Another look at professional secrecy

The essence of interpreter ethics can be expressed in a single word: confidentiality

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Published: November 8, 2012 Last updated: December 2, 2015

We can easily fall into the trap of thinking that professional secrecy – a major pillar of our Code of Ethics and profession – is so well known and understood that it requires no further commentary. However the closer you look at the principle, the more you realise that there are several sides to it that warrant further consideration.

Without going into legal or historical detail, there are some points that bear repeating.

Code of professional ethics

AIIC defines professional secrecy as a total prohibition on the disclosure of any information acquired be members whilst working as interpreters at any meeting not open to the public. Article 2 of the Code of Professional Ethics states: “Members of the Association shall be bound by the strictest secrecy, which must be observed towards all persons and with regard to all information disclosed in the course of the practice of the profession at any gathering not open to the public.”

Disclosure means the transmitting of information either in response to a question (passive disclosure) or on one’s own initiative (active disclosure). The former is easier to imagine because we know that journalists, commentators and others sometimes want to know what transpired during a private meeting, and because we are aware that answering such questions would break our obligation to keep such matters secret. Which of us hasn’t been waylaid by journalists keen to hear a juicy titbit? It is a good idea to school ourselves in saying simply “no comment”.

But there are cases where an interpreter feels he can take the initiative (write an article, publish his memoirs) because by dressing the story up as fiction he will escape censure, or because it all happened such a long time ago and is part of history in its broadest sense. This is clearly not the case; professional secrecy is total and absolute, also over time.

We should also be quite clear that the means used to spread confidential information are irrelevant. Disclosure may be oral, in writing, by fax or e-mail, or via any of the social media (Facebook, Twitter, etc.). One cannot claim that spreading the message in a certain way keeps the information restricted. In other words, we violate professional secrecy even if the other party undertakes to disclose nothing, even if the e-mail is considered private or marked “confidential”, even if the discussion group is not open to the public at large, even if only ten copies of the book were printed, and so on. If the interpreter is lax about disclosure, he cannot expect third parties to be any stricter. It lets all secrets out of the bag – and then they are no longer secrets.
All persons means anyone, whether the person in question is someone we know or not, an individual or a group, and even if it is someone who in turn is under a duty of confidentiality (e.g. another interpreter). Passing information to just one person therefore constitutes a violation of professional secrecy – you don’t need to have told every Tom, Dick and Harry.

All information: the information need not be of major importance in absolute terms. We clearly understand that information that could affect a share price or the political future of a region is sensitive and must be well guarded. But in some cases, the very fact that a meeting is happening or that a certain person is attending (or not) may be of unimaginable importance. So an interpreter who lets drop to a journalist that on that day the President wore a red tie and green socks may think he’s divulged no secrets. It is true that the information is not important, but it provides indirect confirmation that the President was in attendance, which might not be just an innocent snippet. In the days when France had embarked on negotiations with Algeria about the conditions for its independence, the very idea of negotiating was officially taboo, so even the holding of meetings had to be kept very quiet. Under these circumstances even the slightest whisper about the meeting (or who was attending) would have been wrong. Neither should we forget that one of the reasons for professional secrecy is the trust it creates between interpreter and clients, users and recruiters. They must all be absolutely confident that not one single word will pass the interpreter’s lips (outside the booth that is).

The practice of the profession covers two areas. First it means everything from the moment of the interpreter’s recruitment (and, as we have seen, it follows him to the grave). It clearly includes preparatory meetings, information received in the run-up to the event, the meetings themselves, the breaks at the meetings, and all information arising directly and indirectly from the meeting. This phrase, however, limits the information covered by professional secrecy. Thus the secrecy we are talking about does not extend to confidential information that is not obtained in the practice of the profession; such information remains confidential, but for other reasons (duty of discretion of members of certain groups or officials, respect for commercial secrecy, official secrets) that could give rise to legal action that is outside AIIC’s definition of professional secrecy. We should also make it clear that the AIIC Assembly ruled that consultant interpreters are also bound by professional secrecy, which in their case includes information received in their capacity of consultant interpreter when in contact with their clients.

Gathering not open to the public: once recruited an interpreter becomes a full participant in the meeting, giving him access to the premises (and people) which he would not have enjoyed otherwise. Therefore the obligation to comply with professional secrecy begins from the moment the meeting is not open to the public, that is to say when the public does not enjoy direct access to the information exchanged. It might be a meeting between heads of state, a medical congress, or an AGM open only to shareholders. Generally speaking the information exchanged at a meeting is controlled by the meeting organizer, who may choose to invite the media, produce press releases or hold press conferences.

In conclusion, all AIIC members, by dint of their membership, undertake to respect all our ethical principles. Professional secrecy is one of the most important, but possibly one of the least understood. Let us share the hope that further discussion on its purpose, and its actual implementation, will be helpful to the profession as a whole.

Further reading

- Professional secrecy: until the bitter end? - Danielle Grée
- AIIC and Ethics - Benoît Kremer
- Professional secrecy - Juiz Cunha Rodriguez
La responsabilité de l’interprète de conférence professionnel, ou pourquoi nous ne pouvons pas écrire nos mémoires - Christopher Thiéry

Secrecy - Christopher Thiéry

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