

## **Protocol for the provision of information between IPReg and CITMA (“Information Sharing Protocol”)**

1. This Protocol is designed to fulfil the requirements of and give effect to the following rules of the IGR:
  - a. Rule 2 – Duty to delegate
  - b. Rule 3 – Provision of assurance to approved regulator

### **Miscellaneous**

2. CITMA agrees that, where appropriate, any notifications that IPReg provides to it under this Protocol, will also be provided, simultaneously to CIPA.

### **IGR Rule 2 – Duty to delegate**

3. CITMA will notify IPReg of its intention to do any of the things set out in Rule 2(3) of the IGR as soon as practicable, but not more than five [5] business days after the intention is formed.
4. IPReg will maintain a log of all notifications it receives from CITMA.

### **IGR Rule 3 – Provision of assurance to approved regulator**

5. In order for CITMA to fulfil its residual assurance role, IPReg will provide to CITMA, by email, the following information:
  - a. Financial management and control:
    - i. Quarterly management accounts (budget versus expenditure) - as soon as practicable before publication;
    - ii. Arrangements for audit – within 10 working days of the entering into force of the Delegation Agreement. CITMA will be notified of changes to the arrangements as soon as practicable after a decision by the IPReg Board;
    - iii. Annual audited accounts - as soon as practicable before publication;

- iv. Summary of significant recommendations made by IPReg’s auditors for changes to internal controls - as soon as practicable after a decision by the IPReg Board;
  - v. Summary of significant variance to budget/income projections and analysis of their potential implications - as soon as practicable after a decision by the IPReg Board.
- b. Risks
- i. A description of how it manages risks (but not its actual risk register) and a summary of the existing red risks – within 10 working days of the entering into force of the Delegation Agreement and an annual update of any subsequent change to that process;
  - ii. Summary of significant (i.e. red) new risks - as soon as practicable after consideration by the IPReg Board.
- c. Statutory notices from the LSB - within two working days of receipt.
- d. Performance against Key Performance Indicators (KPIs) (if any) - on an annual basis, as soon as practicable after consideration by the IPReg Board.
- e. Performance on investigating complaints (if any) in the previous calendar year - on an annual basis, as soon as practicable after approval by the IPReg Board of that year’s Annual Report.
- f. Consultation document on the proposed Business Plan, practising fees and budget for the next financial year - as soon as practicable before publication.
6. In order for CITMA to fulfil its residual assurance role, IPReg will also provide to CITMA information about:

- a. Changes that it makes to its governance arrangements and/or its structure<sup>1</sup> and/or decisions to recruit new Board members, including the Chair – as soon as practicable after the decision is made;
  - b. If an IPReg Board member or TRB member resigns - as soon as practicable after that resignation;
  - c. Issues which it considers to be non-compliant with the IGR that arise together with any remedy (if a remedy has been undertaken or a remedial plan agreed) - as soon as practicable after consideration by the IPReg Board).<sup>2</sup> This should be carried out in accordance with clause 17 of the Delegation Agreement (Recording non-compliance).
7. If CITMA considers that further information is reasonably necessary to fulfil its residual assurance role, it must send a request by email to the Chief Executive of IPReg setting out:
- a. the reasonable grounds upon which the request is made;<sup>3</sup>
  - b. the additional information required;
  - c. the objective justification for the request;<sup>4</sup> and
  - d. if the matter concerns IPReg's view on how to comply with section 28 of the LSA s28, why CITMA considers that IPReg's view is outside the range of reasonable responses.<sup>5</sup>
8. IPReg will consider the request in accordance with all the requirements of the IGR (in particular the obligation to provide sufficient information to CITMA for the purposes of Rule 3 of the IGR) and associated LSB Guidance.
9. The Chief Executive of IPReg will acknowledge the request made within five [5] working days of receipt.

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<sup>1</sup> See LSB Guidance paragraph 4.7 for a list of what these may include

<sup>2</sup> See LSB Guidance paragraph 3.7

<sup>3</sup> See LSB Guidance paragraph 3.19

<sup>4</sup> See LSB Guidance paragraph 3.20

<sup>5</sup> See LSB Guidance paragraph 3.22

10. The Chief Executive of IPReg will, within 25 working days of receiving the request, send a response which states whether or not IPReg agrees that there are reasonable grounds to provide the information in whole or in part (in which case the information will be provided either fully or in a redacted/edited form). If IPReg does not agree that there are reasonable grounds to provide the information in whole or in part, IPReg will provide reasons.