

**TUNICA-BILOXI TRIBE OF LOUISIANA
ORDINANCE NO. TBN-O-2020-002**

Ordinance to Enact Confidential Information Code

WHEREAS, the Tunica-Biloxi Tribe of Louisiana is a federally recognized Indian tribe;

WHEREAS, the Tunica-Biloxi Tribal Council (the "Tribal Council") is the duly elected governing body of the Tribe, as authorized by Article VII, Section 1, of the Constitution of the Tribe ("Constitution");

WHEREAS, the Tribal Council is authorized by Article XIII, section 4 of the Constitution to enact procedures governing the conduct of tribal elections;

WHEREAS, the Tribal Council is empowered by Article VIII of its Constitution to enact codes necessary to "[s]upervise and manage tribal economic affairs and enterprises" and to "[p]romote and protect health, peace, morals, education and the general welfare of the Tribe";

WHEREAS, ensuring that privileged, confidential, financial and other sensitive information belonging to the Tribe remains appropriated protected and not disclosed by those with access for inappropriate purposes is of the utmost important for protecting the economic interests and inherent sovereignty of the Tribe;

WHEREAS, pursuant to the Tunica-Biloxi Legislative Code, the Tribal Council has determined that an ordinance is necessary to ensure such information is appropriately protected and the subject Confidential Information Code has been duly published pursuant to Section 12 of the Legislative Code; and

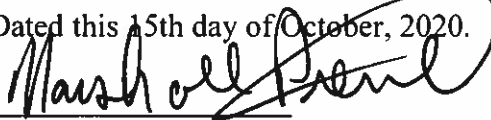
WHEREAS, the Tribal Council has determined that in order to safeguard the safety and well-being of the Tribe, it is necessary to enact the Confidential Information Code.


NOW, THEREFORE BE IT ORDAINED, that the Tribal Council hereby enacts the previously published Confidential Information Code to be effective immediately.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Tunica-Biloxi Tribe of Louisiana, certify that the Tribal Council of said Tribe is composed of seven (7) members, of whom 5, constituting a quorum, were present at a meeting thereof, duly called, noted, convened and held this 15th day of October, 2020; and that the foregoing Ordinance was duly adopted by a vote of 5 members in favor, 0 opposed, and 0 abstaining.

Dated this 15th day of October, 2020.


Marshall Pierite, Chairman


Beverly C. Rachal, Secretary-Treasurer

TUNICA-BILOXI TRIBE OF LOUISIANA
TITLE _____
CONFIDENTIALITY CODE

GENERAL PROVISIONS

SECTION 1 – SHORT TITLE

This Code may be cited as the “Tunica-Biloxi Confidentiality Code.”

SECTION 2 – AUTHORITY AND PURPOSE

- (a) The Tribal Council of the Tunica-Biloxi Tribe of Louisiana, hereinafter referred to as “Tribe,” is empowered by Articles VII and VIII of its Constitution to enact codes necessary to fulfill its enumerated powers and any other codes necessary and incidental to the exercise of its enumerated powers. The Tribal Council hereby enacts this Code pursuant to its powers and duties under Article VIII, Section 1 of the Constitution.
- (b) The purpose of this Code is to protect confidential information belonging to the Tribe from being disclosed without proper authority or authorization, which could compromise the spiritual and financial well-being of the Tribe and the trust and confidence of not only our tribal members but the public with whom the Tribe interacts. Information that is owned by the Tribe, whether or not it is subject to protections of attorney-client privilege, belongs to the Tribe and may not be used or shared for any purpose but for the betterment of the Tribe.

SECTION 3 — SOVEREIGN IMMUNITY

Nothing in this Code shall constitute a waiver, in whole or in part, of the sovereign immunity of the Tribe, any Tribal Entity, or any of their subsidiaries, departments, affiliates, agents, officers or employees.

SECTION 4 — DECLARATION OF TRIBAL POLICY

It is the policy of the Tribe that:

- a) As a sovereign entity, the Tunica-Biloxi Tribe of Louisiana (the “Tribe”) is, at times, involved in processes, agreements, transactions, communications, and government functions that, for the benefit of the Tribe and the best interests of its members, must be kept confidential. The following laws address confidentiality for Tribal Officials and Tribal Employees in their professional capacities;
- b) All Tribal Officials and Tribal Employees seek to maintain the utmost integrity in their interactions with tribal members, fellow officials and employees, any service providers or vendors, business partners, and the public;

- c) When operating in the Tribe, a close-knit community with various familial relationships, all representatives of the Tribe, in any capacity, should endeavor to avoid situations that create appearances of impropriety; and
- d) All representatives of the Tribe should seek to foster a culture of honesty, integrity and accountability by complying with not only the letter, but also the spirit of this Code.

SECTION 5 — DEFINITIONS

- a) “Information” is defined as, “communications, records, documents, and verbal or nonverbal data, that is generated, shared, drafted, expressed, disseminated, or acquired through any medium.”
- b) “Tribal Official” is defined as, “any person elected or appointed to a position within the Tribe.”
- c) “Tribal Employees” is defined as, “any person employed by the Tribe or an arm of the Tribe.”
- d) “Confidential Communication” is defined as an oral or electronic communication in which one or more of the parties to that communication has an objectively reasonable expectation of privacy.
- e) “Confidential Information” includes:
 - 1. Any information which is available to, provided to, or acquired by a Tribal Official or Tribal Employee because of, based on, or as a result of the Official’s or Employee’s professional status, and which the Tribal Official or Tribal Employee knew or reasonably should have known is not a matter of public knowledge or available to the public on request;
 - 2. Any information designated as confidential, proprietary, or of a similar designation by Tribal law, policy or regulation;
 - 3. Any information designated as confidential, proprietary, or of a similar designation, in a non-disclosure agreement a Tribal Official or Tribal Employee enters into in their professional capacity;
 - 4. Any information designated as confidential, proprietary, or of a similar designation by the Tribal Court;
 - 5. Any information presented, communicated, or disclosed in a closed Tribal Council session which is not a matter of public knowledge or available to the public on request;

6. Any information concerning business relationships, arrangements, transactions, or dealings to which the Tribe or an arm of the Tribe is a party or otherwise involved, which is not a matter of public knowledge or available to the public on request;
7. Any information concerning legal matters or issues to which the Tribe or an arm of the Tribe is a party or otherwise involved or a Tribal Official or Tribal Employee is a party to or otherwise involved in the professional capacity, which is not a matter of public knowledge or available to the public on request;
8. Any privileged or confidential communications between the Tribe or an arm of the Tribe and its legal counsel; and
9. Information designated and protected as confidential under applicable Tribal, federal, or state law.

SECTION 6 — DISCLOSURE OF CONFIDENTIAL INFORMATION

- a) Confidential Information may only be disclosed under the following circumstances:
 1. As designated by Tribal law, policy or regulation.
 2. As designated in a non-disclosure agreement approved by the Tribe to which the Tribe or an arm of the Tribe is a party or a Tribal Official or Tribal Employee is a party in their professional capacity, so long as the non-disclosure agreement does not conflict with the requirements or intent of this statute.
 3. As ordered by the Tribal Court.
 4. Pursuant to a validly issued order from a court, agency, or law enforcement entity of proper jurisdiction.

SECTION 7 — OFFICIAL ANNOUNCEMENTS

In the interests of public safety and for the benefit of the Tribe and its membership, the Tribe's website and the Tribe's Facebook page are the only channels authorized to release official Tribal announcements on behalf of the Tribe.

Any communication purporting to be an official Tribal announcement from a personal website, social media page, or other source that is not maintained by the Tribe and not officially authorized by the Tribe shall not constitute an official Tribal announcement. Violations of this policy shall be deemed an unauthorized Disclosure of Confidential Information, punishable pursuant to Section 9 of this Ordinance.

SECTION 8 — RECORDING CONFIDENTIAL COMMUNICATIONS

The consent of all parties shall be required before recording any Confidential Communications. It shall be a violation of this Code to record a Tribal Employee or Tribal Official without their consent, punishable pursuant to Section 9 of this Ordinance.

SECTION 9 — VIOLATIONS OF THIS CODE

- a) If a Tribal Official or Tribal Employee knowingly discloses Confidential Information in any way other than those authorized as proper in this statute, the Tribal Official or Tribal Employee will be deemed to have violated this statute and may be subject to any or all of the following sanctions, as dictated by Tribal Council Order.
- b) If an individual knowingly issues a communication purporting to be an official Tribal announcement that is not officially authorized by the Tribe, the individual will be deemed to have violated this statute and may be subject to any or all of the following sanctions, as dictated by Tribal Council Order.
- c) If an individual records a Confidential Communication where one or more Tribal Officials and Tribal Employees is a party to the communication, without first obtaining the consent of all parties, the individual will be deemed to have violated this statute and may be subject to any or all of the following sanctions, as dictated by Tribal Council Order.
- d) Sanctions for violations of this Code may include:
 1. A monetary fine not to exceed \$1,000 for each act of disclosure or unauthorized recording;
 2. Restitution for harms caused to the Tribe, an arm of the Tribe, or affected Tribal employees or members as a result of the unauthorized disclosure, not to exceed \$1,000;
 3. Private reprimand;
 4. Censure for good cause, including sending a letter to the constituency; and
 5. Dismissal from Tribal employment or removal from Tribal office pursuant to the Tribal Constitution.

SECTION 10 — REPEAL OF INCONSISTENT PROVISIONS

Any prior legislation or other Tribal Laws that are inconsistent with the purpose and procedures established by this Code are hereby repealed to the extent of any such inconsistency.

SECTION 11— EFFECTIVE DATE

This Code shall become effective immediately upon adoption by the Tribal Council.