

CODE OF BUSINESS CONDUCT
Commission Members
BROADCASTING COMMISSION OF IRELAND
Aug 2005

1. Introduction

The Broadcasting Commission of Ireland (BCI) has developed this Code of Business Conduct for members and staff of the Commission as required under Paragraph 2.1 of the Code of Practice for the Governance of State Bodies. The Code of Practice requires that the Commission approves a Code of Business Conduct, taking account of the implications of the Standards in Public Office Acts, 1995 and 2001. A copy of the Code is available upon request and on the BCI website.

2. Intent and scope

The purpose of this Code is to provide guidance to the members of the Commission in performing their functions and duties as set down in the Radio and Television Act 1988, the Broadcasting Act 2001 and the Broadcasting (Funding) Act 2003. Copies of these Acts have been provided to members of the Commission. This code is also intended to provide guidance to the members of the Commission in relation to their responsibilities under the Standards in Public Office Acts, 1995 and 2001.

3. Objectives

The objectives of the Code are:

- To establish an agreed set of ethical principles
- To promote and maintain confidence and trust in the Members of the Commission
- To prevent the development or acceptance of unethical practices
- To promote the highest standards in the conduct of the activities and business of the Commission

4. General principles

All members of the Commission are required to perform their functions in accordance with the following principles:

4.1 *Integrity*

- 4.1.1 The members of the Commission acknowledge the duty to conform to the highest standards of conduct and business ethics.
- 4.1.2 The Commission is committed to conducting its activities in accordance with its statutory remit, public policy and best business practice.
- 4.1.3 The Commission undertakes to fulfil its regulatory and statutory obligations in accordance with the Radio and Television Act, 1988, the Broadcasting Act, 2001, and the Broadcasting (Funding) Act, 2003.
- 4.1.4 The Commission is committed to ensuring that its accounts and/or reports accurately reflect its business performance and are not misleading or designed to be misleading.
- 4.1.5 The Commission is committed not to acquire information or business secrets by improper means.
- 4.1.6 The Commission Members shall avoid the use of the Commission's resources or time for personal gain or for the benefit of persons/organisations unconnected with the body or its activities.

4.2 *Information*

- 4.2.1 The Commission shall comply with all relevant statutory provisions (e.g., data protection legislation, the Freedom of Information Act, etc.)
- 4.2.2 The Commission is committed to providing access to general information relating to its activities in a way that is open and that enhances its accountability to the general public.
- 4.2.3 Members of the Commission shall respect the confidentiality of sensitive information held by the Commission while complying with the requirements of the Freedom of Information Act, 1997, and the Freedom of Information (Amendment) Act, 2003, constituting such information as:
 - Commercially sensitive information;
 - Personal information;
 - Information received in confidence by the Commission.

4.2.4 The Commission shall observe appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.

4.3 *Purchasing and Other Controls*

4.3.1 The Commission shall comply with detailed tendering and purchasing procedures, as well as with prescribed levels of authority for sanctioning any relevant expenditure in line with its procurement policy.

4.3.2 The Commission has introduced controls to prevent fraud, including adequate controls to ensure compliance with prescribed procedures in relation to claiming of expenses for business travel.

4.4 *Loyalty*

4.4.1 The members of the Commission acknowledge their responsibility to be loyal to the Commission and fully committed in all its statutory activities, while mindful that the organisation itself must at all times take into account the interests of the state and other stakeholders.

4.5 *Fairness*

4.5.1 The Commission values its stakeholders and is committed to fairness and due process in the conduct of its activities and business dealings.

4.5.2 The Commission is committed to complying with all employment equality and equal status legislation.

4.6 *Gifts and Hospitality*

4.6.1 The Commission does not provide corporate gifts, hospitality (other than normal business courtesies), preferential treatment or benefits to suppliers or business partners.

4.6.2 Members of the Commission are not permitted to receive corporate gifts, preferential treatment or benefits of any kind other than items of very small intrinsic value.

4.6.3 Members of the Commission are obliged to ensure that the acceptance by them of hospitality does not, or could not reasonably be seen to influence them in the discharge of their duties or official functions. The frequency and scale of hospitality should not be significantly greater than the Commission would be likely to provide in return. No objection would normally be made to the acceptance of what is regarded as routine hospitality.

4.7 *Work and external environment*

4.7.1 Commission members and management place the highest priority on promoting and preserving the health and safety of employees.

4.7.2 The Commission ensures that community concerns are considered in its activities and operations.

4.7.3 The Commission aims to minimise any detrimental impact of its operations on the environment.

5. Participation in Meetings of the Commission and Disclosure of Interests

The members of the Commission undertake to comply with the following statutory obligations.

5.1 *Legislative Requirements*

Members of the Commission undertake to be familiar with and to comply with their legislative obligations, including, inter alia, the Standards in Public Office Acts 1995 and 2001, the Radio and Television Act 1988, the Broadcasting Act 2001 and the Broadcasting (Funding) Act 2003.

5.2 *Disclosure of Interests*

5.2.1 Members of the Commission shall prepare and furnish to the Commission for each year or portion of a year in which they are a member of the Commission any or all of the relevant statutory declarations.

5.2.2 In accordance with the provisions of Section 5 of the Schedule to the Radio and Television Act 1988 -

A member of the Commission who has:

- a. any interest in any company or concern with which the Commission proposes to make any contract, or
- b. any interest in any contract which the Commission proposes to make,

shall disclose to the Commission the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Commission relating to the contract, and the disclosure shall be recorded in the minutes of the Commission.

5.2.3 The Chairperson of the Commission may request a member of the Commission to furnish details of interests if he or she believes that a conflict of interest may arise for a member.

5.2.4 It is acknowledged that the acceptance of positions upon appointment and/or engagement by a State body can give rise to the potential for conflicts of interest and to confidentiality concerns. The Commission shall, therefore, consider any cases in which such conflicts of interest or confidentiality concerns arise and shall take appropriate steps to deal with such matters in an effective manner. The Commission shall also ensure that any procedures that it may put in place in this regard are monitored and enforced.

5.3 *Membership of Oireachtas and European Parliament*

In accordance with the provisions of Section 10(1) of the Schedule to the Radio and Television Act 1988 -

Where a member of the Commission is:

- a. nominated as a member of Seanad Éireann, or
- b. nominated as a candidate for election to either house of the Oireachtas or to the European Parliament, or
- c. regarded pursuant to section 15 (inserted by the [European Assembly Elections] Act of 1984) of the [European Assembly Elections] Act 1977, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon cease to be a member of the Commission.

5.4 *Attendance at Meetings*

Members of the Commission are required to use reasonable endeavours to attend all Commission meetings.

6. Awareness

6.1 *Circulation*

The Commission has circulated this Code to all Commission members, management and employees of the Commission for their retention.

6.2 *Guidance*

The Chairperson of the Commission, in conjunction with the Secretary of the Commission, shall provide guidance on this code generally and on the disclosure requirements.

7. Revision

7.1 The Commission shall review this Code from time to time.

7.2 Any revision to this Code shall be considered and approved by the Members of the Commission.