A Confidentiality Agreement on Thesis Appendices

# Contracting parties

 **Host Company/Organisation**

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| **Representative of the Host Company/Organisation** |       |
| **JAMK University of Applied Sciences (hereinafter Jamk)** |
| **Head of Department** |       |
| **Thesis instructor(s)** |       |
| **Student(s)** |  |
| **Student(s) name(s) and Student number(s)** |       |

have today agreed on the following regarding the writing of the thesis:

**Thesis topic**:

# Thesis publicity and confidential appendices

According to section 20 of the Degree Regulations of Jamk University of Applied Sciences, it is not possible to write a completely confidential thesis at Jamk. A thesis becomes public as soon as it is approved. A public thesis shall include no commercial or professional secrets of the commissioning party, but they are included in the appendices. A separate agreement on confidential appendices must be drawn up.

During the contractual relationship, the thesis student(s) and staff of Jamk University of Applied Sciences participating in the instruction, review or administrative processing of the thesis in connection with their work tasks shall not exploit or disclose to third parties the commercial or professional secrets of the commissioning party entrusted to them or obtained otherwise in connection to the thesis.

The commissioning party is obliged to specify what disclosed information it wishes to keep confidential. This must be clearly expressed in the thesis. Confidential information does not, however, include (a) information in the public domain without a breach of contract, (b) information developed independently by the contracting parties or third parties without a breach of contract by the contracting parties or (c) information that the commissioning party has allowed to be published or used.

There must always be valid grounds for the confidentiality of thesis appendices and the term of confidentiality must be defined:

* The term of confidentiality for the thesis appendices mentioned in this agreement is       years from the date of thesis approval.
* The grounds for confidentiality are the following (tick the appropriate box):

[ ]  Information on the tactical and technical plans and methods of the police, the frontier guard, the customs authorities and the prison authorities, as well as documents concerning the inventions, facilities, installations and systems used by the defence forces ([*Act on the Openness of Government Activities*](https://www.finlex.fi/fi/laki/kaannokset/1999/en19990621)*, section 24, paragraphs 5 and 10*).

[ ]  Documents relating to or affecting the realisation of the security arrangements of persons, buildings, installations, constructions, and data and communications systems (*Act on the Openness of Government Activities, section 24, paragraph 7*).

[ ]  Documents concerning preparations for accidents and emergency conditions, civil defence and the investigation of accidents in accordance with the Safety Investigation Act [(525/2011)](https://www.finlex.fi/fi/laki/ajantasa/2011/20110525) (*Act on the Openness of Government Activities, section 24, paragraph 8*).

[ ]  Information on endangered animal or plant species or the protection of important natural habitats (*Act on the Openness of Government Activities, section 24, paragraph 14).*

[ ]  Information on any business or professional secret of a private business, the State, a municipality, some other public corporation or a corporation, institution or foundation (*Act on the Openness of Government Activities, section 24, paragraphs 17 and 20*).

[ ]  Materials for a technological or other development project or the assessment of the same (*Act on the Openness of Government Activities, section 24, paragraph 21*).

[ ]  Data on the annual income or net worth of a person, data on the income and assets on which a subsidy or benefit is based, or data that otherwise describes the economic situation of a person, as well as documents of the execution authority (*Act on the Openness of Government Activities, section 24, paragraph 23*).

[ ]  Documents concerning a refugee or a person seeking asylum, a residence permit or a visa (*Act on the Openness of Government Activities, section 24, paragraph 24*).

[ ]  Sensitive information on the private life of the suspect of an offence, an injured party or another person involved in a criminal matter, on a forensic psychiatric examination of the suspect in an offence, a social enquiry report prepared regarding a young offender, as well as documents containing information on the victim of an offence (*Act on the Openness of Government Activities, section 24, paragraphs 26 and 27*).

[ ]  Information on a psychological test or aptitude test on a person or the results thereof, or on the assessments for the assignment of conscripts, the selection of employees or the establishment of the basis for a salary (Act on the Openness of Government Activities, section 24, paragraph 29).

[ ]  Documents on student welfare and exemptions from teaching, the test results of students and candidates and the school diplomas and other documents containing a verbal assessment of the personal characteristics of the student (*Act on the Openness of Government Activities, section 24, paragraph 30*).

[ ]  Information on the political convictions or the privately expressed views of a person, or information on a person’s lifestyle, participation in voluntary associations or leisure-time activities, family life or other comparable personal circumstances of the person (*Act on the Openness of Government Activities, section 24, paragraph 32*).

 (*Act on the Openness of Government Activities 621/1999).*

[ ]  Health and patient data (*Decree on patient documents 298/2009*).

[ ]  Other special act, which?

## Secret and confidential information

**The commissioning party is committed to providing guidance in order to prevent secret or confidential material from being included in the thesis**. An appointed representative of the commissioning party shall have an opportunity to examine the thesis at least twenty (20) days prior to its intended submission for review. The commissioning party shall have the right to demand revisions to the thesis, if its publication would compromise a potential patent application or other protection of immaterial rights, or if it contains confidential information of the commissioning party. There must always be valid grounds for a revision demand.

If the commissioning party does not demand revisions to the thesis within the period mentioned, the student has the right to submit their thesis for review as such. The entire thesis with appendices is submitted for review.

# Thesis presentation

The thesis presentation is always public. The commissioning party and the thesis student determine the content of the presentation together so that it does not breach the confidentiality agreement.

# Penalties

In case the thesis student(s), thesis instructor(s), reviewers or other Jamk staff included in the thesis process are in breach of the above-mentioned confidentiality obligation regarding the thesis, they may be liable for damages. Indirect damages are excluded from the liability. Liability requires breach committed intentionally or with serious negligence.

# Validity of agreement

This confidentiality agreement becomes valid once it has been signed and is valid for the duration of the confidentiality period for the thesis appendices (*section 2*).

# Signatures

There are two (2) copies of this agreement, one for the commissioning party and one for the student who attaches it as an appendix to the thesis agreement (as one PDF file) and saves the agreement in PDF format in Wihi system at Jamk University of Applied Sciences. Jamk will archive the agreement in electronic format. The agreement becomes valid once it has been signed.

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|       |
| Date and place |
|       |
| **Representative of the Host Company/Organisation** (signature and name in print) |
|       |
| **Jamk University of Applied Sciences, Head of Department** (title, signature, name in print and phone number)      |
| **Thesis author(s)** (signature and name in print)  |

Distribution Host Company/Organisation

Jamk University of Applied Sciences (PDF-form)

Student(s)