

comply with a subpoena or summons under this subsection. Anyone who fails to comply with a lawful subpoena or summons by the MBCI Tribal Court may also be subject to civil or criminal penalties as provided in Section 1-3-10 of Title I, Rule 16 of Title II, and Section 3-8-2 of Title III of the MBCI Tribal Code.

Pursuant to Rule 17(i)(2) of Title II of the Choctaw Tribal Code, as amended, the Office of Human Resources is authorized and directed to provide a list of all employees, whether Indian or non-Indian, including the employee full name, address, and telephone number, to the MBCI Court Administrator, starting on July 15, 2019, and then with an updated list to be provided on an annual basis by October 1 of each year.

## **XX. TAPING/EAVESDROPPING ON CONVERSATIONS**

It is the policy of MBCI to encourage open communications among MBCI employees, political appointees, elected officials, and their respective advisors. To facilitate such open communications, and to prevent the chilling effect that may occur if employees, officials, or advisors are permitted to tape or secretly record or surreptitiously listen in on any conversation or communication, and to ensure compliance with applicable federal, state, and local wiretapping, eavesdropping, and privacy laws, MBCI has instituted the following policy:

Except as set forth elsewhere in this part, nobody may openly or secretly tape or otherwise surreptitiously record, or videotape, any conversations, communication, activity, or event. This prohibition applies to any conversation, communication, activity, or event which in any way involves MBCI, any agency, department, customers or clients of MBCI, or any other individual with whom MBCI is doing business or intending to do business in any capacity (for example, vendors, suppliers, consultants, attorneys, independent contractors). If an employee has any questions or concerns regarding whether any contemplated taping or recording would violate this policy, he or she should discuss the matter with the appropriate supervisor, before engaging in any such activities.

“Taping” and “Recording” under this policy includes the taping or recording of any conversation or communication, regardless of whether the conversation or communication is taking place in person, over the telephone, or via any other communications device or equipment, and regardless of the method used to tape or record (e.g., as with a cell phone, tape recorder, video recorder, mechanical recording; or wiretapping equipment), and regardless of where the conversation or communication takes place, i.e., whether on or off MBCI’s government premises.

“Taping” and “Recording” as used in this policy does not include any lawful taping and recording engaged in by an employee on the employee’s own time, with the employee’s own equipment, away from MBCI’s place of business, and which does not involve in any manner whatsoever, directly or indirectly, the business or activities of MBCI, or any of its employees.

No employee may eavesdrop on the conversations or communications of other

employees or non-employees in accordance with the same standards set forth above.

From time to time MBCI may tape, record, videotape, or otherwise monitor conversations or other communications between employees and/or between employees and non-employees for legitimate business purposes. Generally, employees will be notified when such taping or recording occurs, in accordance with applicable laws and sound employee relations principles. Under certain circumstances, however, notice may not be given, such as where MBCI is conducting an investigation into allegedly unlawful or unethical activities, in conjunction with regulatory or other enforcement authorities, such as law enforcement investigation.

Violations of this part may result in disciplinary action against the offending employee(s), up to and including an unpaid suspension or termination of employment. Where the conduct engaged in is illegal, violators may also be subject to prosecution under applicable federal, state, or local laws.

## **XXI. CONFIDENTIALITY OF MBCI INFORMATION**

The nature of business and the economic wellbeing of MBCI is dependent upon protecting and maintaining proprietary MBCI information. During the course of work, employees may have access to highly sensitive confidential and privileged information concerning citizens, customers, clients, vendors, and other employees. All such information is considered confidential and retained within MBCI. Continued employment with MBCI is contingent upon compliance with this policy.

It is the responsibility of all MBCI employees to safeguard sensitive MBCI information. The Office of Human Resources will be responsible for the orientation of employees to ensure enforcement of MBCI confidentiality.

Employees are advised to be most discreet in their handling of confidential and privileged information, even when talking to fellow employees. If there are questions concerning the disclosure or communication of any information, please consult the Office of Human Resources.

Certain information and material is, by its very nature, considered confidential information. The term “confidential information” includes, but is not limited to:

- a. files, papers, documents, and communications related to MBCI customers, clients, and vendors;
- b. personnel records, salary and benefit information, medical records or information, communication to or regarding MBCI employees;
- c. computer systems information, media, and passwords;
- d. negotiations and contracts;
- e. plans and strategies;
- f. financial data, budgets;