

IX. Consideration of Past Activity

In reaching a decision to dismiss a matter, refer such matter to a mediator, counsel a subject actuary, or recommend disciplinary action, the ABCD may consider records involving prior guidance, counseling, and recommendations for disciplinary action previously undertaken by the ABCD or its predecessors with regard to the subject actuary. To facilitate this consideration, the ABCD will retain records of prior guidance, counseling, and recommendations for disciplinary actions for a period of twenty (20) years.

X. Confidentiality of Process

The ABCD will make a reasonable effort to keep confidential the facts and circumstances involved in any matter considered by the ABCD for possible counseling or recommendations for discipline or the services of a mediator. ABCD members, ABCD staff, Investigator(s), Advisors, and mediators shall be specifically made aware of this section of the Rules of Procedure and the requirement for confidentiality.

Other persons who may be involved in an inquiry shall be informed that the ABCD desires that its inquiry be kept confidential. The names of persons involved in a matter which is the subject of an ABCD inquiry shall not be disclosed to such other persons unless such disclosure is required for the person being consulted to answer the questions being asked.

The ABCD will not have violated its responsibilities if the circumstances surrounding a matter are such that the identity of the parties or incident involved can be deduced by any persons.

The requirement as to confidentiality shall not preclude the ABCD from:

1. Advising complainants and subject actuaries about the progress and outcome of matters under consideration; and
2. Accepting a bona fide waiver of confidentiality from a subject actuary and disclosing information pursuant to that waiver that would otherwise be kept confidential under this section, subject to such terms and conditions