

Code of Conduct for Integrity in the Central Public Administration 2016



Foreword

This code of conduct is an updated version¹ of the 2006 Model Code of Conduct for Integrity in the Central Public Administration Sector, which served at the time as the model and minimum framework for the ministries and their implementing agencies to draw up their own codes of conduct tailored to their specific organisation. This has been done in the meantime and many organisation-specific codes of conduct have been drawn up and implemented.

Important developments have since taken place. Society has changed and the arena in which the civil servant operates has become more complex. Work is no longer bound by time and location. Civil servants have more contact with citizens and social organisations, more initiative and responsibility and must also account for their behaviour more often. This demands a lot of each civil servant of the Central Public Administration and assumes a high awareness of integrity.

This fact, coupled with the policy-related developments in the area of integrity since 2006, necessitate a review of the Model Code of Conduct for Integrity as a framework for the entire Central Public Administration.

The Central Public Administration wishes to act as a single employer and aims for cooperation and harmonisation across the Central Public Administration, where possible. Where necessary, the detailing remains specific for each organisation. This new code of conduct is a solid step in that direction. The code is intended to be a living instrument, which will be updated as and when needed. The code describes the framework that applies across the Central Public Administration and can be used as a basic model for organisation-specific codes. In addition to minimum standards, it also provides general points of reference for how we deal with integrity within the Central Public Administration, which values and basic principles we jointly adopt within the Central Public Administration, and which roles employees, confidential advisers, supervisors and top management play in this regard.

Much value is also attached to making integrity a subject of discussion within the organisation. It is important that this can be done safely and that the organisation does not react tensely. Civil servants must feel supported in their efforts to do the right thing, even if this brings them into a conflict of loyalty within the organisation: allegiance to the public service mission is paramount and should be rewarded.

Management and top management, in particular, have an important role in this regard. This means that I call upon all supervisors, at all hierarchical levels, to embrace this code of conduct and promote it in both word and actions, because it has been drawn up for all civil servants of the Central Public Administration.

The Minister for Housing and the Central Government Sector,

Mr S.A. Blok

¹ In order to keep the Code of Conduct for Integrity in the Central Public Administration updated, it is necessary to continually adapt it to regulatory and policy changes. This version is an update of the code that was updated in 2015. Appendix 2 contains a table of changes that clearly sets out which parts of the code have changed in relation to 2015.

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1. Introduction

1.1 Why this code of conduct?

1.1.1 The importance of a Central Public Administration that acts with integrity

The Netherlands is a democratic state under the rule of law. The motto of the Central Public Administration is '*The Central Public Administration. For the Netherlands.*' As a civil servant, you contribute towards how our country functions and that is something to be proud of.

Trust is essential

Citizens must be able to trust the government. They depend on the government in many ways. Government decisions can also interfere deeply with citizens' lives. The government must therefore act with integrity. This means that the government must function honestly and reliably, treating citizens correctly and with respect. The government must also set the example: if you want citizens to act respectably, you must do the same as the government.

1.1.2 Awareness of integrity and the purpose of the code of conduct

The integrity of the government is expressed through the behaviour of *administrators and civil servants*; in other words, also through your behaviour as a civil servant of the Central Public Administration. For this reason, it is essential that you know what it means to work for the Central Public Administration and which principles you ought to apply in order to act with integrity. But that is not enough. Integrity only really comes to life in daily practice and in the discussions that you have with each other in this regard. What challenges do you face in your job and what behaviour is expected of you in that situation?

Integrity is a human effort

It is completely normal for you to have some doubts in this regard. Standards and values are not always clearly applicable and can also be contradictory. Your personal integrity can also be at odds with your official integrity. You are, and remain, personally responsible for your behaviour. But you do need a framework against which you can test your behaviour.

Code of conduct as a framework for acting with integrity

The Code of Conduct for Integrity in the Central Public Administration provides a

framework for acting with integrity. However, the code of conduct can never cover every conceivable situation. Circumstances also continually change because of new developments. You must therefore always continue to reflect on your actions and remain aware of what it means to be a civil servant 'in the here and now'.

The code of conduct makes it clear what we mean by treating each other with integrity and acting with integrity. It clarifies what we expect from each other and what citizens and external parties can expect from us, so they can take this into account. The code of conduct therefore has a protective function: it helps you to identify risks and to resist temptations and external pressure. After all, you can be personally confronted about and called to account for your integrity both internally and externally.

Lastly, there are all kinds of specific rules and obligations relating to integrity. The Central and Local Public Administration Personnel Act (*Ambtenarenwet*) prescribes the use of a code of conduct.

More prominence is given to these rules with the code of conduct, which also aims to promote their uniform interpretation and application. This can be achieved by discussing dilemmas and questions about integrity with each other based on the code of conduct.

Talk about it!

This code of conduct attaches much value to making integrity a subject of discussion. Detailing what is to be understood by acting with integrity is something that we must do with each other. You need each other for that purpose. It is also very important that this can be done safely and that the organisation does not react tensely. This demands a lot from both employees and supervisors, both in the workplace and particularly in top management. Many make the mistake of thinking instantly of whistleblowing when an integrity issue is raised and many civil servants are put off by the image of the 'snitch' for whom things do not work out well in the end. That is regrettable, because the easier it is to talk to one another, the more common it becomes to intentionally include integrity in all our decisions. This applies both to decisions in our work and decisions regarding the organisation of our work.

1.2 Status and scope of application of this code of conduct

1.2.1 Relationship to the integrity policy and organisational codes of conduct

This code of conduct for the Central Public Administration describes the framework that applies as a *minimum framework* across the Central Public Administration. The code of conduct that applies across the Central Public Administration is thus not without obligation.

Organisations within the Central Public Administration may adopt this code of conduct or use it as a basic model and make it more specific, where necessary. Organisations may be stricter but not less strict in their standards than those set out in the framework that applies across the Central Public Administration.

Many organisations have their own code of conduct that focuses more on their area of activity, functions and culture. This is useful because acting with integrity must always be placed in the context of the organisation and the civil servants who work there must be able to identify with the code of conduct. It is important that the organisational code of conduct ties in well with the one that applies across the Central Public Administration and complies with the minimum framework.

If organisations feel the need to implement stricter integrity rules than the code of conduct that applies across the Central Public Administration, it is wise to make this clear and explain why it is necessary.

Integrity policy involves more than promoting good conduct. As part of the integrity policy, the code of conduct focuses in particular on the *behaviour* of civil servants and provides them with essential information. It also covers the ways in which civil servants deal with each other. The code of conduct supplements and does not replace the existing regulations. It can be seen as a mechanism for adding further detail to those regulations.

1.2.2 For civil servants of the Central Public Administration. But also for external parties!

This code of conduct applies to all civil servants who are employed by the Central Public Administration. Reference to civil servants thus means civil servants of the Central Public Administration.

For everyone who works for the Central Public Administration

Besides civil servants other groups of employees work for the Central Public Administration, such as work placement students, temporary workers or external contractors.

Citizens will not know or really be concerned whether they are dealing with a civil servant or an external worker who coincidentally represents the Central Public Administration at that moment. The code of conduct must therefore also be expressly brought to the attention of external parties.

In fact, this code of conduct applies to everyone who works for the Central Public Administration.

2 Good employment practice and good civil servant practice

[Article 125ter of the Central and Local Public Administration Personnel Act](#)

The competent authority and the civil servant are obliged to act as a good employer and good civil servant.

[Article 125quater of the Central and Local Public Administration Personnel Act](#): (integrity policy).

[Article 50\(1\) of the General Public Service Regulation \(ARAR\)](#):

Civil servants are obliged to fulfil the duties of their positions precisely and diligently and to act as befits a good civil servant.

[Article 51 ARAR and the Decree of the Minister of the Interior, Government Gazette 18 May 1998, no. 92](#) (oath or affirmation).

2.1 Good employment practice

2.1.1 Duty of care, integrity policy and HR policy

Like any other employer, the government as an employer has a duty of care towards its employees, the civil servants. A good government employer acts appropriately in respect of its civil servants, does not abuse its powers, respects the rights and privacy of the civil servants and also ensures good working conditions and a safe working environment. A fully-fledged integrity policy is also part of the government employer's duty of care. Among other things, this means that the employer protects its civil servants against integrity risks by arranging the organisation and work procedures with this in mind (for example through the segregation of duties), making arrangements (such as for a confidential adviser) and drawing up a code of conduct for good official actions. Creating a safe climate for civil servants is an important responsibility of the employer and an absolute condition for making integrity issues within the organisation a subject for discussion.

Integrity as a focal point of HR policy

Integrity must become 'second nature' to every civil servant and management takes the lead in that regard. Continuous attention to integrity is essential. Integrity belongs in all aspects of the work, business operations and HR policy; recruitment, selection and the induction of personnel, work instructions, work meetings, training and instruction, performance reviews and exit interviews. Integrity must be taken into account intentionally in the organisation of the work.

It will be clear that management has an important part to play in this and the duty to promote the integrity policy in both words and actions.

2.1.2 Leadership: the dual role of supervisors

The employer is represented in practice by management, the supervisors. They fulfil a dual role, namely as a good civil servant and as a good employer. Managers should enable employees to comply with the stated integrity expectations, including the expectation that they hold each other to account for their behaviour. Supervisors also have the separate duty of confronting employees about their improper behaviour and adopting measures, where necessary. They can be credible only if they set a good example themselves.

This means rather a lot for supervisors. Inspiring leadership and exemplary behaviour is required from them in relation to integrity. They must be continually aware of this, show that integrity is important and look in depth at the subject. It is essential that they recognise and label integrity risks in time and then approach them correctly, as well as openly discuss dilemmas, reward positive behaviour and be able to offer employees advice and assistance. They must also support and, where necessary, protect employees who display a lack of integrity. Only then can employees feel safe enough to approach each other and management about improper behaviour.

Exemplary role of supervisors: this does not happen automatically!

The above means that the employer also has an explicit responsibility towards the supervisors, namely by giving them the opportunity and, where necessary, the guidance to be able to duly fulfil their role. Collegial deliberations among supervisors are also important to test whether the role of the management is being properly realised.

The code of conduct can be used during training and instruction in order to enhance awareness of integrity among employees and supervisors.

2.2 Good civil servant practice

Official professionalism is expected of you. As a good civil servant, you should do your work in a proper, committed and conscientious manner. Allegiance to the public service mission is paramount and rises above loyalty: you should be aware of your responsibilities and, wherever possible, do the right thing, even if this brings you into a conflict of loyalty within the organisation.

This requires great judgement because every situation is different. By doing so, you are serving the public interest and taking the justified interests of those relying on you into account. This requires commitment, wisdom and courage: commitment to your organisation and the public interest that you serve; wisdom to be able to make the correct assessment in difficult situations; and courage to be decisive and turn your moral judgement into moral actions. It is expected that you will assume responsibility for yourself and be prepared to have your choices assessed beforehand or subsequently.

Assuming responsibility for yourself includes discussing integrity issues with colleagues and your supervisor, or with the counsellor, if necessary. This is not a sign of weakness or ignorance, but in fact of official professionalism.

Good behaviour during and outside office hours

Doing your work conscientiously in daily practice is not bound by work location or working hours. We live in a digital world, in which there are flexible forms of work and a thin dividing line between your work and private life. It is important to realise this because your private life can also influence your good civil servant practices. This is repeatedly addressed in this code of conduct.

Code of conduct as a mechanism

This code of conduct helps you to act with integrity and thus helps to give shape to good civil service practice. By focusing, in particular, on the underlying intention of the code of conduct and the values to be discussed below, you are also assisted in making the right choices in situations that are not directly covered by the code. If you cannot manage this yourself, make it a subject for discussion with each other based on this code of conduct.

3. Integrity values

3.1 Independence and impartiality

Citizens and external parties must be able to trust that the government and thus also the Central Public Administration is not prejudiced or biased and that decisions are made on objective grounds. The public interest that you serve is paramount and your personal interests are subordinate to this. You may not allow yourself to be led by your own interests or improper motives. Your own interests may include you having a personal advantage in a certain decision that you make as a civil servant. An example of improper motives would you be if you discriminated when making your decision.

No conflicts of interest and no favouritism

As a civil servant, you must be independent and impartial. A conflict of interests exists if you are directly or indirectly a stakeholder or party to a decision over which you have influence as a civil servant. This can also be the case if your partner, friend or colleague has an interest in the decision rather than yourself. You must be seen to prevent a conflict of interests, or even the appearance of one. By acting in time, you protect both yourself and the organisation.

3.2 Reliability and carefulness

Citizens must be able to trust that the government, and thus also the civil servant, complies with its agreements or commitments and treats them correctly.

Say what you do and do what you say.

This has to do with credibility: both yours and that of the government agency that you represent. Reliability is also expressed in the care taken with regard to people and resources. For example, leaking sensitive or confidential information – intentionally or otherwise – betrays trust in the government.

Use power, resources and information carefully

Only use powers and information for the purpose for which you have obtained them. Do not share confidential information with anyone. Deal economically and efficiently with public resources to which the taxpayer makes contributions. And weigh up all relevant interests in your decision-making.

Be careful in your dealings with others

Civil servants are expected to act properly, decently and respectfully towards others, to take them seriously and to respect their privacy. This applies both to the relationship with citizens and external parties and to the relationship with colleagues, including supervisors and subordinates.

3.3 Personal responsibility

There is an increase in direct contact between civil servants and citizens these days, the Central Public Administration has become more accessible and all types of networks and quick and modern means of communication are being used. As a civil servant, you are becoming more and more visible to the public. The downside to this is that incidents are quickly magnified and made political. This sets high requirements for your skills and assumes a high degree of responsibility for your own actions.

You are accountable and must justify your actions

You will need to be aware of your visibility and the fact that you are continuously accountable for your behaviour. This means that you must assume responsibility for your actions and must also justify them afterwards.

But responsibility is also expected from you for the integrity of the organisation as a

whole. This requires that you get involved, support others in making the right assessments and confront others if their behaviour lacks integrity.

The above values give general direction to our actions. However, more specific standards and rules apply to some subjects, as discussed below.

4 Specific standards and rules

4.1 Conflict of interests

4.1.1 Gifts, services and other benefits

[Article 64 ARAR:](#)

- 1. Civil servants are prohibited in their official position, other than with the approval of the competent authority, to demand, request or accept payments, rewards, gifts or promises from third parties.*
- 2. Accepting bribes is unconditionally and most strictly prohibited.*

[Circular on the acceptance of gifts by civil servants of the Central Public Administration of 14 July 1999.](#)

Sometimes a business contact wants to offer you something, or you can make use of certain benefits through your work. This can be a physical gift, a service or a benefit such as a savings or discount scheme (such as air miles or frequent flyer points accumulated during official trips). Integrity risks are attached to this. One such risk is that of influence and conflicts of interest. The key point in this regard is that you must guarantee your independence as a civil servant. You must also be seen to prevent the appearance of influence. Do not just accept a gift.

Do not allow yourself to be tempted by gifts and benefits

What is behind the offer?

Think about who is offering you something at a given time and what the background to that could be. Sometimes this is just out of politeness, to say thank you for a presentation, for example, with a bottle of wine or flowers, without any ulterior motives. But what if a regular external contact wants to send a Christmas gift to your home address each year? In that case, the giver could possibly have ulterior motives, namely to gain your favour and influence your future decisions. It would also be very different if your contact person at an external client wishes to offer you a bottle of wine while that client is participating in a tender procedure for a contract. In those cases, your independence as a civil servant is at risk.

Basic principles for gifts, services and benefits:

- **Speak to your supervisor;**

- **do not accept any gifts with a value of more than €50;**
- **do not accept any gifts from third parties at your home address;**
- **from the perspective of reliability and carefulness, do not use benefits acquired through work, such as savings points, for private purposes.**

Discuss the matter

It will not always be immediately clear whether you may accept and keep a gift. Your supervisor will then consider with you what should be done. In some cases, there will be no problem. However, the conclusion can also be that you should politely refuse or return the offer or gift; or that you should accept it, but not keep it for yourself and make it available for general use or for a good cause. You will need to take applicable practices and manners into account, especially with regard to foreign contacts, as it could be impolite to refuse a gift. In that case, you should accept and then discuss with your supervisor what to do next. Deal openly with this in each case and discuss dilemmas with both your supervisor and colleagues. Openness and transparency not only help to identify temptations and weigh things up properly, but also to strengthen trust in each other.

4.1.2 Invitations, commercial activities and sponsorship

Invitations

Networking can be part of your duties. You might receive invitations from external parties. It is best to accept these, provided that you act sensibly and keep the circumstances in mind. The acceptance of invitations must be functional, moderate and efficient. The reciprocity of invitations is also an aspect to take into consideration

Do not allow yourself to be entertained

As with the acceptance of gifts, it is also important to consider the context within which invitations are made before accepting them. There is not necessarily anything wrong with combining a business meeting with a meal. However, an invitation from an external contact to attend a sporting event in the VIP lounge is a delicate issue. And if that business contact is also competing for a contract, then you really have a problem.

Basic principles for excursions, trips, meals and events:

- **discuss invitations in advance;**
- **ask yourself whether it is adequately functional;**
- **pay for yourself (as much as possible);**
- **claim the expenses incurred in accordance with the applicable rules.**

To avoid any unnecessary trouble, there is a rule that invitations must be discussed with each other, with your supervisor and colleagues at work. In this way you can learn from each other and the situations that arise.

There is no rule that you can never accept anything at someone else's expense: this depends entirely on the situation, the generally accepted manners for that situation and the amounts involved. What this means is that if you accept an invitation from an external party, you must monitor your independence and not allow yourself to be inappropriately 'entertained'.

Commercial activities

Due to their expertise, civil servants are regularly asked to be speakers or members of an expert panel at a commercially organised congress or symposium. Others, including fellow civil servants, come to listen and pay sometimes high admission fees. That is problematic: firstly, because the Central Public Administration aims to share knowledge without commercialising it; and secondly, because public resources must be used efficiently.

On the other hand, such cooperation is common these days and it can certainly be useful and appropriate to do this, even commercially, for example if the activity is important for developing, explaining or promoting policy. Management determines whether this is the case. Transparency and openness are also necessary in this regard in order to be able to make a proper assessment.

No commercialisation of Central Public Administration knowledge

Basic principles for commercial activities within official duties, such as speaking at congresses, etc.:

- **no cooperation unless expressly agreed otherwise;**
- **discuss in advance with your supervisor;**
- **do not accept payment.**

Commercial activities can also be engaged in as secondary activities. In that case, the rules for secondary activities apply. You also have to follow the rules for external communication. Both topics are addressed in this code of conduct.

Sponsorships

Caution is needed with regard to sponsorships and fundraising of personnel activities. Sponsorships include the external financing of the activities of sport clubs or other personnel associations or foundations where membership is restricted to civil servants. Although such associations and foundations are not part of the Central Public Administration, a connection can be made between them and the Central Public Administration.

Do I wish to be associated with this sponsor?

External financing can cause real or apparent conflicts of interest. For example, if the sponsor performs an important contract for the Central Public Administration, has entered into a framework agreement with a division of the Central Public Administration, or performs a contract at the unit where the personnel activity also takes place. The sponsorship of personnel activities can also have an undesired effect on the reputation of the Central Public Administration or one of its divisions. It is important that you are aware of these risks.

Internal fundraising or sponsorships also apply to a civil servant's private initiative, such as participating in a run or tour for a good cause.

If any contribution is made to this from public resources, it must remain very limited in terms of costs and preferably be in the form of support items (t-shirts, water bottles, etc.).

Basic principles for sponsorships:

- **deal sensibly and transparently with sponsors;**
- **avoid any conflict of interests;**
- **if in doubt, refer to official management.**

In this way, you avoid unintentional problems for yourself.

4.1.3 Financial interests and trade on the stock market

[Article 125quinquies of the Central and Local Public Administration Personnel Act](#) (basis for further regulations).

[Article 61a ARAR](#) (duty to report financial interests).

You may have financial interests in one or more companies, trade on the stock market, or intend to do so. This can give rise to risks, for example with regard to conflicts of interest or prior knowledge of price-sensitive information. Your employer is responsible for designating positions that pose an additional risk in this regard.

Basic principles for financial interests:

- **the employer designates risky positions in the organisation;**
- **report financial interests that can affect the organisation's interests;**
- **financial interests that are harmful to the organisation are prohibited;**
- **keep secret, price-sensitive information that you have access to as a civil servant confidential and do not use it for your personal benefit.**

The ARAR prescribes a duty to report for civil servants who hold a designated position. However, the basic principles apply to all officials. In order for the duty to report to apply, there must be a relationship with your official position and a prohibition applies only if your proper performance, or that of the organisation, is not guaranteed because of the financial interests. Openness and an ability to discuss matters are important. Also think about your partner's financial interests: are these not indirectly your interests? If you are in doubt whether or not to report, involve your supervisor or a counsellor in the decision. Some organisations have a specially appointed official for this purpose, the compliance officer.

4.1.4 Secondary activities and incompatible duties

[Article 125quinquies of the Central and Local Public Administration Personnel Act](#) (basis for further regulations).

Article 125c of the Central and Local Public Administration Personnel Act (holding public office and trade union work)

[Article 61 ARAR](#) (list and disclosure of secondary activities, prohibited secondary activities).

[Article 63a ARAR](#) (deduction of payments received for certain secondary activities).

Articles [16](#), [33a](#) and [33b](#) ARAR (holding public office and trade union work)

See further:

- [Decree of 4 December 1997 \(Government Gazette 655\), particularly the Explanatory Memorandum, administration of the oath and secondary activities;](#)
- [Circular on the secondary activities of Central Public Administration civil servants of 6 December 1994 \(Government Gazette 1995, 19\)](#)
- [Regulation on the reduction of remuneration if secondary activities are performed during office hours of 3 October 1991](#)
- [Incompatibility of Office \(States General and European Parliament\) Act \(Wet Incompabiliteiten Staten-Generaal en Europees Parlement\) and the Circular on dismissal or right of return after a period of membership of the House of Representatives or European Parliament.](#)

What are secondary activities?

The Central Public Administration encourages civil servants to do voluntary work in their free time and, for example, to perform governance or committee-related duties in municipal councils, associations or foundations. Civil servants may also perform commercial activities, have a second paid job or their own business. These are called secondary activities. This includes all the work that you perform *besides* your work as a civil servant, paid or unpaid, and regardless of the scope, duration or form of such work. Writing an article or speaking in your personal capacity at a congress also falls under this definition. Secondary activities take place in your own time (which can also be during leave) and are not part of your work as a civil servant.

It is becoming increasingly common to do other things besides your work, to have several jobs or to combine entrepreneurship with a paid job, even as a civil servant. That interaction between market, society and the Central Public Administration offers many opportunities and benefits, and this will mostly not be problematic.

Sometimes secondary activities can be or become an integrity risk. Often this is because of an actual or apparent conflict of interests, but there can also be an undesired effect on your reputation as a civil servant or that of the organisation. For this reason, there are rules relating to secondary activities.

Basic principles for secondary activities:

- **report the secondary activities that could affect the interests of the department;**
- **secondary activities that impair your performance or that of your organisation are prohibited;**
- **reported and permitted secondary activities of members of the top management group (and any attached conditions) are to be made public.**

Duty to report and assessment of the integrity risk

There is a duty to report and register secondary activities that may affect the interests of

the organisation in relation to the fulfilment of your official duties. Since these are your secondary activities, you will have to assess in the first instance whether or not these activities fall under the duty to report. You do not have to report secondary activities that cannot affect official interests in any way. If you are in any doubt, it is advisable to discuss the secondary activities with your supervisor, or otherwise with a counsellor, and decide together whether you need to formally report and have the secondary activities registered. Special forms for the registration of secondary activities are available via P-Direkt.

The following questions can be helpful in assessing whether your secondary activities could affect the interests of the organisation and therefore fall under the duty to report:

- do your secondary activities have any similarities with your official position and area of work?
- do you deal with the same network (people, companies and institutions) for your secondary activities as for your official position?
- did you gain access to the secondary activities through your official position?
- do you use or have the benefit of information, specific knowledge or skills from your official position in your secondary activities?
- how extensive are the secondary activities in terms of time and/or earnings?
- does the organisation, sector or person for which or whom you perform secondary activities have a good or a questionable reputation?
- how could your secondary activities be viewed in public?

Secondary activities? Only if possible.

Reporting and registering secondary activities enables your supervisor to test the permissibility of your secondary activities in advance. In this way, risks can be addressed in time and both you and the organisation are protected. You and your supervisor will jointly examine the extent to which an integrity risk actually exists and which measures you or your supervisor can take against that risk. Where necessary, conditions will be attached to the performance of your second activities. It is important to pay regular attention to this and to reassess the risk, measures or conditions if circumstances change (in your secondary activities or your official position).

Prohibited secondary activities and incompatibility of duties

Secondary activities are prohibited if your proper performance as a civil servant, or that of the organisation, is no longer guaranteed because of your secondary activities. This applies, for example, if your availability and employability for the official position, your reputation as a civil servant or the reputation of the organisation for which you work are undesirably affected by your secondary activities and this cannot be addressed through less far-reaching measures than a ban. If this cannot be resolved, you may not start or will have to cease your secondary activities for as long as you continue to hold your official position.

Even if no criticism can be made about your performance itself, the connection between your secondary activities and holding a position in public service may be unacceptable. An explanation based on the values of reliability and independence follows below. If your reliability can be cast in doubt because of your secondary activities, this affects

the trust that is placed in you as a civil servant and in the Central Public Administration. This can form an unacceptable obstacle to your proper performance or that of the organisation you work for. And in some cases, secondary activities can create the outward appearance that the necessary independent mindset in your official position is not guaranteed. This appearance alone can be so undesirable that it impedes your proper performance or that of the organisation. The nature of your position and duties plays an important role in this regard. Some positions are namely more vulnerable than others (see the text under 5.2) and will set stricter requirements for secondary activities. However, the nature of the ancillary activities also plays a role. For example, if a basic right is exercised during the secondary activities, these cannot be as readily prohibited.

There are statutory rules that prevent civil servants of the Central Public Administration from performing their duties while also being members of the Senate, House of Representatives or the European Parliament because this is incompatible. For the sake of clarity: other political positions or a managerial position at a trade union are not excluded in addition to your work as a civil servant.

4.1.5 Cooling-off period in a sensitive move to other work

[Article 94 ARAR](#) (resignation).

What is a sensitive move?

In exceptional cases, leaving the Central Public Administration for other work can be sensitive because of the related integrity risks. An example of this would be leaving a vulnerable position (see the text under 5.2) for work that would have to be reported or even prohibited as a secondary activity. This is because the interests of the organisation may be in conflict with the interests of your new work, as a self-employed person or working for another employer.

New job? Be aware of any conflict of interests

It is important to think ahead, identify any possible risks and make them a topic of discussion. By doing so, you are protecting yourself and the organisation. This requires openness and mutual trust. Simply complying with your duty of confidentiality is often not enough.

Basic principles for a sensitive move:

- **be transparent about your new work and report the move in good time;**
- **discuss the risks;**
- **agree on a cooling-off period: this is always tailored to your specific situation.**

Cooling-off period prior to leaving your employment

A cooling-off period can help in anticipating problems. This means that you will distance yourself somewhat from your official position before moving to your new job. This can include making arrangements about the notice period, access to certain information or

your duties and responsibilities until the date of your departure. Arrangements can also be made to avoid personal confrontation from your new work for a certain period of time. The best arrangements will differ from situation to situation but your cooperation is necessary and will be effective only if you are prepared to inform your supervisor about a sensitive move in good time. Your interests must be adequately taken into account.

4.1.6 Procurement, hiring and tenders

[Article 62 ARAR](#) (participation in tenders and supplies).

As well as:

- [Letter from the Minister of the Interior and Kingdom Relations to the House of Representatives of 11 May 2001, parliamentary document 32501-15](#) (standard for total expenditure in external hiring and maximum hourly rate outside master contracts);
- [Contract process management code for the Central Public Administration 2008](#);
- [Senior Executives in the Public and Semi-Public Sector \(Standards for Remuneration\) Act \(Wet normering bezoldiging topfunctionarissen publieke en semipublieke sector\) of 15 November 2012](#).
- [General Government Terms and Conditions for IT Agreements 2016, ARBIT-2016](#);
- [General Government Terms and Conditions 2016, ARIV-2016](#);
- [General Government Terms and Conditions for the Provision of Services 2016, ARVODI-2016](#);
- [Circular on the phasing-out of the payrolling form of hiring in the Central Public Administration sector of 1 April 2014](#);
- [Circular on threshold amounts for procedures under the Public Procurement Act 2012 \(Aanbestedingswet 2012\) that are below the European threshold value of 3 August 2015](#);
- *Recommendations from the National Audit Service (ADR) report of 7 January 2015*;
- [Circular on the application of the Work and Security in the Central Public Administration Act \(Wet werk en zekerheid bij de Rijksoverheid\) of 23 October 2015](#).

Also see: [Public Procurement Act 2012 \(Aanbestedingswet 2012\)](#) as adjusted on 1/7/2016 and [Public Procurement Decree \(Aanbestedingsbesluit\) of 11 February 2013](#).

What are the rules?

Procurement, hiring and tenders are a specialist area of expertise. Although general information is available on the Central Public Administration website, it is advisable to consult a procurement specialist, where necessary. Frameworks can quickly become outdated and the implementation rules and procedures moreover differ from organisation to organisation, for instance as regards the submission of offers or the compulsory engagement of a Procurement Implementation Centre (IUC). Co-determination has its own position and does not fall under the standard rules and procedures for its procurement needs (e.g. for external advice).

If you deal with this, it is important to become very familiar with and comply with the rules and procedures that apply to your organisation at that time. Vigilance with regard to integrity risks is called for both by civil servants who have a specific procurement need and their advisers, including procurement specialists. The procurement process should be conducted in a careful and impartial manner. Any appearance of undue influence must be

avoided. After all, this relates to the expenditure of public funds.

It is important that the correct procurement procedure is followed, including for follow-up contracts. It is good to know that contracts can be awarded on a one-to-one basis only up to a certain maximum amount. A competitive arrangement applies in excess of that amount. Tendering in accordance with EU directives is compulsory from a certain threshold amount. Any interested undertaking can register or submit an offer for public tenders. In other tenders, the contracting authority decides which parties to request an offer from.

It is important when awarding a contract that you can economically motivate who you are awarding the contract to, whether there are several offers and whom you have requested an offer from. In this way, you justify your decision and make the considerations transparent. Steer clear of conflicts of interest and favouritism. More bidders can compete with each other on the basis of price and quality. The purpose of this is equal opportunities, selection based on commercial arguments and no wasting of public funds.

Basic principles for procurement, hiring and tenders:

- **fair competition is of paramount importance;**
- **comply with the applicable rules and procedures;**
- **guard against temptation and avoid the appearance of or actual preferential treatment, influence or a conflict of interests;**
- **deal carefully with the available information;**
- **avoid making any undue promises or creating expectations;**
- **guarantee independent decision-making.**

The rules and procedures for procurements and tendering contain integrity guarantees for fair competition and combating actual or apparent conflicts of interest and favouritism. But how does it work in practice?

Also stay alert in trusted relationships!

It is not the intention, for example, for you to be able to influence the process if you have private contacts at the other party. If you are faced with a situation like this, report it in advance, so arrangements can be made for someone other than you to deal with the issue. Business contacts can also influence you in an unwelcome manner and try to tempt you with all types of 'bait' (gifts, benefits, invitations, etc.). It is important to stay alert, especially with long-term contacts.

In order to prevent problems, several people should be involved in making decisions on procurements, hiring and tenders and discussions with suppliers should preferably be held in pairs. However, this does not remove your personal responsibility.

External work, including by former civil servants

Arranging for work to be performed externally falls under the procurement and tendering rules and additional frameworks apply in this regard, such as placing a cap on rates. These frameworks apply fully if former civil servants work for the Central Public Administration again, as an independent entrepreneur or while working for another employer.

Basic principles for external work:

- **resist the temptation or pressure to deviate from applicable frameworks;**
- **treat candidates for external work neutrally and equally;**
- **decide on the basis of commercial arguments and justify that decision;**
- **former civil servants may also compete for contracts, but keep reputational damage in mind.**

Fair competition is the starting point and actual or apparent conflicts of interest and favouritism must be avoided. This plays a role particularly if you have influence over the award of a contract. Consider this carefully before you request an offer. As someone awarding a contract, you must look critically at yourself and resist the temptation to favour a candidate whom you know over the other candidates. For example, you could involve someone in the selection procedure who has no personal ties with the candidate.

Possible reputational damage also plays a role here. Particularly if the work is being done by a former civil servant, you must be extra alert and be able to explain and justify your decision properly. If you cannot do this, do not request an offer. It is undesirable, for instance, for a former civil servant who has left the central public service with a severance payment to return via the back door and be hired as an external worker to do the same work. Rehiring former civil servants to do the same work at substantially higher cost is also a sensitive issue. Both examples evoke the image, rightly or wrongly, of a wasteful public administration.

Another point to consider, as a manager, is that you may sometimes wish to assign a task to someone in advance, for example because you find that person particularly suitable for that task or because you wish to make plans with an employee as part of a termination arrangement. Exceptions also cannot be made to the rules in this case. You cannot simply assign work to someone because you know them. The choice must always be made on objective grounds and substantiated and the maximum amount for a contract award on a one-to-one basis may not be exceeded. If you have to request several offers, there must be genuine and fair competition. As a top manager, it is essential to set a proper example in this regard.

Former or current civil servants as providers of products or services

Any appearance of a conflict of interests must be avoided, both internally and externally. As a civil servant employed by the Central Public Administration you therefore may not sell any products or services to the Central Public Administration, unless permission is obtained for that purpose. Such permission is seldom granted. In the context of the separation of powers, it is also not appropriate for you, as a civil servant, to commercially advertise yourself to your employer or colleagues. Once you have left your employment, however, there is no longer any general ban on selling products or services and you can then participate in the Central Public Administration's procurement and tendering procedures in accordance with the applicable rules. As a former civil servant, the duty of confidentiality remains applicable to you.

4.2 Information and communication

4.2.1 Dealing with information, confidentiality and research information

[Article 125a, paragraph 3 of the Central and Local Public Administration Personnel Act:](#)

Civil servants are obliged to observe confidentiality with regard to all information that they become aware of in relation to their duties, insofar as that obligation follows from the nature of the matter.

As well as:

- [Civil Service Data Information Security Decree 2007 – VIR 2007; Civil Service Security Regulations 2013 – BVR 2013; Civil Service Information Security \(Classified Information\) Decree 2013 – VIR BI 2013;](#)
- [Circular on Supplementing the Model Code of Conduct for Integrity in the Central Public Administration and e-mail policy of 7 December 2009;](#)

Also see: [Book 2, Article 5 of the General Administrative Law Act \(Algemene wet bestuursrecht\); Article 20 of the Works Councils Act \(Wet op de ondernemingsraden\); and the Central Public Administration Information \(Public Access\) Act \(Wet openbaarheid van bestuur\).](#)

Duty of confidentiality

As a civil servant, you have access to a great deal of information, which is sometimes also confidential. For example, information can be politically sensitive or privacy sensitive. This information must be safe with you and this is why you have a duty of confidentiality. This duty continues to apply after you leave your employment.

Confidential information must remain secret

This not only means that you must not 'leak' any confidential information, but also that you do not leave it lying around or give others access to it. This requires that you deal carefully with information and data carriers (such as tablets, smartphones, USB sticks, etc.) and take specific data security rules into account.

Be aware of the risks, take care of your belongings and watch your words. What do you say about your work at home? Who can hear you when you talk about work? Who has access to your computer, your iPad or your smartphone from work? Are there confidential documents on your desk? Do you carry confidential files with you?

Basic principles for dealing carefully with information:

- **ensure the confidentiality of information;**
- **use information only for the purpose for which it is provided;**
- **share information insofar as you should.**

Research information

Dealing carefully with information also means that you are transparent and do not

intentionally leave out or manipulate information to benefit yourself or your organisation. If certain research information is involved in the government's decision-making, the public interest is served only if all available information is taken into account objectively and assessed.

If there are valid reasons to disregard certain research information, this must be done openly and be motivated and recorded. It is then always possible to check why this happened afterwards.

4.2.2 Expressing opinions and external contacts

[Article 125a, paragraph 1 of the Central and Local Public Administration Personnel Act:](#)

1. *Civil servants must refrain from expressing their thoughts or feelings, or exercising the right to assemble, meet and protest, if exercising these rights would not reasonably guarantee the proper fulfilment of their duties, or the proper functioning of the public service, insofar as these relate to the performance of their duties.*

[Article 82a ARAR:](#)

Civil servants cannot be punished for contravening Article 125a, paragraph 1 of the Central and Local Public Administration Personnel Act before advice is obtained from the Advisory Committee on the basic rights and performance of duties by civil servants.

As well as:

- [Instructions for the external contacts of Central Public Administration civil servants of 19 May 1998;](#)
- [Guidelines for the application of these instructions of 23 January 2007;](#)
- [Publication of the basic principles for the online communication of Central Public Administration civil servants](#)

Expressing opinions

Every citizen has the basic right to freedom of expression. This therefore also applies to civil servants. However, this right is limited for you as a civil servant in relation to your official position. This means that you must be careful about openly expressing your personal opinions and cannot simply say, write or tweet anything you please. The same applies to posting photographs and images.

Basic principles for communication and expressing opinions, in any form:

- **always bear in mind that you are a civil servant;**
- **comply with the duty of confidentiality;**
- **communicate in a decent and respectful manner;**
- **do not make any statements that could harm your performance or that of the organisation.**

The position you hold within the organisation and your distance from the topic concerned also make a difference. The further you are from the relevant policy area and the lower your position in the hierarchy of the organisation, the more freedom you have. The topicality and political sensitivity of the topic are also important. You need to be more alert regarding topics that are in the news, or in which lobbyists have a particular interest. The timing and manner of your remarks are likewise important. What words and means

of communication are you using? Do others know where you work and what you do as a profession?

Think first, act later!

If your remarks cause problems for the organisation, you may be called to account for them later and even punished. This will certainly be the case if the problems are serious and you could have foreseen them. Therefore be sensible and consider the possible consequences of your remarks before making them. Be aware of the danger that can lie in small things such as privately posting a comment that is meant as a joke or image on Twitter or Facebook, which then assumes a life of its own and can immediately put your work in a bad light.

External contacts resulting from your position

In your position, you have regular contact with others, including from outside the organisation. The extent to which this happens depends on your position. Communication and reciprocal exchange with the outside world are good things and suited to our times.

As a working civil servant, you do not speak for yourself

It makes a difference whether you are communicating as a private person or civil servant. As a civil servant of the Central Public Administration, you ultimately work for the minister and when performing your official duties, ultimately represent him/her in your external contacts. You should thus always be aware that you are talking on behalf of the minister as a working civil servant.

Be particularly careful during contact with the **media**. Media contact normally goes through colleagues at Information. The intention is not for you to address journalists yourself. If you are approached directly, make a referral and inform your colleagues in public relations.

Contact with Members of Parliament

The responsible cabinet member (minister or state secretary) reports to the House of Representatives on the policy he/she has conducted. The House of Representatives is also entitled to information and intelligence. Specific guidelines apply to this type of contact with Members of Parliament. A distinction is also made between the active provision of information and the provision of information on request. The active provision of information is always through the responsible cabinet member. In relation to the provision of information on request, it is important whether or not the information is public and/or of a factual nature. As a civil servant, you only provide factual information, personal policy opinions are reserved for the responsible cabinet member.

Basic principles for contact with Members of Parliament:

- **never take the initiative yourself;**

- **provide only factual information, no personal views or policy opinions, and do not justify any policy decision;**
- **you may provide public information directly, but are advised to inform the responsible cabinet member through the proper channels and the parliamentary contact person;**
- **information that is not in the public domain must always be provided through the proper channels and the parliamentary contact person;**
- **observe the duty of confidentiality.**

In order to explain and supplement the instructions for external contacts with Members of Parliament, a Guideline was drawn up in 2007, indicating how to deal with common types of requests for information (e.g. legal and technical legislative assistance, parliamentary inquiry, round table discussion, work visit, etc.). A reference to this Guideline suffices for the purpose of this code of conduct.

4.2.3 The particular risks of online communication and social media

Online communication offers many advantages. Due to the internet and social media, it has become much easier to work whenever and where you wish, information is quick to find and simple to share, you can contact others directly and reach many people at the same time. The internet provides you with a wealth of information, a welcome platform on which to share opinions and is currently indispensable for the connection between 'inside' and 'outside'. It is therefore a positive development that more and more civil servants are using the internet for their work. Yet the internet and social media is also used a lot privately.

Integrity is essential as soon as you present yourself publicly. It is precisely because of the speed, directness and large range of the communication that you run an extra risk. A further danger is that the risks are not always apparent to you as a user. A warning is therefore appropriate.

Basic principles for online communication:

- **as a civil servant, you are an ambassador of your organisation;**
- **the existing rules also apply online;**
- **ensure the distinction between yourself as a private person and a working civil servant;**
- **keep your participation careful, focused and measured.**

Everyone is looking

Think about the following:

- it is easy to establish your identity by linking profiles and information trails;
- messages can be spread quickly and widely, even unintentionally;
- messages remain available, they can show up again and come back to haunt you;
- what photos are you posting online? How do your colleagues feel about being identifiable in photographs that you post online?

4.3 Dealing carefully with people and resources

4.3.1 Use of resources and facilities; extending official trips

- [Basic principles for the online communication of Central Public Administration civil servants on the Central Public Administration portal \(Rijksporaal\)](#);
- [Regulation on foreign trips of Foreign Affairs of 16 March 2012](#) (extension of official foreign trips);
- [Rules of conduct for the digital working environment of 23 June 2016](#) * and any organisation-specific arrangements.

Only available via the Central Public Administration intranet portal (Rijksporaal)

You are provided with public resources and facilities, such as a computer, laptop or tablet, a smartphone, all types of office items, printing and copying equipment, etc., for the purpose of your work. You are also given access to the internet and intranet, receive an admission pass and use official vehicles or public transport.

As a civil servant, you are expected to deal with the above items carefully and reliably, taking into account any special conditions for use, safety instructions or contractual terms that are stipulated. Specific rules often also apply within your organisation to the use of the internet, e-mail and other digital resources, which must be observed.

Appropriate use

Respect the fact that public resources have been provided for your work. Use them for the purpose for which they have been provided and do so prudently and economically, thus without unnecessary waste.

Downloading illegal software, viewing, downloading or distributing pornographic, racist, discriminatory, insulting, offensive or harassing (including sexually harassing) texts and images, or sending messages that incite or can incite hate and/or violence are all prohibited.

The careful use of resources and facilities also entails that you only claim commercial costs that are actually incurred and not compensated in another way (for example, through an entertainment allowance), do not use the mobility card for private trips and do not lend your admission card to anyone else.

No waste of government funds

Private use

In modern labour relations, it is not appropriate to entirely prohibit the private use of business assets and facilities. Conversely, you will also sometimes use your own assets for work. Appropriate private use is permitted. However abuse, namely exaggerated, exuberant, unnecessary, disruptive or harmful private use, is not permitted.

Examples of private use that is not permitted:

- frequent or unnecessary private calls or use of the internet at your employer's expense;
- intentional downloads for private use at your employer's expense;
- frequent, prolonged or extensive copying for yourself at work;

- frequent or prolonged visits to private chat or internet sites during work;
- placing private orders or making bookings via your work account;
- taking work items home for yourself without permission;
- trading in or offering work items for sale.

It is impracticable to indicate precisely in advance what does and does not constitute abuse. You must therefore rely on your own sense of responsibility and judgement. Bear in mind that government assets are public resources that are – ultimately – financed from tax money. There will always be a grey area: for this reason discuss what is and is not permitted with your supervisor, where necessary. Be transparent and make arrangements in this regard.

Extending official trips

Many civil servants travel regularly for their department, sometimes even abroad. It may be appealing to extend such an official trip for personal reasons and link it to holiday leave. There is nothing untoward about this, in itself, but official interests must always come first and the situation may also not be abused.

Basic principles for extending official trips (*taken from the ministerial regulations of Foreign Affairs*):

- **occasionally, for a maximum of 72 hours and only for the place of destination;**
- **request and obtain permission beforehand;**
- **all additional expenses are for your own account.**

Official car

If you are provided with an official car from or via your organisation (lease car), use it carefully and comply with the rules. Be aware that an official car can sometimes be recognised as such. Private use is permitted if and insofar as you have obtained written permission for this purpose. You must pay a personal contribution towards private kilometres travelled.

4.3.2 Manners and private relations

In relation to undesirable private contacts:

[Article 125a, paragraph 1 of the Central and Local Public Administration Personnel Act \(right to assemble, meet and protest\)](#) and [Article 82a ARAR \(Advisory Committee on basic rights\)](#).

[Circular on the undesirable private contacts of Central Public Administration civil servants of 23 July 2013.](#)

Respect for others, correct behaviour and mutual collegiality

As a civil servant, you are expected to deal respectfully with others, both in your contacts within and outside the organisation. This means that you take the other party seriously, listen to each other and treat each other decently. You are expected to support and, where necessary, correct each other in this regard.

Treat others how you wish to be treated

We strive within central government for collegiality, cooperation, team spirit, openness and a service-oriented attitude. You must also respect each other's privacy and take each other into consideration. Do not complain and gossip behind someone else's back. Do not cause any inconvenience at work and comply, for example, with the smoking policy rules. Insults, discrimination, sexual harassment, bullying, aggression and violence are manifestations of undesirable conduct and are not tolerated within the Central Public Administration. Manifestations can be verbal and non-verbal, oral or in writing, or even digital. Sometimes this is done intentionally, other times less so.

Take care to make others realise this kind of behaviour is unacceptable by leading by example, confronting each other about undesirable behaviour and supporting colleagues that are the victim of undesirable conduct. As a victim of undesirable conduct, you can approach a counsellor or your supervisor and, if necessary, make use of a complaints procedure.

Management has an important exemplary role to play. Employees follow the example of their supervisors and accept their own behaviour being corrected more easily if their supervisors set a good example.

Private relationships at work

Private relationships can develop wherever people meet, and therefore also at work. These may include family relationships, friendships or love relationships either between colleagues or between a civil servant and an external contact.

There is nothing wrong with this; it can even be very enjoyable. However, it may be problematic in some cases and give rise to an integrity risk. Examples include a conflict of interest or sharing confidential information. It can also give rise to the appearance of preferential treatment. A relationship or breakup can also lead to the unwelcome disruption of working relationships.

The risk is greater if the positions affect each other in some way. The risk is likewise greater if there is a power inequality, such as in a relationship between a supervisor and a subordinate.

Remain professional

It is essential to remain professional and objective at work. If the relationship could be problematic in this regard and form an integrity risk, it is important to report this to your supervisor(s). A supervisor who receives such a report should deal with it discreetly, with respect for your privacy, and look together with you at whether special measures need to be adopted. For example, it is not appropriate for partners to assess, check or approve each other's work. If necessary, working arrangements must be made or duties divided. A transfer to another department or service unit may also be appropriate.

Undesirable private contacts

The public must be able to trust that the Central Public Administration is a decent organisation that acts with integrity. Your private contacts can affect this trust. However, as a civil servant, you are entitled to the protection of your privacy. You also have the

right to freedom of association, as long as exercising that right does not adversely affect your performance or that of the civil service.

With whom do you associate?

Having contact with people who put the Central Public Administration in a bad light can be at odds with good civil service practice. The magnitude of the integrity risk in a specific case depends on the circumstances, your official position and the vulnerability of that position.

In some positions, the danger of creating a negative image is greater than for other positions, depending on the nature of your work, your visibility to the public and your standing within the organisation. The integrity risk is certainly greater for supervisors, investigative officers or other positions in the broader area of security, law enforcement or the administration of justice.

Which private contacts are undesirable? This relates to contact with people whom you know or could know contravene rules and laws on a more or less structural basis (and sometimes even glorify themselves). The same applies to membership of associations or participation in groups with a bad reputation that are regularly talked about due to criminality and vandalism, for example, even if the association or group is not banned.

If you suspect that undesirable private contact exists, it would be wise to discuss this with your supervisor or a counsellor. If you are open about this, measures can be adopted, where needed, to protect yourself and the civil service against unwelcome consequences.

5 Prevention and enforcement

5.1 Appointment policy and taking an oath or making an affirmation

[Article 9 ARAR](#) (conditions for appointment).

[Article 51 ARAR](#) and [Decree of the Minister of the Interior, Government Gazette 18 May 1998, no. 92](#) (oath or affirmation).

[Security Screening Act](#) (*Wet veiligheidsonderzoeken - Wvo*) and [Guide for the Appointment to Confidential Positions of September 2014](#) (publication of the General Intelligence and Security Service - AIVD).

Integrity is something you have to take into account even before you are appointed as a civil servant within the Central Public Administration. The information that you provide during the interview must be honest and no relevant information may be withheld. If it later transpires that you lied or concealed something, this could lead to your dismissal. Checks can be carried out in various ways to determine whether there are any objections to your appointment (screening). And a 'certificate of conduct' can be requested to

determine whether you have committed any criminal offences that are relevant to the position. Some positions are subject to stricter screening and a 'judicial data screening', or, in case of designated confidential positions, 'security vetting' is then carried out.

Taking the oath or making the affirmation is not a simple matter

After starting your employment, you take the oath or make the affirmation. By doing this, you express that you understand what it means to be a civil servant within the Central Public Administration and that you will act accordingly. You sign the oath form, which is then kept in your personnel file.

You promise the following with the oath or affirmation:

- 'that I shall be loyal to the King and observe the Constitution and all other laws of our country'
- 'that I have neither directly nor indirectly furnished any false information in any form relating to my appointment'
- 'that I have never gifted or promised anyone anything up until my appointment and that I shall also not do this in future'
- 'that I have never accepted gifts or made promises to anyone up until my appointment and that I shall also not do this in future'
- 'that I shall perform the duties entrusted to me diligently and conscientiously and shall keep matters that come to my knowledge confidentially by virtue of my position, or whose confidential nature I must recognise, secret from others except those to whom I am officially obliged to disclose such matters'
- 'that I shall behave as befits a good civil servant, that I shall be careful, incorruptible and reliable, and that I shall do nothing that will harm the reputation of the Central Public Administration.'

5.2 Focus on vulnerable positions and vulnerable civil servants

A position is vulnerable if performing the related duties can quickly compromise your integrity. Examples of specific positions with additional integrity risks are confidential positions, supervisory positions or investigative positions, as well as positions in the wider areas of security, law enforcement or the administration of justice. More general examples include positions in which you have additional visibility as a civil servant, in which you work with sensitive information, in which you work for long periods with certain external contacts, such as specific suppliers, or in which you are simultaneously involved in the same subject both with regard to giving advice and monitoring.

As a civil servant, you are vulnerable if there are circumstances, independent of your position, which can quickly compromise your integrity, for example because you are more susceptible to blackmail. You are vulnerable if you have financial problems, suffer from an addiction, have certain private contacts (also consider your partner and family

members in this regard), have a love relationship at work or if you perform certain secondary activities. If a connection can be made between you or your close family and contraventions of the law, you are also vulnerable as a civil servant.

You can prevent problems with openness

It is the responsibility of a good employer to protect you, where possible, against integrity risks. On the other hand, it is your responsibility as a good civil servant to give your employer the opportunity to do this. It is therefore advisable to make any risks and vulnerabilities a subject for discussion. This requires openness and mutual trust. If you not wish to approach your supervisor directly, possibly because of privacy sensitivity, discuss the matter with a counsellor. Intervention can happen in various ways, such as through a separation of duties, job rotation or job exchange, while an internal transfer may sometimes be the solution.

In a separation of duties, some duties are assigned to others. In job rotation, you regularly exchange your range of duties and in a job exchange you exchange your range of duties with a colleague. In an internal transfer, you fulfil your position, or perhaps even another position, elsewhere in the organisation. If you have financial or other private problems, you can contact a welfare worker or a special debt counsellor.

5.3 The role of the counsellor

[Guide for the integrity counsellor](#)

If you have questions about integrity, find yourself in a dilemma, have identified a possible integrity risk or a breach of integrity, or are faced with undesirable conduct, you can always approach a counsellor. One or more counsellors are designated within the organisation. There is often a separate counsellor for undesirable conduct.

The counsellor offers you an attentive ear, provides information and gives advice in confidence. A counsellor is independent. You must be able to discuss any questions, doubts or suspicions in confidence. Carefulness and reliability form the basis for a counsellor's work.

If you suspect a serious breach of integrity, the counsellor can advise you on the reporting procedure and assist you in this regard, if required.

You remain personally responsible for your report. In certain situations, the obligation to report offences involving abuse of office applies if charges also have to be laid (see the topic 'breaches of integrity' for this purpose).

5.4 Breaches of integrity

[Article 125quinquies of the Central and Local Public Administration Personnel Act and Reporting of Suspected Abuses \(Civil Service and Police\) Decree \(Besluit melden vermoeden van misstand bij Rijk en Politie\), Bulletin of Acts and Decrees 2009, 572: NB.](#)

In autumn of 2016, this decree will be replaced by new internal whistleblower regulations that are in line with the [House for Whistleblowers Act \(Wet Huis voor klokkenluiders\) of 14 April 2016, Bulletin of Acts and Decrees 147 and 148 \(proposal to amend a bill\)](#)

[Article 80-84 ARAR](#) (disciplinary punishments).

As well as:

- *[Civil Service Sexual Harassment Complaints Procedure of 22 July 1994, Government Gazette 1994, no. 151](#) and departmental complaints procedures for undesirable conduct;*

Also see: [Article 44](#) and [Part XXVIII of the Criminal Code \(Wetboek van strafrecht\)](#) (offences involving abuse of office) and [Article 162 of the Code of Criminal Procedure \(Wetboek van strafvordering\)](#) (laying charges for offences involving abuse of office).

[Guide on Careful Enforcement](#)

Discuss, call attention to and report

If there has been a breach of integrity, you cannot simply continue to deny it. You are expected to take action if you suspect something is wrong, firstly by making it a subject for discussion and confronting others about their improper behaviour. In more serious situations, or if confrontation does not help, this can be inadequate and you are expected to at least draw attention to your suspicions or formally report them. It is preferable to first bring the breach of integrity to the attention of your supervisor. You can also always talk to a counsellor. You can then jointly look at what needs to be done next and whether or not to make a formal report. In case of an offence involving abuse of office, reporting is compulsory and charges must be laid. This is mostly done via your supervisor. An offence involving abuse of office is an offence for which specifically civil servants can be punished, or for which a higher punishment is involved if a civil servant commits it because he/she makes use of powers, opportunities or resources obtained through work. Examples include the embezzlement of money, falsification of books or registers, destruction of evidence, bribery, abuse of power, or intentionally allowing someone to escape.

Further information about breaches of integrity and the reporting thereof can be found on the Central Public Administration website. Organisations also have their own procedures for reporting breaches of integrity. Find out more within your organisation. There are separate procedures for undesirable conduct, sexual harassment and other forms of harassment and intimidation. A complaints procedure for sexual harassment applies across the Central Public Administration. Departments and organisations also often have their own complaints procedures for undesirable conduct and sexual harassment.

Whistleblower regulations and House for Whistleblowers

A procedure that applies across the Central Public Administration, also known as whistleblower regulations, applies to the reporting of abuses. This decree will have to be reviewed soon due to the introduction of the House for Whistleblowers Act and it will then apply to the Central Public Administration, police and defence.

Not every breach of integrity is an abuse: the social interest must be at stake. Examples include a risk to public health, people's security or of environmental degradation. Another example would be if the proper functioning of the civil service were jeopardised as a result of a seriously improper act or omission. As the person making the report, or whistleblower, you may not be prejudiced because you have reported a suspected abuse.

Report the matter first to your direct supervisor, or otherwise to the higher supervisor(s) or the counsellor. External reports can also be made to the House for Whistleblowers. This can be done if there has been a failure to process your internal report promptly or properly and, if necessary, directly, for instance because several supervisors are involved in the abuse or there is a risk that evidence will disappear. The purpose of 'the House' is not solely to obtain advice on and report abuse; it also provides information on whistleblowing and integrity to employees and employers. A number of existing organisations have been incorporated in 'the House'. These are the Advisory and Referral Point for Whistleblowers (*Adviespunt Klokkenluiders*), the Central Public Administration Integrity Board (*Onderzoeksraad Integriteit Overheid*) and the National Office for Promoting Ethics and Integrity in the Public Sector (*Bureau Integriteitsbevordering Openbare Sector - BIOS*).

Investigation and sanctions

If you contravene the rules relating to integrity, this is regarded as dereliction of duty. This can also occur in the private sphere.

Depending on the nature and seriousness of the established dereliction of duty, this can lead to different sanctions.

Before a sanction is imposed, a thorough investigation must always take place first. The facts must be duly established and the relevant circumstances must be taken into account. The arguments of both parties must be heard, careful reports must be drawn up and – insofar as applicable – investigative resources must be used proportionally.

5.5 Further information and advice

Dare to ask questions

There will always be situations in which it is unclear what you must do. Acting with integrity is so much more than applying rules and directives. It is a question of being aware of interests and possible effects, of weighing things up and making choices. You will also not always immediately find the answer with colleagues and supervisors. And often there is more than one solution to an integrity problem.

For this reason, it is good to approach people within your organisation who deal specifically with integrity, such as the counsellor, compliance officer and the integrity coordinator. Make use of their experience and expertise. They will often be able to provide further assistance.

A lot of general information is also available on the Central Public Administration website (under personnel/integrity). Organisation-specific information can also be found on the Central Public Administration website, or the website of your own organisation.

You can also approach the [House for Whistleblowers](#) for information and advice outside the Central Public Administration.

Model Integrity Statement of the Central Public Administration for External Parties

I declare the following as an external worker of the Central Public Administration:

Integrity values:

As a representative of the Central Public Administration, I understand that I serve the public interest and that this work implies special responsibility. Citizens must be able to trust the Central Public Administration, and that includes me. This means that I will always act as a good representative of the Central Public Administration and act in accordance with the integrity values as set out in the Code of Conduct for Integrity in the Central Public Administration:

- independently and impartially;
- reliably and carefully;
- and be accountable for my responsibility.

Code of Conduct and other regulations:

I have taken note of and will abide by the Code of Conduct for Integrity in the Central Public Administration and the Code of Conduct for the Digital Environment (optional: and/or specific organisational regulations). These regulations were provided to me when I commenced my work.

My attention was drawn specifically to the following two aspects of the regulations:

Confidentiality and information security

I have been informed of my obligations with regard to the confidentiality of the information entrusted to me and am aware that the failure to comply with this obligation may lead to criminal prosecution. I am aware of my responsibility to secure information and information carriers. I am also aware that the duty to keep information confidential continues beyond the end of my work.

Conflicts of interest

I am aware that there may be no conflicts of interest whatsoever. If a conflict of interest nevertheless occurs, I will report this immediately of my own accord.

Initials and surname of external worker:

Name of organisation and external worker’s position

External worker’s signature Date:

Supervisor’s initials (as seen):Date:

APPENDIX 2

Table of changes

		Changes 2016 update
4.1.3	<i>Financial interests and trade in securities</i>	Numbering has changed from 4.1.4 to 4.1.3 (text is unchanged)
4.1.4	<i>Secondary activities and incompatible duties</i>	Rewritten and numbering changed from 4.1.3 to 4.1.4
4.1.5	<i>Cooling-off period in a sensitive move to other work</i>	New (new policy)
4.1.6	<i>Procurement, hiring and tenders</i>	Rewritten as regards amended regulations and policy for external work (<i>ban on revolving-door arrangement within the Central Public Administration has ceased to apply</i>)
5.4	<i>Breaches of integrity</i>	Editorial changes as regards amended regulations (<i>introduction of the House for Whistleblowers</i>)
Appendix 1	<i>Model Integrity Statement of the Central Public Administration for external parties</i>	New
Appendix 2	<i>Table of changes</i>	New