, section 13-13 \(f\)](#)

[Norwegian Penal Code, sections 209-210](#)

This Agreement has been read and accepted

Place and date: _____

Name (capital letters): _____

Signature: _____

Excerpts from the statutory provisions referred to are on p.1

Norwegian Universities and University Colleges Act, section 7-6 (1):

The provisions on the duty of confidentiality in sections 13 to 13(e) of the Public Administration Act apply to universities and university colleges.

Norwegian Public Administration Act, section 13 (Duty of Confidentiality).

Anyone who performs service or work for an administrative body is subject to an obligation to prevent others from gaining access to or knowledge of what is learnt in connection with the service or work regarding:

- 1) *someone's personal circumstances, or*
- 2) *technical facilities and procedures, as well as operational or business matters that it will be of competitive importance to keep secret with reference to the person to whom the information relates.*

Personal circumstances are not considered to include place of birth, date of birth and personal identity number, citizenship, marital status, occupation, place of residence and place of work, unless such information reveals a client relationship or other circumstances that must be considered personal. The King may otherwise provide further regulations regarding what information should be considered as personal, about which bodies may provide private individuals with information as referred to in the clause above, as well as information about the individual's personal status in general and about the conditions for the provisions of such information.

The duty of confidentiality also applies after the person concerned has completed the service or work. The person also cannot exploit information as referred to in this clause in their own business or in the service or work of others.

Norwegian Public Administration Act, section 13 (researchers' duty of confidentiality).

Anyone who performs service or work in connection with a research task to which an administrative body has supported, approved or provided information that is subject to a duty of confidentiality in under an obligation to prevent others from gaining access or knowledge of:

1. *information that is subject to a duty of confidentiality that the researcher receives from an administrative body,*
2. *information that has been received from private companies in connection with the research work under a promise of confidentiality, and*
3. *information concerning individuals who are in a dependent relationship with the authority (school, hospital, prison, company, public authority, etc.) who have communicated their contact with the researcher.*

The information can only be used as necessary for the research work and in accordance with the conditions that may be stipulated in accordance with section 13 (d) (2). If results of the research work are to be published or used in any other way, section 13 (a) Nos. 1 and 2 will apply accordingly.

Breaches of the duty of confidentiality or on conditions under section 13(d)(2), are punishable under section 209 of the Norwegian Penal Code. The Ministry or the administrative body concerned is to make the researcher and its employees familiar with the duty of confidentiality and the penal provision, cf. section 13 (c)(1).

Norwegian Penal Code, section 209. Breach of confidentiality

A fine or imprisonment of up to 1 year is punishment for the person who breaches the duty of confidentiality to which he/she is subject in accordance with statutory provisions or regulations, or uses information for which he or she has a duty of confidentiality, with intent to obtain an unjustified gain.

The first subsection applies correspondingly in the event of a breach of confidentiality that follows from valid instructions for service or work for a state or municipal body.

For the person working or performing service for a state or municipal body, the first and second paragraphs also frame the breaches of confidentiality after the service or work has been completed.

Infringement due to gross negligence is punishable in the same way.

Complicity is not a punishable offence.

Norwegian Health Personnel Act, Section 21. Main rule on duty of confidentiality

Healthcare staff are to prevent others from gaining access to or knowledge of information about people's bodily or illness status or other personal circumstances that they come to know in their capacity as a healthcare professional.

Norwegian Specialist Health Services Act, Section 6-1. Duty of Confidentiality

Anyone who performs service or work for a health institution that is covered by this Act has a duty of confidentiality in accordance with sections 13 to 13 (e) of the Norwegian Public Administration Act.

The duty of confidentiality also applies to the patient's place of birth, date of birth, personal identity number, citizenship, marital status, occupation, place of residence and place of work. Information about a patient's whereabouts can nevertheless be provided when it is clear that it will not damage trust in the health institution. Information regarding a patient's name, transport needs and whether the patient is to pay an excess and any amount may be given to the carrier in connection with transport under section 2-1 (a) (1) No. 6.

Information to other administrative bodies under Section 13(b) Nos. 5 and 6 of the Norwegian Public Administration Act can only be given when this is necessary to contribute to the resolution of tasks under this Act or to prevent significant danger to life or serious harm to someone's health.