



National Association of State Boards of Accountancy

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August 28, 2020

Professional Ethics Executive Committee
c/o Toni Lee-Andrews, Director
American Institute of Certified Public Accountants
1211 Avenue of the Americas
New York, NY 10036-8775

Via e-mail: Ethics-ExposureDraft@aicpa-cima.com

Re: Proposed Revised Interpretation – Records Requests

Dear Members and Staff of the AICPA Professional Ethics Executive Committee (PEEC):

The National Association of State Boards of Accountancy (NASBA) appreciates the opportunity to comment on the above-referenced Exposure Draft, *Proposed Revised Interpretation – Records Requests* (the ED). NASBA's mission is to enhance the effectiveness and advance the common interests of State Boards of Accountancy (State Boards) that regulate all Certified Public Accountants (CPAs) and their firms in the United States and its territories, which includes all audit, attest and other services provided by CPAs. State Boards are charged by law with protecting the public.

NASBA is aware that many State Boards have adopted, or make reference to with some exceptions, the AICPA *Code of Professional Conduct* (the Code). Accordingly, with the goal of having consistent standards in all jurisdictions, we are keenly focused on proposed changes to the Code that might be unacceptable to the State Boards because they are not considered to be in the public interest.

NASBA agrees with the proposed revisions, which clarify the PEEC's intent and correct an inadvertent error in ET sec. 1.400.200, *Records Requests*, of the Code. One global change would permit a CPA to respond to a records request by making the requested information available to the client (e.g., physically or via the member's portal). We suggest the PEEC consider the possibility that a client may fail to retrieve such information from a portal or physical location in a timely manner, or at all. For this reason, it may be appropriate for the CPA to notify the client that it will make the information available for a finite (i.e., reasonable) period of time (e.g., 45 days, which would be consistent with the timeframe imposed on members to make the requested information available). This approach would help establish the CPA's compliance with the rule and notify the client that the information will not be held in this manner indefinitely. If the requester is an attest client, incorporating a time limit for document retrieval would also reduce any risk that the CPA has become a de facto host of the client's information.

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We would also suggest that the order of paragraph .11 be revised to read: “In fulfilling a request for the member’s copy of client-provided records previously provided to the client (as referenced in paragraph .08), member-prepared records, or member’s work products, the member may....” This would clarify that the “previously provided to the client” only applies to a second request for client-provided records.

Again, we appreciate the opportunity to comment on the exposure draft.

Very truly yours,



Laurie J. Tish, CPA
NASBA Chair



Ken L. Bishop
NASBA President and CEO