

# The Actuarial Profession

## The Governance of the Profession – Framework, Rules and Guidance

### Chapter 12 The publication of the Profession’s documents and the security of confidential information

#### Introduction

1. This chapter applies to members of staff and volunteers who produce and/or publish or in any other way handle documents produced on behalf of the Profession. It also applies to members of staff who receive requests to provide access to documents produced in the course of the Profession’s business<sup>1</sup>.
2. The Profession is not subject to the Freedom of Information Act 2000 or Freedom of Information (Scotland) Act 2002. However, the provisions of this chapter take account of the principles of *openness, honesty, transparency and accountability*, which the Profession embraces<sup>2</sup>. On the other hand, the Profession is subject to the Data Protection Act 1998, and the staff policy on this subject<sup>3</sup> details the eight principles of data protection as set out in the Act.
3. This chapter:
  - Defines ‘formal’ and ‘finalised’ documents to differentiate these from informal documents and work-in-progress.
  - Details the rules for safeguarding the Profession’s information, particularly confidential information.
  - Describes the practical consequences of adopting the principles of *openness, honesty, transparency and accountability* in the context of this chapter.

#### Definition of ‘formal’ and ‘finalised’ documents

4. ‘Formal’ documents are those which express the Profession’s policy, practice or view on a particular issue, either corporately or by a particular board or committee. Examples of formal documents are the Charter, Bye-laws, Rules and Regulations, Actuarial Profession Standards, research papers, minutes, responses to consultation papers, and press releases. Documents produced by working parties or informal groups are not considered to be formal, unless they have been adopted by a board or a committee or the Council. Papers supporting an agenda may be considered as ‘formal’ if they have been approved at an appropriate level.
5. ‘Finalised’ means in a form ready for publication or wider circulation, usually signified by a document’s transfer to the Profession’s corporate document repository (see paragraph 2 of appendix 2). This definition clearly excludes work-in-progress which should always be treated as confidential.

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<sup>1</sup> Any volunteer who receives such a request should pass it to the relevant member of staff.

<sup>2</sup> See chapter 1.

<sup>3</sup> See chapter 8.

## **Safeguarding the Profession's information**

### *All information*

6. Rules for staff related to safeguarding information are in appendix 1.

### *Confidential information*

7. The originator of a document is responsible for establishing whether it contains confidential information. The originator may be the President, a board or committee chair or a member of staff. Where the originator is unsure whether or not information contained within the document is confidential (for example where information has been obtained from a confidential document where it is not clear which elements of that document are confidential), the originator should consult a head of division or the Chief Executive.
8. Appendix 2 details the criteria for deciding that information is confidential. Broadly, confidential information may be categorised as:
  - Commercial
  - Professional discipline where confidentiality is specified in the disciplinary schemes
  - Examination
  - Legal where professional privilege applies
  - Personal (contains personal details about members of the Profession or members of staff)
9. It is the responsibility of the originator of confidential information to establish who may see it. Where the information is contained in a document related to a particular board or committee, account should be taken of any standard circulation list (care should be taken where there is a requirement for confidential information to be circulated to board and committee members only). As a general rule, Council members may see any confidential information (there are some exceptions related to member discipline and staff personnel). Members of the Management Board, and of executive, special and other committees are entitled to see confidential information relevant to their areas. For some committees, such as those dealing with certain aspects of professional conduct and discipline, it can be assumed that most, if not all, of the papers related to its business contain confidential information, and the circulation list should reflect this confidentiality. Anyone other than a Council member, the Chief Executive, a head of division, or member of the Management Board or committee or their direct support staff must demonstrate a clear need to see particular pieces of confidential information. In any case of doubt about who may see confidential information, the originator should consult a head of division or the Chief Executive.

### **The practical consequences of adopting the principles of *openness, honesty, transparency and accountability* in the context of this chapter**

10. All formal and finalised documents are considered as open and thus able to be published or made available on request unless there are good and specific reasons to the contrary on the grounds of confidentiality. All reasonable requests by members of the Profession or of the general public for access to formal and finalised non-confidential documents are met in one of the following ways:
  - Providing details of the relevant web site address (if available via the web site)
  - E-mailing, faxing or posting a copy of the document concerned
  - Offering facilities for inspection of the document at one of the Profession's offices

11. Requests for access to informal documents and/or work-in-progress will be considered on their merits with the final decision resting with the relevant chair, head of division or the Chief Executive. Factors that will be taken into account when taking a decision will include the sensitivity of the information requested and the resources needed to locate it.

## Rules for staff related to safeguarding and publishing the Profession's information

### *Document management*

1. Members of staff are to safeguard the Profession's information by ensuring that it is appropriately stored either on the Profession's file servers or, where information is available in hard copy only, in registered files or libraries. Information may be copied to temporary hard copy folders or electronic storage media (laptops, data-sticks, discs etc) but the original versions must always be retained.
2. Other rules for document management, including retention periods and the transfer of formal and final documents to the Profession's corporate document repository, are published on the staff intranet.
3. Specific rules apply to minutes of the meetings of bodies within the professional administration part of the structure (see chapter 1) and staff group which makes decisions on behalf of the Profession. These minutes constitute a permanent record of the formal business of the Profession and must be printed on acid-free paper<sup>4</sup> and bear the original signature of the chair. Such minutes are ultimately bound into volumes and indexed.

### *Confidential information*

4. Members of staff must clearly identify any document containing confidential information. If the whole document is confidential, this should be achieved by putting 'Confidential' at the top and bottom of each page. This may be done either during word-processing, or by using an appropriate stamp if and when the document is printed. If appropriate, only confidential items within a document need be annotated 'confidential' (see paragraph 5 below), in which case the front page should be marked 'contains confidential items'. Items may also be embargoed and marked 'Confidential until after [date]'.
  5. For most boards and committees, if confidential items appear on the agenda for or in the minutes of a meeting, it is likely that there will also be items that are not confidential. The agenda item or minute that is confidential should be marked with a double asterisk\*\*. At the end of the agenda item/minute should be an explanation along the lines of: "\*\*\*This agenda item/minute is confidential and is being circulated separately only to members of the [XYZ] board/committee/only to those entitled to see it". The associated agenda paper or minute should be marked as confidential (see paragraph 4 above). Alternatively, confidential items may be grouped together in a separate, confidential part of the agenda/minutes<sup>5</sup>.
  6. A confidential document sent out in hard copy must be enveloped and the envelope stamped 'To be opened by Addressee only'.
  7. Protection of a confidential document sent by email (see chapter 18) is as follows:

*The primary responsibility for ensuring the protection of confidential material lies with the sender. You may seek to afford privacy protection to an e-mail that you are sending by selecting 'private' as the sensitivity option in message settings in MS Outlook 'Options'. However, this will have the desired effect only if the recipient is using MS Outlook as his/her email application. Where this option cannot be relied upon to give the required*

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<sup>4</sup> Members of staff must ensure that the paper is acid-free. Supplies are available from the library. No other paper should be used.

<sup>5</sup> See paragraph 13 *et seq* for rules on publishing abridged minutes.

*protection, you should make other arrangements with your correspondent(s) to ensure that confidentiality is maintained (eg use a private email address or normal post).*

8. As a rule, a confidential document must not be faxed. If this is necessary, care must be taken to ensure that the correct fax number is dialled and that the recipient is ready to take the fax immediately from his/her fax machine.
9. Members of staff must store e-versions of confidential documents in a way that protects them from access by those that are not entitled to see them. Printed versions of documents must be kept in a separate file marked 'Confidential' in a locked drawer or cupboard. The key is to be kept secure at all times.
10. Members of staff must retain evidence (letter, email, minute etc) of the decision that a document contains confidential information, so that any future query may be answered promptly and positively.
11. Members of staff must keep a clear record of the circulation of confidential material.
12. Confidential papers may be copied only with the express consent of the originator. In the event that the originator cannot be traced, the advice of the Chief Executive must be sought. The members of staff should keep to a minimum surplus copies of a confidential document. Unwanted copies of a confidential document should be shredded (the standard disposal form should be used to authorise the shredding/destruction of papers – this will provide proof of appropriate destruction of confidential duplicates).

*Specific provisions related to the publication of information based on papers and minutes of meetings of bodies within the professional administration and relevant staff groups*

13. From time to time, information is provided to members based on the papers and minutes of *bodies within the professional administration and relevant staff groups*. Particular care should be taken not to include confidential information in member communications based on such documents.

### **Criteria for deciding that information is confidential**

Information should be designated as confidential if, in the opinion of the originator:

- Disclosure would be likely to prejudice the Profession's position in negotiations.
- Disclosure would reveal confidential external advice prepared for, or other information supplied in confidence to, the Profession.
- Disclosure of spending estimates for a specific item would be likely to benefit a contractor or supplier.
- Disclosure might prejudice the proper confidentiality of the examination, or disciplinary, or regulatory processes where they relate to individual cases and confidentiality is appropriate in the circumstances of the case.
- Disclosure would be likely to reveal confidential information relating to a person or business or organisation or relating to the financial or commercial position of the Profession.
- Disclosure would give access to information related to individuals, such as members, employees or complainants, which would otherwise infringe personal privacy contrary to the provisions of the Data Protection Act.
- Disclosure might run a libel, slander or contempt risk.
- Disclosure of work in progress might prejudice the operation and decision making of the particular committee
- There is other sufficient reason (which must be declared) for a confidential designation.