

Section 27. ¹ *Duty of non-disclosure*

Anyone who performs services or work for the Company has a duty of non-disclosure with respect to what they learn about the business or private affairs of others in connection with their duty or work, unless they have a legal obligation to disclose such information.

The duty of non-disclosure does not apply to information that the Board of Directors or anyone authorised by the Board of Directors² gives on behalf of the Company to the owners.

The duty of non-disclosure does not prevent:

1. the provision of information to financial institutions and other parties bound by a statutory duty of non-disclosure in connection with the Company's handling of individual matters,
2. that the information is used to safeguard the company's creditor interests,
3. that the information is communicated to the company's public clients and other public authorities, when this is required to fulfil these bodies' obligation by law, regulations or instructions, to supervise the Company's public funds,
4. that the information is used to bring charges or notify about a violation of the law to the prosecuting authority³ or the relevant control authority when public interests deem this to be necessary,
5. that the information is used when no other justified interest requires its secrecy, for instance when it is generally known or generally available elsewhere, or
6. that the information is used in the exchange of information (coordination) as prescribed by the Act relating to Reporting Obligations.⁴

When it is deemed reasonable and does not entail a disproportionate burden to other interests, it may be decided that the information may or shall be disclosed for use in research notwithstanding the duty of non-disclosure. The provisions in Section 13 (d) second and third paragraphs and Section 13 (e) of the Public Administration Act apply as appropriate.

The duty of non-disclosure does not prevent information from being disclosed to third parties with the written consent of the party to whom the information relates.

The duty of non-disclosure under this section also applies to an owner, contracting authority or other public authorities who receive such information from the Company, and anyone performing services or work for them.

0 Amended by Acts No. 4 of 9 January 2009 (entry into force on 1 January 2010), No. 4 of 28 February 2014 (entry into force on 1 July 2014 pursuant to Resolution No. 218 of 28 February 2014), No. 72 of 17 June 2016 (entry into 1 July 2016 pursuant to Resolution No. 685 of 17 June 2016).



Peter A. Eseth