

Food Safety and Standards Authority of India

Draft guidelines for conflict of interest disclosure and confidentiality protocols for the Members

The Fundamental Principle

1. The fundamental thrust of the Food Safety and Standards Authority is on “*integrity*” of the Members.
2. The Authority calls upon the Members to pursue the goal of “self-directed responsible conduct” as a member of the distinguished Body.

Two key ethical elements to be meticulously adopted

1. Confidentiality.
2. Avoidance of Conflict of Interest

The goal of FSSAI is to ensure public confidence in its procedures and systems leading to Authority’s decisions and recommendations.

Confidentiality

1. The basic principle would relate to the Member and the Chair refraining from taking undue material advantage of any confidential information received or shared or provided access to directly or indirectly during his participation in the Proceedings. Persons involved in the consultation process should also be vigilant to prevent abuse of prior knowledge of the key decisions that are made/likely to be made by the Authority.
2. When and after a Member/Chair terminates his/her tenure with the Authority, the requirement of confidentiality with respect to

the information received during the period of association with the Authority shall continue as information held in trust.

3. All meetings held in closed forum will be subject to confidentiality and the members will not disclose, interpret or reveal in public any exchange of views/ consultations that has led to the decision.
4. The Authority will duly display on the web, the decision for public access.

Nature of confidentiality

1. Confidentiality would relate to discussions and discussion findings, over and above proceedings of the meetings published or placed on the web by FSSAI.
2. Confidentiality relating to documents would relate to background information provided for the meetings, data(unpublished), scientific findings (unpublished), draft government notifications, testimonies, internal guidelines of FSSAI, third party confidential information accessed, Materials marked as “Confidential” provided for perusal at the meeting, Unpublished research papers, presentations and testimonies by external experts invited etc.
3. Confidentiality of information would also relate to formal and informal exchange of views during the proceedings, oral testimonies, proceedings third party consultations held closed door.

Interaction with community and media

1. The proceedings, discussions held, documents circulated and decisions taken in the meetings of the Authority are confidential. Therefore, the Authority Members cannot speak on the matters related to meetings/proceedings in any public forum or media interactions.

2. Only in rare cases, when the Authority permits, the Members may participate in such interactions provided the Authority feels that such an interaction would be in the interest of enhancing public perceptions about food safety regulations. However, even in such cases the matters which are confidential cannot be disclosed.
3. Adversely commenting on Authority decisions to media would need to be avoided. The views of the members on the agenda items are best ventilated at the Authority meetings. While minority opinions are valued by Authority, once a decision is taken by majority, Authority has to speak with one voice so that it retains its Credibility.

Conflict of interest

1. Disclosure of general interest periodically as stipulated.
2. Disclosure of interest specific to agenda items placed for discussion.
3. Nature of conflict of Interest
 - Personal interest
 - Business interest
 - Professional interest

Conflict represents an interest that would influence Member's judgment. Situations where Member's impartiality may be compromised.

Personal interest

1. Disclosure of Employment, consultancy contracts, Positions in Advisory Boards and Scientific Boards or Corporate Boards in Industry, Non-Government Organizations or International agencies, special interest groups, Pressure groups, Lobby networks, et al.

2. Fee-Paid work: Retention and fee payments in what so ever form by private or non-government organizations or association of special interest groups.
3. Shareholdings, present or future stock options or holding of future dated warrants or any other securities or entitlements (other than nominal holding not exceeding 500 shares in publicly listed ventures and all holdings in what so ever form in non-listed ventures. (Pooled investments do not constitute conflict of interest such as investment in a general Mutual Fund)
4. Membership or affiliation in Associations/bodies having special interests in related areas.
5. Declaration of “Promoter interest” in any ventures that are covered within the ambit of FSSAI regulation.
6. Trusteeships held in entities having related interest.
7. Personal contracts for services with establishments subject to regulation by the Authority.

Academic interest

1. Joint research interests with industry partners or Non-government organizations or Association of special interest groups or international agencies having related interest.
2. Sponsored research engagement (research agreements with the department or contracts, sponsored by any of the above interest bodies or groups).
3. Any grant or fellowship or Sponsored Chair with related focus research that would impact the interest of the member.

Business/ Professional interest

1. Interest on account of employment in an organization engaged in activities covered within the ambit of FSSAI.

2. Professional consultancy services, memberships and holding office of interest in professional associations that is formed by special interest groups.
3. “Promoter” or “Consultant” or any other status in entities that would fall within the ambit of FSSAI regulations.
4. Services provided to national and International agencies that would impact independence.
5. Potential consultancy contracts or services or business interests that are being negotiated with an entity that is subject to the regulation by FSSAI.
6. Members are not expected to intercede on behalf of other or themselves on the strength of their being Members of the Authority.
7. Requesting funds from a stakeholder, charging for services related to assurance of food safety by directly or indirectly creating an impression that it has the support of the Authority would be a conflict of interest.

Organizational Financial interest is a key conflict of interest

The financial interests of Members and/or their organization would constitute a key conflict of interest, meriting appropriate disclosure. If organizations are served without financial compensation (pro bono) even that would merit disclosure. Financial interest would also include potential interests that are being negotiated.

Situations where your impartiality may be compromised

They are perceived in the context of agenda items having impact on persons or organizations who would impact their academic interest or profession or business interest. For example, they may relate to decisions

that may relate to competitors. Another example is a decision concerning organizations that were your Past Employer

Conflict of Interest due to closely family members having interest

The conflict would apply if close family members – parents, dependent children, are prone to the conflict (It would impact the member as though she /he is prone to the conflict).

Avoidance of representation

While Members hold the membership of the Authority, they will not make any representations on behalf of any individual or organization to the Authority in a matter that would involve the decision of the Authority and will not receive any compensation for such perceived representation.

Disclosure of Conflict of Interest

1. Annual disclosure process (Pl. refer to the guidelines provided to the Members to make annual disclosure of conflict of interest (Prior disclosure to be provided and placed at the first meeting for noting).
2. Periodic update of the annual disclosure, when there is a material variance to the disclosure statement with new conflict arising.
3. Prior to the commencement of the proceedings of the agenda, by way of disclosure of conflict of interest to the items reflected in the agenda. (Pl. recognize conflict of interest when Members see them or perceive them).
4. When there is a confidential note circulated ahead of the meeting, the member will promptly return the note circulated relating to such agenda item without retaining electronic or print copy of such material.

5. The Chairman of the Authority will determine, in situations where conflict of interest is identified, if there is indeed a conflict of interest arising.
6. The Member will abstain from discussions for such agenda items and will not be physically present during the discussion and will have no access to the proceedings of the items that would impact the member due to such a conflict.
7. The Chair may ask the member to make such statement as he/she considers necessary for the member subject to conflict, if he deems it necessary, prior to the commencement of the proceedings.
8. Chairman may request a member to dissociate himself from a meeting or discussion of an agenda item if conflict of interest is established or likely.

Members of the Authority and Central Advisory Committee participate in these meetings by virtue of their keen interest and expertise in matters related to food safety. It is therefore not expected that they cease to perform this role in their professional lives. What is intended is the clear announcement of interests which have a bearing on the matters being considered by the Authority so that appropriate conclusion and corrective steps are taken to retain the credibility of the decision making process.

Members of the Authority and CAC may associate themselves in research projects and surveys supported by the Authority to generate data necessary for the Authority to finalize its position on a variety of issues. Their participation, should, however, be declared while the reports are submitted to the Authority.