

## **AGENTS' IDENTITIES: SECURITY OF INFORMATION**

### **1. Purpose**

The Government appreciates that industry has expressed concerns in the course of the Consultation about possible damage to their competitiveness and commercial interests that could arise from the inadvertent disclosure of confidential information, in particular information about the identity of their agents.

This document sets out how ECGD will address those concerns. It describes certain special handling arrangements, which ECGD is prepared to offer to those exporters who wish to take advantage of them, aimed at reducing any risk of inadvertent disclosure. Under these special handling arrangements the number of people aware of the identity of the Agents will be strictly confined to the minimum number of persons consistent with the need to make the appropriate enquiries.

### **2. Special Handling Arrangements**

1. The special handling arrangements will be invoked by the customer marking the appropriate box on the ECGD Application Form rather than providing the name(s) and address(es) of its Agent(s) on that form. (Other information relating to the use of Agents must be provided, as requested, on the Application Forms.)
2. If the check box on the Application Form is so marked, the Business Principles Unit (BPU) of ECGD, rather than the case underwriter, will act as the channel of communication between ECGD and Applicants for all information relating to the identities of Agents but only for that information. The BPU will contact the customer to agree a method of transmission of the identity of the Agent. The Head of the BPU will normally deal with the application in question, but, in the case of his prolonged absence, the Applicant will be asked if he would prefer his application to be dealt with sooner by the Deputy Head of the BPU. Only one member of the BPU (the BPU Official) will deal with the application in question and be aware of the agent's identity.
3. The BPU Official will carry out ECGD's initial enquiries. These enquiries may include electronic searches of information including that available on the world-wide-web (the internet). Any electronic records of these searches will be deleted from the BPU Official's computer once the searches have been completed.
4. Without the consent of the Applicant, subject to paragraphs 6 and 8 and Section 3 below, no person, whether or not an ECGD Official, will be given knowledge of the identity of Agents and the results of the initial enquiries other than:
  - (i) the BPU Official;
  - (ii) the relevant Business Director responsible for overseeing all aspects of the underwriting of the case in question; and

## **Annex C**

(iii) the Chief Executive.

5. All working papers created by any of the three ECGD officials identified in paragraph 4 above, in relation to any enquiries made, will be kept in hard copy only, without further copies, in one separate case file in the possession of the BPU Official to which access is restricted as set out above.
6. In the event that it is decided that further enquiries are necessary and that these would involve sharing the identity of the Agent of any Applicant with any person other than those set out in paragraph 4 above, whether that person is an official of ECGD or not, the consent of the Applicant will be requested.
7. The Applicant may refuse this consent in which case the knowledge in question will not be more widely shared, but it is likely in those circumstances that ECGD would be unable to process the Application further.
8. If, in the normal course of an Internal Audit, ECGD's Internal Audit and Assurance Division (IAAD) requests access to documents containing the identities of agents, the Chief Executive will require justification from the Head of IAAD that access to the relevant documents is strictly necessary. If the Chief Executive concurs, the applicant will be informed and access given to the Head of IAAD but not to any of his staff or any other member of that Division.

### **3. ECGD's Legal Obligations and Obligations to Parliament**

ECGD will hold the details of Agents provided by Applicants under these special handling arrangements subject to its legal obligations and its duties and responsibilities as a Government Department .

The Freedom of Information Act 2000 provides exemptions from disclosure in a number of cases subject, in some instances, to a public interest test. These include where information is protected by the law of commercial confidence and where there may be damage to commercial interests. Where any exemptions apply, information will not be disclosed. ECGD will, save in highly exceptional circumstances, give notice to customers of applications which might be made for the identity of Agents and consult with them to help ECGD to determine whether exemptions from disclosure apply.

### **4. Amendment to the Special Handling Arrangements**

The special handling arrangements may be amended if ECGD considers it appropriate to do so by notice posted on ECGD's website.