

SRA first principles of disclosure

Last updated 31 March 2023

Our purpose

The SRA is committed to setting, promoting and securing in the public interest standards of behaviour and professional performance necessary to ensure that consumers receive a good standard of service and that the rule of law is upheld.

The principles aim to clarify how we approach dealing with the disclosure of information to other organisations. They are not intended to be exhaustive and each case is considered on its own facts.

When we disclose

1.

We make disclosures on a proactive and reactive basis. These may be disclosures:

(i)

to another law enforcement organisation or regulator;

(ii)

complying with a Court or other order requiring production;

(iii)

to an insurer, lender, client or other.

For more detail about how we make decisions to publish see our guidance on publishing regulatory and disciplinary decisions

[<https://www.sra.org.uk/sra/decision-making/guidance/disciplinary-publishing-regulatory-disciplinary-decisions/>] .

First principles of disclosure

2.

The decisions we make are based on the following set of first principles.



2.1

We act in a way which is compatible with the regulatory objectives set out in Section 1 of the Legal Services Act 2007:

- protecting and promoting the public interest,
- supporting the constitutional principle of law,
- improving access to justice,
- protecting and promoting the interests of consumers,
- promoting competition in the provision of legal services,
- encouraging an independent, strong, diverse and effective legal profession,
- increasing public understanding of the citizen's legal rights and duties,
- promoting and maintaining adherence to the professional principles.

2.2

We comply with our legal data protection obligations.

2.3

We aim to ensure best regulatory practice by being transparent, accountable, proportionate, consistent and targeted where action is required but have regard to any other principle appearing to us to represent best regulatory practice.

2.4

We pay due regard to relevant factors (including but not only) to

- the risk that disclosure or non-disclosure may cause harm,
- the legal rights of subject individuals,
- any legal claim to a right to the information by the proposed recipient the protection of legal professional privilege,
- the proposed recipient's need for the information and whether this arises from a public interest function,
- whether disclosure under a court order would be more appropriate than voluntary disclosure,
- any adverse impact disclosure might have on the performance of our own responsibilities,
- the resource implications for us of complying with a request including any necessary collation or redaction,



any restrictions on the use of material used in proceedings,
the need to protect confidential sources.

2.5

Decisions are discretionary and are made on a case by case basis by those with the delegated power to do so.

2.6

We will normally conclude our investigation or proceedings before making any disclosure.

2.7

Disclosures are relevant, proportionate and redacted, if necessary.

2.8

We consider the reliability of information to be disclosed and, where this is not clear from the information itself, add appropriate qualifications.

2.9

Reasons are given which make clear

the purpose for which the disclosure is made or not;

why it is proper and fair to disclose or not;

where relevant, the legal basis on which the disclosure is made.

2.10

We take a responsible and proportionate approach to the proactive provision of information in the public interest including to prevent or detect crime. We report suspected money laundering.

2.11

We notify the subject individual for the purpose of giving them an opportunity to make representations unless to do so would cause inappropriate delay or be incompatible with the purpose of the disclosure or the individual's rights are adequately protected by the recipients own procedures.

2.12

We take care with the security of information as it is being disclosed and seek appropriate undertakings as to the limits of the further disclosure and retention of information by the recipient.

How we disclose

3.

3.1

Where we receive a request from a third party we require it to be

made in writing to the SRA by letter, fax or email

[<https://www.sra.org.uk/home/contact-us/>] ;

supported, where possible, with relevant background information

include copies of relevant documents;

contain the name of the person or organisation requesting the information and a return address.

3.2

Where a request is a subject individual's request for personal data we require, in addition to the above

proof of identity and address to include at least two official documents which together prove the person's name, date of birth, current address and signature (we accept copies)

3.3

We enter into memoranda of understanding with other organisations and regulators. These are statements of intent and contain a set of principles the parties agree to adhere to. They do not create legal rights or liabilities but rather provide a mechanism for sharing documents and information and set out reciprocal arrangements.

Please use **www.sra.org.uk/disclosure** to link to this page.