COMPLIANCE CONSIDERATIONS USING AI-GENERATED MEETING SUMMARIES

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SUBJECT

This brief sets out the compliance perspectives for financial services firms to consider when using AI-generated meeting summaries, specifically in relation to their capture, retention, and supervision. It explains the features of AI-generated meeting summaries generated by Unified Communications and Collaboration (UCC) tools and how the summaries are used in practice.

Additionally, the brief outlines the applicable regulations in the US, UK and Canada for capturing and supervising AI-generated summaries, depending on how the content is used. Finally, we analyze a few use cases for AI-generated meeting summaries and consider how regulatory compliance mandates apply to those scenarios.

AI-GENERATED MEETING SUMMARIES & HOW THEY ARE USED

AI-generated meeting summaries are automated notes created by artificial intelligence during or after a meeting. The summaries set out the main points of the conversation, including decisions made, action items, and key topics discussed. The capabilities are integrated within UCC tools like Zoom, Microsoft Teams, and Webex.

The clear, structured meeting summaries are created by artificial intelligence which processes the meeting content and extracts the important details. After a meeting ends, the UCC tool generates a summary that can be shared with attendees, saved alongside the meeting recording, or sent to people who couldn't attend. Users can save, copy and review the summaries, as well as search the text to check what was said and by whom.

The summaries provide significant efficiency and productivity benefits, enabling participants to stay focused on the meeting without the distraction of manual note-taking. AI-generated summaries reduce the time spent documenting and reviewing meeting content by clearly capturing key decisions and action items–organizers and participants do not need to take the cumbersome manual steps of re-watching meetings or analyzing lengthy transcripts. Summaries also enhance collaboration by providing a central, accessible location for meeting recaps.

To illustrate, what follows are three real-world examples of how AI-generated meeting summaries are used in financial services organizations. We will revisit these use cases in Section 5 and provide guidance about how to apply relevant regulatory requirements relating to recordkeeping and supervision.

EXAMPLE A:

Internal meeting recap - non-regulated

The marketing team at a broker dealer sends a Webex AI-generated meeting summary as a follow up to a team meeting. The internal summary includes details about the new joiners welcomed during the meeting along with key information such as reporting lines and responsibilities.

EXAMPLE B:

Client meetings - regulated

A global bank has an Indian-regulated securities entity which services investors located in the USA. Client communications relating to tax documentation and information about portfolio holdings are shared with US customers and through Zoom.

EXAMPLE C:

Swaps trading - regulated and non-regulated

A CFTC registered swaps dealer uses Microsoft Teams to discuss interest rate swaps with investors. Microsoft Copilot is used to take notes during the meeting, allowing employees to focus on the discussion without pausing to capture actions or key points.

THE KEY CAPABILITIES OF THE TOOLS THAT GENERATE ELECTRONIC COMMUNICATIONS

Understanding the key features of AI-generated meeting summaries is important for firms to determine how the regulatory obligations relating to recordkeeping and supervision apply. The capabilities vary by platform and the specific settings enabled by organizations.

AI-meeting summaries are created using a combination of speech recognition, natural language processing (NLP), machine learning (ML), and optical character recognition (OCR). These technologies convert spoken language, written input, and readable text from screen shares into concise, actionable insights. The generative AI creates a clear summary of the meeting that captures key points, action items, and topics.

FORMAT: AI-generated meeting summaries can be presented in various formats, such as written narratives highlighting key points and actions or lists of actions with assigned owners. As an example, Zoom AI Companion provides ready-made summary templates for common meeting types with the option to customize existing templates or create entirely new ones.

CONTENT: Transcribing spoken conversation is central to the creation of summaries, and additional content can be analyzed to create more complete summaries. Additional content includes chat messages to capture key questions or comments typed during the meeting; screen sharing and slides to include context from visual content such as titles or diagrams; polls or reactions that influenced decisions or highlighted areas of interest, as well as shared files and links.

EDITING: Summaries can be edited to correct errors or omissions. This includes adding, modifying or removing information, adjusting formatting or changing the overall structure.

LANGUAGES: Summaries can be generated in multiple languages. For example, Zoom's AI Companion supports multilingual summaries, defaulting to either the majority language spoken or the host's language. Microsoft Teams similarly provides summaries in multiple languages.

ACCESS: Meeting summaries can be accessed and shared after a meeting, with participants often receiving them automatically once the meeting ends. For example, AI assistants like Zoom AI Companion can generate and distribute summaries via email and post them in the meeting's Team Chat. Recipients can save the summary or share it with other apps and individuals.

LIMITATIONS AS A RECORD: The limitations of summaries as a record should be recognised. The AI-summaries should be considered an overview of a meeting, not a complete, final, and authoritative document of the interaction, as they only provide key points and information, rather than a complete view of a meeting. It is also important to note that since the quality and accuracy of meeting summaries can vary across platforms or conversations, the reliability of summaries for searching and documentation purposes is still limited. For example AI-generated summaries may not accurately identify multiple speakers in a single room or accurately understand organization, or company specific vocabulary.

KEY REGULATIONS THAT APPLY TO THE CAPTURE AND SUPERVISION OF AI-GENERATED MEETING SUMMARIES

AI-generated content

The regulatory position on AI-generated summaries is currently evolving as regulators actively consider the implications and expectations for firms. Regulatory guidance on firms' use of AI-created content has already started to emerge. FINRA's Advertising Regulation FAQs D.8.1 reminds firms that they are "...responsible for their communications, regardless of whether they are generated by a human or AI technology. Accordingly, firms must ensure that AI-generated communications they distribute or make available comply with applicable federal securities laws and regulations and FINRA rules."

Other guidance such as the European Securities and Markets Authority's public statement on using AI in retail investment services, outlines the need to transparently disclose the use of "AI for client interactions", while the FCA's AI Update reinforces the need to communicate information in a way that is clear, fair and not misleading.

Gray areas for e-comms and a-comms retention practices

Organizations While regulatory regimes include requirements for recording written and oral communications, the retention of meeting summaries as a discrete record is not addressed. It is a gray area whether an AI-generated meeting summary creates an additional record that needs to be retained and supervised in accordance with regulators' requirements for written electronic communications.

Given the ambiguity surrounding retention of AI-generated meeting summaries, financial services firms will need to take a risk-based position regarding their use and retention, taking into consideration that the summary will be a less accurate record than an audio recording or written 'eComms' like chat. Where AI-generated summaries are not shared with investors, firms will need to determine whether the summaries should be treated as a written record and retained in accordance with record keeping requirements for written communications—such as SEC's Exchange Act Rule 17a-4, FINRA Rule 4511 CFTC's Regulations 23.202 and 1.35 and FCA's SYSC and MiFID II requirements. Similarly, the minority of firms that are subject to audio recording requirements including the CFTC's regulations 23.202, 1.35 the FCA's SYSC and MiFID II requirements, will need to determine whether to retain a written summary in addition to the definitive audio recording.

In practice, where AI-generated meeting summaries are not shared with investors, the options for firms subject to eComms requirements are to: not generate AI-summaries; to generate AI summaries and retain them as an operational document for a limited period of time; or to retain the AI-summary as a written record and retain it pursuant to a specific regulatory requirement.

The same analysis applies to the retention of meeting summaries for firms subject to a regulatory voice recording requirement. Firms subject to voice recording mandates could (i) disable meeting summaries, (ii) retain summaries as written records under the relevant regulatory regime, or (iii) treat the meeting summaries as operational and retain them for a shorter period.

Note that if a firm subject to an audio recording requirement were to take the position that the meeting summaries are official written records, scenarios could arise where retention of a written record would extend beyond the prescribed retention period for the voice recording itself. Under the CFTC's rules, for example, the audio recording is subject to a one year retention requirement and written records must be retained for five years, so retaining meeting summaries as written records presents risk given that the summary would persist longer than the recording, which is the best evidence of what transpired on a given call.

Supervision requirements

FINRA takes the position that AI-generated content is subject to the same supervisory requirements outlined in Rule 3110 as any other content shared with investors. FINRA's Advertising FAQ D.8. clarifies that this obligation includes compliance with the applicable content standards in FINRA Rules 2210 and 2220, which require that communications are fair and balanced and do not include false, misleading, promissory or exaggerated statements.

Other supervisory obligations for oversight of written and audio communications include CFTC Regulation 23.602(a) and 166.3 together with NFA Rule Supervision rule 2-9. Similarly CIRO rule 3900 and FCA's SYSC 6.1 set out broad supervisory requirements to detect risks of non-compliance with regulatory obligations.

The ambiguity surrounding the treatment of AI meeting summaries extends to supervision and as described in the example above, will depend on a firm's decision whether to generate summaries and how long to retain them. Again, as mentioned earlier, the utility of meeting summaries alone for supervision purposes is limited given the limitations in accuracy and quality and that they do not provide a complete view of meeting content.

INTERPRETATIONS OF THE RULES AND APPLICATION TO THE USE CASES

To illustrate how the recordkeeping and supervision rules apply in practice we can consider the use cases outlined in section 2. These include both regulated and non-regulated business activity, and the compliance approaches and best practices therefore differ accordingly.

EXAMPLE A:

Internal meeting recap - non-regulated

In the first scenario where the broker dealer's marketing team sends an AI-generated meeting summary following a team meeting to welcome new hires, there is no FINRA requirement to retain the meeting summaries. The internal memo with details about new joiners does not relate to the firm's "business as such" and FINRA's Regulatory Notice 17-18 clarifies that "...the content of the communications determines what must be retained". Therefore, in this scenario, the firm can keep the summaries for as long or short a period as desired.

EXAMPLE B:

Client meetings - regulated

In scenario B, the registered representatives are creating AI-generated meeting summaries of Zoom meetings with clients, which are then shared with investors after the meeting. Given that the communications with the client relate to the broker dealer's "business as such," it would be required to capture, retain and supervise them. The relevant rules for capturing written communications apply–the SEC's Exchange Act Rule 17a-4 regarding retention as well as FINRA Rule 3110(b)(4) which requires firms to have procedures for the "review of incoming and outgoing written (including electronic) correspondence and internal communications relating to the member's investment banking or securities business".

The firm also needs to ensure that AI-generated communications they distribute or make available to customers comply with applicable rules in line with FINRA's Advertising Regulation FAQs. Based on the guidance in FINRA's FAQs, these AI-generated messages would require a review to confirm that the communications are "fair and balanced" as well as ensuring they do not include "false, misleading, promissory or exaggerated statements or claims" Additionally, the firm would need to retain the AI-generated summaries for at least 3 years to comply with relevant recordkeeping rules.

EXAMPLE C:

Swaps trading - regulated and non-regulated

In example C, the firm would need to retain recordings of the audio components of swap dealers' meetings for one year in order to meet its regulatory obligations under CFTC regulations 23.202 and 1.35. It is a gray area whether the AI-generated meeting summaries create an additional record which would need to be retained for 5 years.

In this scenario it would be advisable to align the retention of summaries with the original audio recordings, keeping them for up to one year, or to choose a shorter operational retention like 30 days. Maintaining the meeting summary for a shorter or equivalent time period as the audio recordings themselves–not considering them written communications under the CFTC Rules–mitigates the risk of retaining a less accurate record after the original communication has been purged.