

Disciplinary Proceedings regarding Mr Niranjana Neelakantan

Background

On 18 May 2020, the Institute's Conduct Committee received a Complaint with respect to the conduct of Mr Niranjana Neelakantan during December 2019 and January 2020 while an employee of an insurance company.

In line with the Institute's Disciplinary Scheme, an Investigating Sub-Committee (ISC) was formed to investigate the Complaint and determined on 20 September 2020 that there was a *prima facie* case of Misconduct (as defined in Clause 3.2 of the Disciplinary Scheme) having been committed by Mr Neelakantan.

The Convenor of the Conduct Committee then provided a copy of the Sub-Committee's determination to the Convenor of the Tribunal Panel who, in turn, established a Tribunal to examine the Complaint and the evidence presented.

Tribunal proceedings

The members of the Tribunal were Dr David Knox (Chair), Mr Craig Calder (lay participant), Ms Narelle Bell (legal professional), Ms Catherine Dube (Institute Member) and Ms Helen Rowell (Institute Member).

The Tribunal met on 12 November 2020 and reviewed submissions by the Complainant, Investigating Sub-Committee and Mr Neelakantan. David Rush (ISC Convenor) and Mr Neelakantan joined the Tribunal meeting and answered questions from Tribunal members.

The Tribunal unanimously determined that Mr Neelakantan had:

- transferred a large number of confidential, commercially sensitive and some personally identifiable electronic data and documents which were the property of his employer to unsecured, personal external storage devices without his employer's consent;
- obtained these data files for the principal purpose to aid in his study and preparation for future actuarial exams and had not provided them to third parties;
- initially not been fully forthcoming of his actions with his employer following the discovery of the data transfers due to fear of potential career and reputation repercussions;
- subsequently fully cooperated with investigations by his employer following the extent of his data transfers being identified; and
- as a result of his actions, breached the trust of his employer and employment agreement with regards to transferring the data files for his personal use.

Tribunal finding

The Tribunal unanimously found Mr Neelakantan's actions and conduct constitute a breach of clause 4.6.1 of the Code of Professional Conduct existing at that time.

This breach constitutes Misconduct under Clause 3.2 of the Disciplinary Scheme.

Tribunal Determination

The Tribunal unanimously determined that Mr Neelakantan:

- a) be given a Reprimand in relation to the conduct set out above (pursuant to Rule 8.3 (b)(ii) of the Disciplinary Scheme);
- b) be required to complete 10 hours per annum of Professionalism Training (as defined in Professional Standard 1), including professional and ethical standards, for the next three years to the satisfaction of the Institute (pursuant to Rule 8.3 (b)(ix) of the Disciplinary Scheme); and
- c) be required to make a contribution of \$1,000 towards the Institute's costs of the proceedings (pursuant to Rule 8.3 (b)(x) of the Disciplinary Scheme) which were incurred as a result of his actions.

The Tribunal determined that the report of this case be published on the Institute's website (including the name of the respondent) because the public interest in publication of the Tribunal's determination to make plain and public its conclusions about the seriousness with which the conduct complained of should be treated, outweighs any prejudice that might accrue to Mr Neelakantan.

The Institute's bulletin to Members should refer to the fact that publication of the disciplinary decision is available on the Institute's website. It also determined that Mr Neelakantan's name be redacted from any public notice of these proceedings three years after it was published.

The Tribunal also noted that Mr Neelakantan has not yet completed his actuarial education and that he has acknowledged the consequences of his actions.

A handwritten signature in black ink, appearing to read 'D. Knox', with a stylized flourish at the end.

Dr David Knox, Tribunal Convenor:
16 November 2020