

## A thesis background material confidentiality agreement

### 1 Contracting parties

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**Commissioning party**

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Commissioning party's representative

**JAMK University of Applied Sciences**

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Head of Department

**Thesis instructor(s)**

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**Student(s)**

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

**Thesis topic**

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## 2 Confidentiality and the publicity of the thesis

JAMK University of Applied Sciences follows the recommendation of the Ministry of Education and Culture that theses should not contain confidential materials and that theses become public as soon as they are approved. Theses submitted for the assessment shall not include any business or professional secrets of the commissioning party; instead, those shall be put in appendices as the thesis background materials.

During the contractual relationship, the thesis instructor and thesis author may not take advantage of or disclose to others any business or professional secrets of the commissioning party that have been entrusted to them or which they have become aware of *in conjunction with the thesis work*.

The commissioning party has the obligation to notify which of the information provided it wants to be treated as confidential. This must be clearly specified in the thesis. However, confidential information never includes information that (a) became common knowledge before the breach of contract, (b) the contracting parties or third parties have developed independently without a breach of contract by a contracting party, or (c) the commissioning party has given permission to publish or use.

The confidentiality of a thesis appendices must always be justified and the duration for the confidentiality must be specified. The grounds for the confidentiality of the appendices to the thesis specified in this agreement (tick the box).

### The thesis appendices contains:

- inventions, equipment or systems, tactical and technical methods and designs that serve the Defence Forces, the police, Customs and the Finnish Border Guard (*Act on the Openness of Government Activities 24§, 5, 10*)
- information 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 24§,7*)
- information concerning preparations for accidents and emergency conditions, civil defence or its development (*Act on the Openness of Government Activities 24§,8*)
- information containing information on endangered animal or plant species or the protection of important natural habitats (*Act on the Openness of Government Activities 24§, 14*)
- information on any business or professional secret of the State, a municipality, some other public corporation or a corporation, institution or foundation (*Act on the Openness of Government Activities 24§,17, 20*)
- technological or other development project or assessment of the same (24§, 21)
- health information, including medical records (*Act on the Openness of Government Activities 24§, 32; Decree on medical records 298/2009*)
- 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 24§, 32*) (*Act on the Openness of Government Activities (621/1999)*)

Based on other special legislation, please specify:

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Period of confidentiality:

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(one (1) year–25 years) from the thesis approval date.

### 3 Confidential and privileged information

The commissioning party shall undertake to provide guidance to help ensure that no confidential or privileged information is included in the thesis. An opportunity shall be reserved for a representative designated by the commissioning party to study the thesis no later than twenty (20) days before the intended submission of the thesis for assessment. The commissioning party has the right to demand revisions to the thesis if its publication might endanger the commissioning party's patent application or other intellectual property rights protection or if it contains confidential information of the commissioning party. A refusal must always be justified.

The student has a right to receive for revision any material that the commissioning party refuses to allow to be included in the thesis. The revision shall be done together with the commissioning party. The thesis shall be submitted for review once the sections detrimental to the commissioning party's interests have been removed. If all confidential materials are removed from the thesis background materials, the thesis shall be completely public. If the commissioning party does not demand changes to the thesis within the specified period, the student shall have the right to submit the thesis for review as is.

### 4 Thesis presentation

Thesis presentation is always public. The commissioning party and the thesis author shall determine the presentation contents together to ensure that the presentation does not violate confidentiality.

### 5 Penalty

If the thesis instructor(s) or author(s) violate the aforementioned confidentiality obligation, the violation may lead to liability for damage. Indirect damage shall be excluded from the liability. Liability shall require an intentional breach of contract caused intentionally or through gross negligence.

## 6 Agreement validity

This confidentiality agreement shall enter into force upon being signed and shall be valid until \_\_\_\_\_(dd/mm/yyyy).

This agreement has been prepared in three (3) identical copies, one (1) for each party.

## 7 Signatures

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Place and date

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Commissioning party (signature and name in print)

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Thesis author (signature and name in print)

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Thesis author (signature and name in print)

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Thesis author (signature and name in print)

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Head of Department (signature and name in print)

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Thesis instructor (signature and name in print)

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Thesis instructor (signature and name in print)

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Language instructor (signature and name in print)

Appendices

Detailed instructions on the publicity of theses at JAMK

Distribution

Commissioning party  
JAMK University of Applied Sciences  
Student(s)

## Detailed instructions on the publicity of theses at JAMK

In accordance with Section 12.2 of *the Constitution of Finland (731/1999)*, documents and recordings in the possession of the authorities are public, unless their publication has, for compelling reasons, been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.

A thesis written by a student at JAMK University of Applied Sciences is public. According to *JAMK's Degree Regulations*, Section 17: "It is not possible to write a completely confidential thesis at JAMK University of Applied Sciences." Theses must be available for public assessment. Publicity guarantees the objective and equal assessment of theses. The publicity of a thesis can, however, be limited on specially decreed grounds. According to Section 24 of *the Act on the Openness of Government Activities (621/1999)*, the following official documents shall be secret:

- inventions, equipment or systems, tactical and technical methods and designs that serve the Defence Forces, the police, Customs and the Finnish Border Guard (24§, 5 and 10)
- information relating to or affecting the realisation of the security arrangements of persons, buildings, installations, constructions, and data and communications systems (24§, 7)
- documents concerning preparations for accidents and emergency conditions, civil defence or its development (24§, 8)
- information containing information on endangered animal or plant species or the protection of important natural habitats (24§, 14)
- information on any business or professional secret of the State, a municipality, some other public corporation or a corporation, institution or foundation (24§, 17 and 20)
  - A business secret is typically information that, if exposed, could cause financial losses for the company and financial advantage for its competitors. A business secret also covers skills connected to the abuse of the information based on business experience. A business secret may also be a technical secret. Documents only containing such information about the product that is directly revealed in the complete product do not qualify as business secrets.
  - Professional secret refers to secrets that are more related to skill and often connected to the information acquired by an employee based on his/her profession. Professional secrets are often a necessary part of an employee's activities.
- technological or other development project or assessment of the same (24§, 21)
  - A technological development project may be connected to a product that can later be patented, for example.
- health information, including medical records (*Act on the Openness of Government Activities, Section 24§, 32; Decree on medical records 298/2009*)
- 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 (24§, 32)

**Confidential information must not be included in the actual thesis published; instead, they will be put in the thesis background materials as an appendix.** If the grounds for confidentiality are unclear, representatives of JAMK University of Applied Sciences must discuss the matter with the part financing the student's thesis or the party whom the thesis is about, clearly justify the thesis publicity principles and the principles of legality connected to the confidential section. Similarly, the assessment of such a thesis must take into account the said party's desire for confidentiality and the party's account of the impact of the disclosure of the information.

If a student's thesis includes confidential background materials, a separate agreement must be drawn up regarding those materials. A thesis background material confidentiality agreement must be used between JAMK University of Applied Sciences, the company and the thesis author(s) when agreeing on the confidentiality of the confidential background materials of a thesis. The agreement is signed by the Head of Department of the degree programme on behalf of JAMK University of Applied Sciences.

According to the Act on the Openness of Government Activities, confidential information must be marked clearly on the description page in the *Miscellaneous* section, clearly stating which sections of the document are confidential and what the confidentiality is based on (*Act on the Openness of Government Activities 621/1999, Section 25*). Legal grounds and a specified period of confidentiality must absolutely be stated for the confidential section of a thesis. The period of confidentiality is usually two (2) years but may be up to 25 years. Only based on special legislation may thesis sections, for example those including medical records, be made confidential for no less than 50–100 years. Confidentiality can never be agreed for perpetuity.

These instructions also apply to the working life development assignment included as a thesis in master's degrees.

The instructions have been approved by JAMK's Thesis Work Forum on 8 June 2017.