

Minimum Rules for Managing the Confidentiality of Client-Files When Working from Home

In this issue of the ChADPresse, we have replaced the *Syndic's Column* with an article on an issue that has been under discussion at the ChAD's ethics committee¹, that of managing client-files when working from home. Our goal remains the same: helping you to reflect on your professional practice, specifically with respect to your ethical obligations.

An increasing number of damage insurance professionals work from home or away from their firm's

office. Although technology makes this possible, how does it affect the confidentiality of the work space, transactions and client-files?

The ethics committee examined this issue in order to establish certain minimum rules governing the keeping of client-files at home. The members of the committee hope that this article will help to make professionals who work from home or away from the office more aware of the importance of maintaining the confidentiality of

client-files, the work space and transactions.

Pursuant to article 23 of the Code of ethics of damage insurance representatives and article 22 of the Code of ethics of claims adjusters, it is your duty to respect the secrecy of any personal information that you obtain from the client.

As **damage insurance representatives and claims adjusters working off-site or at home**, here are a few minimum rules that you must respect:

- Your work station must be situated away from the residential part of the home. The work station must not be in an open space, but rather in a separate room with a door in order to ensure that your business conversations on the phone are kept confidential at all times.
- If you use a fax, it must be situated away from the residential part of the home in order to ensure at all times the confidentiality of information received.
- If you use the Internet to stay in contact with the office, sophisticated privacy software must be used to make access impossible for anyone but yourself, in particular, someone from the outside. Connecting to a secure wireless network (Wi-Fi) is allowed.
- You must have secure access to the computer system of the firm to which you are attached. You must not disclose your passwords to the residents of your home and these passwords must be changed every three months.
- If you work away from the office and use a laptop, reduce the number of client-files on your laptop to the absolute minimum (files you are currently working on) since the chances of theft are high. You must update this data daily. Save your work regularly. And finally, every laptop must have an encryption system to prevent unauthorized access to any data.
- Hard copy files must never be left in view of either the residents of your home or any visitor to your home and must always be put away in a closed, locked cabinet.
- Any notes or other written material that you throw out must be shredded before recycling.
- Should you decide or receive authorization to dispose of a file when the minimum period for conserving files has elapsed (five years from the time the file was closed; see article 13 of the *Regulation respecting the keeping and preservation of books and registers*), both the hard copy and electronic copy must be destroyed in a manner that respects the confidentiality of the information they contain. It is therefore essential to shred paper documents before recycling.
- If you collect any money, it must be deposited immediately in a separate account. You may not keep this money in your home.
- It is your professional responsibility to make the residents of your home aware of your obligations with respect to confidentiality and to remind them of what must be done to respect these obligations at all times.
- Finally, here is a suggestion to help you protect the personal information that you are holding: your home should have a fire and theft alarm system that is connected to a monitoring station. In addition, you must keep your files in a fire-resistant cabinet.

In conclusion, if you are registered with the Autorité des marchés financiers as an **independent representative**, you must respect the same rules governing the keeping of books and registers as firms do. Please refer to the Regulation respecting firms, independent representatives and independent partnerships (Regulation No. 9) as well as the Regulation respecting the keeping and preservation of books and registers (Regulation No. 10).

¹ The ChAD's ethics committee is a standing committee made up of seven members: two agents, two brokers, two claims adjusters and the syndic. Its mandate is to express opinions on ethical issues and thus contribute to the mission of the Chambre de l'assurance de dommages, that of protecting the public.