

## **Joint Negotiating Committee (JNC): Transparency and Confidentiality Agreement**

To facilitate informed JNC discussion and deliberation, committee members are provided with various forms of data and analyses including information about the Scheme and the Scheme Trustee. Such information may provide a basis for wider debate about the Scheme and its health. Both transparency and confidentiality are important and should be applied appropriately to enable UCU and UUK representatives to engage with each other, as envisaged by their roles, to discharge their responsibilities towards protecting their interests in the Scheme. This Agreement sets out responsibilities in relation transparency and the onward dissemination of *confidential information*.

The members of the JNC agree to adhere to the following principles and commitments in respect of transparency and confidentiality.

### **Commitment to Transparency**

JNC members commit to the following:

- To conduct JNC deliberations in as open and transparent a manner as possible, reflecting a culture of mutual trust. To underscore the importance of transparency, all information provided to JNC members will therefore be considered non-confidential unless otherwise specified in this Agreement.
- Transparency, as applied to the business of the JNC, is understood to mean an openness facilitating, unless where a good reason not to is provided, visibility to those outside the JNC of its workings and decision-making.
- While there is a need to prevent certain types of sensitive information from exposure outside of a restricted set of recipients, transparency, and not withholding information without good reason from scrutiny by a wider audience, should be viewed as the default position.
- JNC papers and those that are provided to its sub-committees that are classified as *confidential information* (see below) will be available for circulation to UCU and UUK internal structures (i.e. in the case of UUK, the Employers Pension Forum and in the case of UCU the SWG, secretariat, elected officials at its branches, officials and elected members of the NEC, members of the National Disputes Committee) and expert advisers appointed by either party (who would be under obligations of confidence in relation to that information).

## **Confidential Information**

For the purposes of this document *confidential information* refers to information that is restricted to those authorised to have access to it. The following information will be classified *confidential information*, unless otherwise specified:

- Personal information relating to individuals will be protected by statutory and regulatory confidentiality requirements at all times;
- Information provided to the JNC by third parties who request confidentiality will be deemed *confidential information*. Such confidentiality requests should typically be accompanied by a justification. Where appropriate, non-confidentiality should be sought;
- UCU and UUK may each classify their own negotiating proposals and related papers as *confidential information*;
- Sections of JNC discussion for which confidentiality is requested by either UUK or UCU will be treated as *confidential information*, though a justification should be given.
- The formal agenda and minutes of JNC meetings.

## **Transparency and Confidentiality - commitments and undertakings**

JNC participants will adhere to the following:

- Except as set out below or otherwise agreed by the JNC and any relevant third party (including UUK, UCU and USS Board and executive and those of any sub-entities of USSL) all reasonable efforts must be made to keep *confidential information* protected from improper disclosure;
- *Confidential information* should only be applied in relation to the purposes specified by the party to whom the information belongs;
- *Confidential information* may be disclosed to UUK and/or UCU internal structures and executive management on the proviso that such information is made available under obligations of confidence;
- To facilitate the overarching commitment to transparency:
  - a justification for such confidentiality will be agreed by the JNC and,
  - all information that is classified as *confidential information* by the JNC, will normally be deemed to be confidential for a pre-determined period only, and may thereafter be treated as non-confidential, unless the JNC has agreed otherwise.

Where papers for JNC deliberation are provided by the USS Board and executive, or that of their subsidiaries and sub-entities, it is expected that such documentation will only be classified as *confidential information* where absolutely necessary, in line with the transparency commitments above. Where such papers are classified as *confidential information*, the USS Board and executive (and those of any sub-entities of USSL) are committed to offering a justification of such confidentiality. In all such cases, there is a commitment that those papers classified as *confidential information* will include a clear specification of the period during which any documentation is deemed to be confidential.

### **Summary notes of meetings**

The JNC will make available on the USS website a summary note of each meeting; the content of such a note to be agreed by the JNC, provided that the summary note will not contain *confidential information*.

### **Consequences of breach of commitment to transparency and confidentiality**

JNC participants may table concerns to the Chair in the following circumstances:

- Transparency breach: Where an item has been marked confidential in error or is considered contrary to the principles of transparency that underpin them.
- Confidentiality breach: Where an item has not been marked as *confidential information* in error or has been disclosed contrary to the commitments to confidentiality.

Any concerns tabled with the Chair will be considered at the next available JNC meeting.

The Chair will have responsibility for determining whether there has been a breach of confidentiality or transparency under this agreement and will determine, in consultation with the representatives of UCU and the representatives of UUK, what appropriate investigation and/or action should be taken.

### **Review**

The operation of this policy shall be reviewed no later than 12 months from the date when it first becomes operational.