



- iv. ARB does, however, share its information where there is a regulatory purpose. By way of example it annually provides a list of those architects removed from the Register to the Royal Incorporation of Architects in Scotland so that it can amend its own membership database<sup>1</sup>. This is so that RIAS can be assured that its own details are up to date which, in ARB's view, is in the public interest if someone is looking for an architect in Scotland. There is a data-sharing agreement which restricts the use of this information to its intended purpose.
- v. Recently, requests for computer format information have been received from third parties wishing to establish their own directory of architects. So that they can ensure their lists are accurate, they have requested direct and continuous access to ARB's data, so that when the Register is updated, their information continues to be accurate.
- vi. The Board will no doubt appreciate that the vast majority of misuse of title occurs on the internet, and mislistings are particularly prevalent in online directories. Much of the data upon which online directories are built is either poor quality purchased in bulk, or user generated and so unreliable. This results in many hundreds of non-architects being listed as architects.
- vii. There is therefore a public interest argument in ARB providing accurate data to online directories. That way, if potential clients want to access these directories to find an architect, they can be confident that only architects on the Register are listed. Furthermore, if ARB is offering data to directories, then it may be easier to hold them to account if they continue to publish inaccurate details, as they will have no excuse for not being able to have access to the correct information.
- viii. There is potentially a further regulatory benefit to ARB. If the online directory includes a link back to the architect's entry on the ARB online Register, then this may well drive further traffic to [www.architects-register.org.uk](http://www.architects-register.org.uk) and so increase the general exposure of the Register. It is understood and agreed that while it isn't ARB's role to promote the profession, it does have a responsibility to ensure that the public understands that the architect profession is regulated, and to enable potential users of architectural services to make an informed choice.
- ix. Any third-party requesting this information will have to demonstrate that there is a regulatory or public benefit to them receiving the information. This recommendation is not a mandate for information to be disclosed for the purpose of marketing or mass mailing.
- x. ARB has sought legal advice on the legitimacy of providing access to this data. That advice is that there is a discernible difference between the information which should be considered as part of the Register (name, address, registration number), and the 'additional information' architects choose to make available – (email/website address, telephone numbers).
- xi. ARB has a duty to provide the 'Register information' under section 3 of the Act, so is entitled to

---

<sup>1</sup> It is an RIAS requirement that their members are ARB registered.

provide the information to third parties. It would however be prudent to seek specific permission from architects if ARB was intending to share the 'additional information'. For the avoidance of doubt, it is not the recommendation of this paper to share that 'additional information'.

- xii. There are, nevertheless, risks associated with the recommendation. ARB has consistently been overt in its approach that it will not share information provided to it with third parties. While the information is already publicly accessible to anyone on the internet, its release may nevertheless generate criticism from elements of the profession that ARB is inappropriately extending its remit. There is a reasonable expectation that as a statutory body, ARB does not inappropriately ally itself with commercial organisations seeking to make a financial gain, although this recommendation's commercial considerations are secondary to regulatory ones.
- xiii. ARB also has stringent technological measures in place to secure the integrity of its data. Although any information shared would be subject to tightly drafted data-sharing protocols, there is always the danger that once the information has left ARB it becomes vulnerable to unauthorised use, either through deliberate action or as result of hacking. The net results of this could be that the data released by ARB is used to mass mail the profession with spam. Given that only architects' postal addresses will be shared, and bearing in mind the costs of postage, that risk is considered acceptable.
- xiv. We know from our own research that aside from word of mouth, potential clients look to find architects on the internet. While ARB publishes the online Register of Architects, it sits within a competitive marketplace for providing such information. Regulating the numerous online directories which publish ever changing information is unrealistic, so the opportunity to work with those directories to encourage accuracy is not one that should be missed. It is important to appreciate that all of this information is already in the public domain, so in essence all ARB would be doing is assisting third-parties – who will publish regardless – to ensure that the information they provide is current and accurate.
- xv. From an operational perspective, it is proposed that the relevant data would be uploaded to a remote server, and access given to chosen partners. They will then be able to download the data with sufficient regularity to maintain the accuracy of their own information.

## **6. Resource implications**

There will be a start-up cost of approx. £1,000 to set up the remote server. Management of ongoing relationships will also take up staff time.

## **7. Risk Implications**

By continuing to refuse to provide up-to-date, accurate information to third parties, ARB could be renegeing on its regulatory duty to ensure that only registered architects use the title 'architect' in business or practice.

There is always a risk that any data provided by ARB could be compromised, which could lead to

increased spam for architects. There are also reputational considerations. It is however important to note that the information provided is already in the public domain at the online Register: it is not confidential information.

## **8. Communication**

ARB has a responsibility to ensure that only registered persons are listed as architects whilst in business or practice in the UK. If ARB can assist third-parties to ensure that their information is accurate, then that is to the benefit of both the public and the profession.

A new policy will be required to set out the terms on which ARB will share this public information with third parties.

## **9. Equality and Diversity Implications**

None identified

## **10 Further Actions**

If the recommendation is agreed then the Operational Management Group will consider each request for information on a case-by-case basis, and only provide data where sufficient assurances as to its use have been provided.

Dependant on usage, there will be a 24 month review of the effectiveness of this policy on the accuracy of online directories, and also to assess whether sharing information has had an effect on the prominence of the online Register of Architects.