COVID-19 DOCUMENT MANAGEMENT PROTOCOL

It is imperative that all documents related to Covid-19 are managed in accordance with this protocol.

AGA can expect disputes and litigation arising out of this unprecedented global circumstance. In those circumstances, AGA may be obliged to disclose documents relating to its assessment of the situation and its decision making process, which could be used against AGA. The person who prepared or created the relevant document could also be questioned in court or other proceedings or, in certain cases, by relevant regulatory bodies.

Whilst it may be impossible to avoid these claims, we can take sensible steps to try to control the creation of evidence.

1. **Consider whether a document needs to be created**

The most important rule is that you must carefully consider whether it is prudent to create any new document. The first consideration must always be whether it might be more appropriate not to document the communication in the first place and have a telephone call instead.

Questions to ask yourself include:

- What is the purpose of the document? Can the purpose be met by a telephone call rather than document?
- Would you be happy answering questions about this document in court or before a regulator?
- Does this document contain sensitive personal information?

When documents are created, care must be taken with their content, given they will likely be discoverable in a dispute or investigatory process or may need to be shared with a regulatory body.

You must remain alert as to matters that may possibly become contentious or lead to a dispute and contact your local legal department at the earliest possible opportunity that it is suspected a matter may become contentious or lead to a dispute. If at all possible, in the first instance, please make contact with them by telephone.

1.1 What is a 'document'?
The word 'document' is very broadly defined to mean 'any record of information'. This includes:

- registers, graphs, drawings and maps;

- letters, advices and faxes;

- file notes, memoranda and reports;

- expert opinions;

- diary entries (including personal diaries) and private notes;

- board papers and meeting minutes;

- electronic communications, including emails and messages sent by messaging apps;

- electronic documents, including native files of programs in the format of the software in which the programs were originally produced;

- voicemails; and

- skype or team chats.

This list is not exhaustive and anything in written form (of whatever type – handwritten and electronic) would constitute a document.

'Documents' do not need to be written hard copies. Any document may become discoverable.

2 Document Management Protocol

The following basic protocols must be followed at all times.

2.1 Limit the amount of communication

As stated earlier, this is a key control.

Before preparing any document, you should consider whether it might be more appropriate not to document the communication in the first place and have a telephone call instead.

2.2 Limit recipients

To help ensure confidentiality, limit the recipients of communications to only those who **need** to receive the relevant communication.

2.3 Limit on-forwarding and internal commentary

You must limit any on-forwarding and not make any summaries, notes or internal commentary without first carefully considering whether it is really necessary.

2.4 Personal information

Do not include unnecessary personal information about individuals in any documents you may need to create.

2.5 Flow of communication

The safest way for you to send sensitive information is for you to direct it via legal, which may attract legal professional privilege. In the case of any uncertainty, sensitive communications should be routed through your legal department.

If in any doubt on anything, please reach out to your local legal department.