

# 公正性与保密规则

## Rule of impartiality and confidentiality

### 1 目的与范围

#### Purpose and scope

1.1 认证的目标是使所有相关方相信管理体系满足规定要求。认证的价值取决于第三方（即认证机构）通过公正、有能力的评定所建立的公信力的程度。所以公正是认证机构提供可建立信任的认证的必要条件。

The objective of certification is to provide confidence to all interested parties that the management system meets the specified requirements. The value of certification depends on the degree of credibility established by a third party (i.e., the certification body) through an impartial and competent assessment. Impartiality is therefore a necessary condition for a certification body to provide certification that builds trust.

1.2 为了充分评价认证组织管理体系符合性，认证机构会接触到客户的专有信息，对这类信息必需予以保密。

To adequately evaluate the compliance of the management system of the certificated organization, the certification body will have access to the client's proprietary information, which must be kept confidential.

1.3 为确保CMD认证活动的公正性，维护申请人和获证组织的信息保密权利，特制订本规则。

This rule is formulated to ensure the impartiality of CMD certification activities and safeguard the information confidentiality rights of applicants and certificated organizations.

1.4 本规则规定了在认证活动中应遵循的公正性及保密方面的原则与要求，适用于CMD 在认证活动中涉及的所有过程及活动。

This rule specifies the principles and requirements of Impartiality and confidentiality that should be followed in certification activities, and is applicable to all processes and activities involved in CMD certification activities.

### 2 公正性

#### Impartiality

CMD充分认识到管理体系认证活动中公正性的重要性，已经分析了任何存在和潜在的利益冲突，并对各种利益冲突加以管理，确保认证活动的客观公正。为此CMD承诺在以下方面做出

安排:

CMD fully recognizes the importance of impartiality in the management system certification activities, has analyzed any existing and potential conflicts of interest, and has managed various conflicts of interest to ensure the objectivity and impartiality of certification activities. Therefore, CMD promises to make arrangements in the following aspects:

## 2. 1 认证活动应公正地进行

Certification activities shall be carried out impartially

2. 1. 1 CMD应对认证活动的公正性负责, 不允许有任何来自商业、财务或其他方面的压力损害公正性。

CMD shall be responsible for the impartiality of certification activities and shall not allow any pressure from commercial, financial or other aspects to damage the impartiality.

2. 1. 2 CMD应持续地进行公正性风险识别。给认证机构公正性带来风险的关系可能源于所有权、管理方式、管理层、人员、共享资源、财务、合同、营销（包括品牌）以及给介绍新客户的人佣金或其他好处等。CMD应消除或最大限度减小此类风险。

CMD shall continuously identify impartiality risks. The relationships that bring risks to the impartiality of certification bodies may originate from ownership, management methods, management, personnel, shared resources, finance, contracts, marketing (including brands), and commissions or other benefits to those who introduce new customers. CMD should eliminate or minimize such risks.

2. 1. 3 CMD最高管理层应对公正性做出承诺。

The top management of CMD should make a commitment to impartiality.

2. 1. 4 CMD及其所属分公司、省市办公室、办事处均不提供或推荐管理体系和/或产品的设计、制造、安装、分销、维护、主动或被动为其客户提供咨询, 也不应为管理体系咨询提供报价。不排除认证机构与其客户之间交流信息的可能, 例如解释发现或澄清要求等。当认证方案要求对客户的管理体系进行评价时, 不应为其客户提供管理体系的咨询或内部审核。CMD应确保与其直接关联或与其附属机构有关联的其他法律实体的活动不损害其认证活动的公正性。

CMD and its subsidiaries, provincial and municipal offices do not provide or recommend the design, manufacturing, installation, distribution, maintenance of the

management system and/or products, actively or passively provide advice to its clients, and should not provide quotations for management system advice. The possibility of information exchange between the certification body and its clients, such as interpretation of findings or clarification of requirements, is not excluded. When the certification scheme requires evaluation of the client's management system, it shall not provide the client with management system consultation or internal audit. CMD shall ensure that the activities of other legal entities directly associated with it or its affiliates do not impair the impartiality of its certification activities.

2.1.5 当其他的法律实体提供或生产获证产品（包括拟认证的产品）或提供咨询时，CMD的管理人员、复核和认证决定人员不应参与该法律实体的活动。该法律实体的人员不应参与CMD的管理、复核和认证决定。

When other legal entities provide or produce certificated products (including products to be certificated) or provide consultation, CMD management personnel, review and certification decision personnel should not participate in the activities of the legal entity. Personnel of the legal entity should not participate in the management, review, and certification decisions of CMD.

2.1.6 CMD活动的营销和报价不应与咨询机构的活动相关联。CMD不应宣称或暗示选择某咨询机构将使认证更为简单、容易、迅速或廉价。

The marketing and quotation of CMD activities should not be associated with the activities of consultants. CMD should not claim or imply that selecting a consulting agency will make certification easier, easier, faster, or cheaper.

2.1.7 CMD要求提供过产品咨询的人员不应从事对该产品的复核和认证决定。

CMD requires that the personnel who have provided product consultation should not be engaged in the review and certification decision of the product.

2.1.8 CMD应采取措施应对已知的来源于其他人员、机构或组织的行为所产生的公正性的风险。

CMD shall take measures to deal with the known risk of impartiality arising from the

actions of other personnel, institutions, or organizations.

2.1.9 CMD中可能影响认证活动的所有人员（外部或内部）或委员会，均应公正地行使职责。

All personnel (external or internal) or committees in CMD who may affect certification activities shall exercise their duties impartially.

2.1.10 CMD不将审核外包给管理体系和/或产品咨询机构。

CMD will not outsource the audit to the management system and/or product consulting agency.

2.2 CMD 在组织结构、方针政策制定、审核过程及认证决定等方面，充分体现和保证认证活动的公正性。

CMD fully reflects and guarantees the impartiality of certification activities in terms of organizational structure, policy formulation, audit process and certification decisions.

2.3 凡自愿提出申请，符合并遵守国家相关法律法规、CMD认证要求的组织，无论其规模、隶属关系、经济状况如何，均有权获得认证。CMD 不以申请人规模作为认证的限制条件。

Organizations that voluntarily apply and comply with relevant national laws and regulations and CMD certification requirements are entitled to obtain certification regardless of their size, affiliation and economic status. CMD does not take the applicant's scale as the limiting condition for certification.

2.4 CMD设有维护公证性的委员会，即CMD管理委员会，其主要职责是：

CMD has a committee to maintain notarization, namely CMD Management Committee, whose main responsibilities are:

- a) 协助制定与认证活动公正性有关的政策, 评审认证活动与公正性有关的方针和原则;

Contribute to the development of policies related to the impartiality of certification activities, and review guidelines and principles related to the impartiality of certification activities.

- b) 阻止认证机构出于商业或其他考虑而妨碍一致公正地提供认证活动的任何倾向;

Discourage any tendency of certification bodies to impede the consistent and

impartial delivery of certification activities due to commercial or other considerations.

- c) 对影响认证可信度的事宜（包括公开性和公众认识）提出建议；评审影响认证的公正性、保密性等事项，包括信息公开。

Make recommendations on matters affecting the credibility of certification (including openness and public awareness); evaluate matters affecting the impartiality and confidentiality of certification, including disclosure of information.

2.5 CMD管理委员会由与CMD认证业务范围有关的利益方代表组成，任何一方代表均不占支配地位。

The CMD Management Committee is composed of representatives of interested parties related to the CMD certification business scope, and no representative of any party is dominant.

2.6 CMD的认证决定由具备能力且未参与相关审核的人员做出。

CMD certification decisions are made by competent personnel who have not participated in relevant audits.

2.7 CMD参与申诉、投诉和争议处理工作的所有工作人员，均应保持客观公正。与申诉、投诉和争议事件有直接利害关系的工作人员，均应回避相关处理工作。

All CMD staff involved in handling appeals, complaints and disputes shall be objective and impartial. Any staff member who has a direct interest in the appeal, complaint and dispute shall withdraw from the relevant handling work.

2.8 CMD及其认证相关人员不从事任何可能影响公正性的活动，包括认证对象所从事的业务范围内的产品的服务和咨询。CMD 的活动不与咨询活动发生联系；CMD 也不以任何方式推荐使用任何咨询服务机构或人员。

CMD and its certification related personnel will not engage in any activities that may affect the impartiality, including services and consulting for products within the scope of business of the certification object. CMD's activities are not related to consulting activities. CMD also does not recommend any consulting service organization or personnel in any way.

2.9 当CMD需要以共同拥有所有权或合同安排的方式，与其他法律实体合作时，将要求这些相

关机构的活动也不得损害认证的保密性、客观性和公正性。

When CMD needs to cooperate with other legal entities in the form of joint ownership or contractual arrangements, it will require that the activities of these relevant institutions should not damage the confidentiality, objectivity and impartiality of the certification.

2.10 CMD不接受任何影响认证活动公正性的经济资助。

CMD does not accept any financial assistance that may affect the impartiality of certification activities.

2.11 CMD 的认证相关人员，包括CMD管理委员会等，在参与认证决定、从事审核或处理申、投诉前均须签署《公正性与保密声明》，承诺遵守各项公正性及保密守则，主动报告本人及所在组织与认证对象之间存在的或潜在的行政、经济、商务等方面的利害关系，并对公正性相关承诺承担法律责任。凡有利益冲突可能的人员均应主动回避。

CMD certification related personnel, including the CMD Management Committee, must sign the *Declaration of Impartiality and Confidentiality* before participating in certification decisions, conducting audits or handling applications and complaints, commit to abide by various impartiality and confidentiality rules, and take the initiative to report the existing or potential administrative, economic, commercial and other interests between themselves and their organizations and the certificated object, and bear legal responsibility for the impartiality related commitments. Any person who may have a conflict of interest shall take the initiative to avoid it.

2.12 CMD要求所有可能影响认证过程和结果的人员客观履行职责，不受任何可能损害认可公正性的商业、财务和其他压力的影响。

CMD requires all personnel who may affect the certification process and results to perform their duties objectively and not be affected by any commercial, financial and other pressures that may damage the impartiality of certification.

### 3 保密

#### **Confidentiality**

3.1 CMD对在认证过程中获得的有关申请人或获证组织的商业、技术等专有信息负有保密责任。未经申请人或获证组织的书面同意，CMD均不对外透露其保密信息，但法律法规另有要求，或者需要履行法定责任的除外。

CMD is responsible for keeping confidential the commercial, technology and other proprietary information of the applicant or the certificated organization obtained in the certification process. CMD will not disclose its confidential information without the written consent of the applicant or the certificated organization, unless otherwise required by laws and regulations or required to perform legal responsibilities.

3. 2 CMD所有与认证活动有关的人员，包括管理委员会以及其他参与认证活动的人员均须对在认证过程中获得的有关申请人或获证组织的信息保密。

All CMD personnel related to certification activities, including the management committee and other personnel involved in certification activities, must keep confidential the information about the applicant or the certificated organization obtained in the certification process.

3. 3 CMD的申投诉处理工作人员对其所获得的任何与申诉、投诉和争议有关的非公开信息负有保密的责任。

CMD's complaint handling staff shall be responsible for keeping confidential any non-public information obtained by them in connection with appeals, complaints and disputes.

3. 4 CMD应保密的信息包括：

CMD shall keep confidential information including

a) 申请人申请认证的资料及文件；

Information and documents of the applicant applying for certification.

b) 审核中所获取的有关信息；

Relevant information obtained during the audit.

c) 申请人档案；

Applicant files.

d) 其它专门确定的保密信息。

Other specifically identified confidential information.

3. 5 在下列情况下，CMD可以披露保密信息：

CMD may disclose confidential information under the following circumstances:

a) 得到被认证组织的书面同意（如：根据认证合同的约定，CMD的客户档案中的一些保密信息将会被提供给CNAS认可机构）；

Obtain the written consent of the certificated organization (for example, according to the agreement of the certification contract, some confidential information in the client files of CMD will be provided to CNAS recognized institutions)

- b) 履行法定责任。

Fulfillment of statutory responsibilities.

3.6 下列信息不属于CMD保密范围：

The following information is not subject to CMD confidentiality:

- a) CMD公布的关于获证组织认证状态的信息；

Information on the certification status of certificated organizations published by CMD.

- b) 某认证组织被认证、拒绝认证、暂缓认证、暂停或撤销认证资格、扩大或缩小认证范围的事实及认证范围的详细情况；

The fact that a certificated organization has been certificated, refused certification, had its certification suspended, had its certification suspended or revoked, or had its scope of certification expanded or reduced, and details of the scope of certification.

- c) 申请人或获证组织已公开或应公开的信息；

Information that the applicant or the certificated organization has disclosed or should have disclosed.

- d) CMD 从其他合法渠道获得的有关申请人或获证组织的公开信息。

Public information about applicants or certificated organizations obtained by CMD from other legitimate channels.