



Client Confidentiality Policy

It is the policy of the Michigan SBDC Network that all client information, including client names, files, and records, is to remain confidential and is not to be divulged beyond the staff of the Michigan's SBDC Network. All client files are to be kept in closed, locked file cabinets. On-line references to clients and to the Center IC client information system must be password protected. It is the responsibility of *every* staff person to protect confidentiality.

Confidentiality of clients of the SBDC Program is protected by federal law. See Section 21(a) of the Small Business Act (15 U.S.C. 648(a)). It states in part: "A small business development center . . . or agent of a small business development center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless--

- (i) the Administrator [of the SBA] is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or
- (ii) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a small business development center, but a disclosure under this clause shall be limited to the information necessary for such audit."

The MI-SBDC employees / associates, SBA personnel and the ASBDC Accreditation team are bound by Section 21(a) of the Small Business Act (15 U.S.C. 648(a)). All MI-SBDC employees and associates are annually required to sign a confidentiality and non-disclosure agreement. Therefore, MI-SBDC employees and associates do not sign client non-disclosure agreements.

Exceptions to Client Confidentiality Policy. Following are the only exceptions to the confidentiality policy:

1. If a client authorizes in writing by signing the "Client Release of Name" form that their name may be released to a collaborative partner to serve the client better. Even in this instance, staff should be careful that no proprietary information is disclosed.
2. If a client authorizes in writing by signing the "SBA Client Success Story" form that their name/or "story" may be released in some form. Even in this instance, staff should be careful that no proprietary information is disclosed and the client must approve the final release of information.
3. If SBA personnel are conducting a programmatic or financial review for purposes of oversight or ASBDC Accreditation Committee members are conducting an Accreditation Review or official auditors are reviewing the Network. In each of these instances, the individuals involved have the right to full access to files.
4. If a court order is issued. In such an event, notify the State Office immediately. Such information "must not be released or disclosed by the recipient without the prior written consent of the SBA project officer. If such information is requested in a legal proceeding, the recipient must take the necessary precautions and legal recourse to protect privileged information" (2006 SBA *Program Proposal*, page D-9).
5. All public entities are required to respond to the Freedom of Information Act (5 U.S.C. § 552) requests. Therefore, this law provides, with some exceptions, that the Small Business Administration (SBA) must supply agency records, (i.e., information in its files and records) to a person requesting it. This generally includes aggregate statistical data on SBA's business assistance programs. SBA does not routinely make available a client's proprietary data (without first doing pre-notification, as required by Executive Order 12600), or information that would cause competitive harm or constitute a clearly unwarranted invasion of personal privacy.

Client Rights and Responsibilities

This document is posted on the MI-SBDC website and should be handed out with the request for counseling form (641)

The Michigan Small Business Development Center (MI-SBDC) is pleased to have you as a client. We would like to advise you of certain rights and responsibilities you have as a MI-SBDC client.

Your Rights

You have a right to expect prompt, courteous, and professional counseling services and to be advised if the MI-SBDC is unable to provide services within the time frame required.

You have a right to feel comfortable that all information shared with the MI-SBDC and any of its resources (staff, students, faculty, and consultants) will be held in strictest confidence and will not be used to the commercial or other advantage of any staff member, consultant or other resource of the MI-SBDC or by any third party. You also have the right to expect that your client status with the MI-SBDC will remain confidential and that no public use of your name or business identity will be made without your prior approval. Please note, however, that the MI-SBDC is funded in part by the state of Michigan, the US Small Business Administration, and other public and private-sector agencies and organizations. Limited information with respect to your client status (name, address, nature/scope of service, and amount of service) may be provided to those public agencies which fund the MI-SBDC or which are responsible for auditing the financial and program performance of the MI-SBDC.

You have a right to feel secure that no fee will be charged by the MI-SBDC for the general business counseling services which are provided to you. Nominal fees may be charged for training workshops.

Our Role

The MI-SBDC counsels and assists owners of small, medium-sized businesses and those starting a business. We will not make business decision or judgments for you, although we will make recommendations and suggestions as appropriate. These will be based upon our best efforts to apply the experience and resources then available to us to your case in order to assist you in making your own business decisions.

Your Responsibilities

You will be expected to cooperate with the MI-SBDC in its ongoing efforts to assure the quality and effectiveness of the counseling services which it provides. In this respect, the MI-SBDC asks all clients who receive counseling assistance to complete a brief online evaluation of the services provided. Also, all clients who receive counseling and other services of the MI-SBDC will be asked to report their economic impact to the SBDC by completing a client economic impact validation form. Finally, the MI-SBDC may select your company as a client success story. If you agree to have your story used for marketing purposes by the MI-SBDC and its stakeholders you will be asked to sign a release form.

Limited Liability

In consideration of the MI-SBDC furnishing you with free counseling, training and market research, you agree to waive all claims against the MI-SBDC, its staff, or any other resources employed by or used in connection with these services. You also agree to waive all claims against the US Small Business Administration and other public and private-sector agencies and organizations which provide funding or other support to the MI-SBDC. However, no waiver of liability is intended against any licensed volunteer professional attorney or accountant providing assistance to MI-SBDC clients in their professional capacity.

Freedom of Information Act (5 U.S.C. § 552)

All public entities are required to respond to the Freedom of Information Act (FOIA) requests. Therefore, this law provides, with some exceptions, that the Small Business Administration (SBA) must supply agency records, (i.e., information in its files and records) to a person requesting it. This generally includes aggregate statistical data on SBA's business assistance programs. SBA does not routinely make available a client's proprietary data (without first doing pre-notification, as required by Executive Order 12600), or information that would cause competitive harm or constitute a clearly unwarranted invasion of personal privacy.

We welcome you as a client and encourage you to call on us if you have questions or comments regarding your rights and responsibilities or with respect to our services. You can do so by calling the MI-SBDC State Director at (616-331-7480).