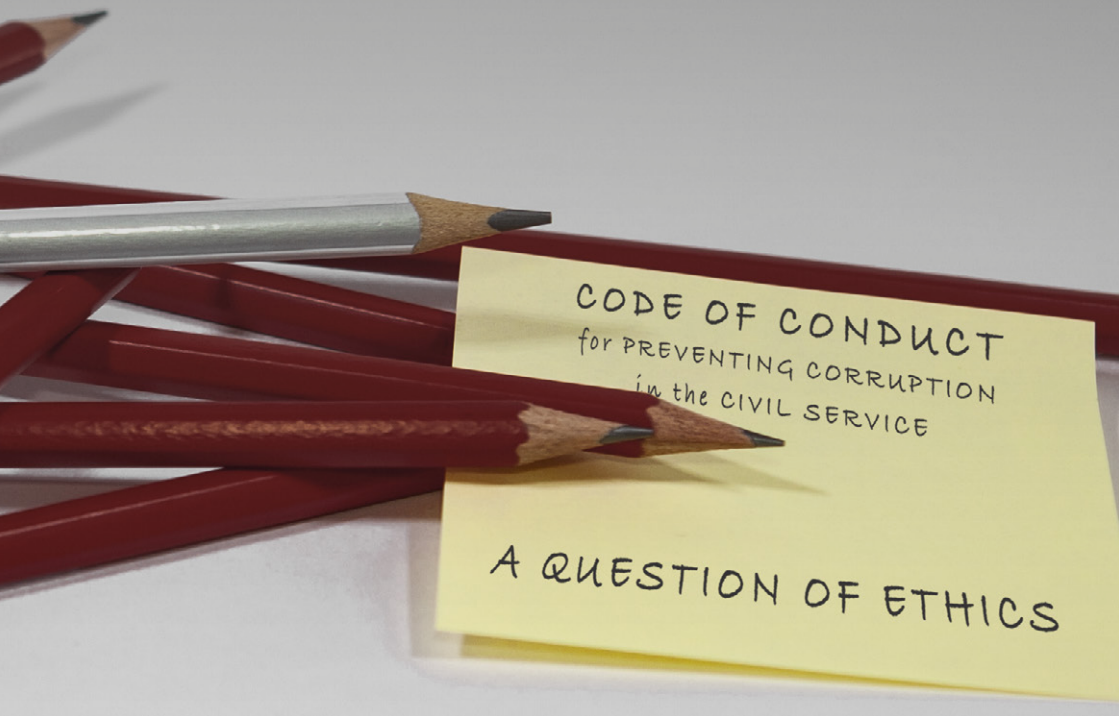


# THE RESPONSibility

RESTS WITH ME



CODE OF CONDUCT FOR PREVENTING CORRUPTION  
IN THE CIVIL SERVICE

## PREAMBLE

Austria and its civil service are highly committed to preventing and fighting corruption. Austria has signed a number of international agreements that commit us to taking further action to prevent corruption and subject our efforts to a regular evaluation.

The UN Convention against Corruption and the pertinent Council of Europe conventions provide for, among other things, the drawing up of a code of conduct that is intended to provide civil servants with a standard for their daily professional activities.

This was taken as an opportunity to revise and update the code of conduct for civil servants from 2008, which is applicable across departments and territorial authorities. This revision was carried out via working groups representing experts from the federal government, the Austrian states, cities and municipalities, the Public Service Union (GÖD), the trade union *Die Daseinsgewerkschaft* and Transparency International – Austrian Chapter, a non-governmental organisation working in the area of anti-corruption.

The Code of Conduct for Preventing Corruption in the Civil Service outlines the regulations under both criminal law and public services law that are applicable across departments and territorial authorities; it does not, however, establish any new standards. In addition to the applicable regulations under public services law at federal government, state or municipality level, the following legislation must be also observed (not exhaustive): the Federal Constitutional Law of Austria, the Federal Procurement Act 2018, the General Data Protection Regulation, the Data Protection Act, the Lobbying and Advocacy Transparency Act and the Criminal Code. These and oth-

er current legal provisions can be accessed free of charge via the federal government's legal information system at [www.ris.bka.gv.at](http://www.ris.bka.gv.at)

Corruption has many faces. Transparency International defines corruption as the abuse of entrusted power for private gain. Corruption may be deliberately planned by persons who wish to gain an advantage or to bribe, and the groundwork may be laid over a significant period of time. This often begins with making seemingly innocuous contacts, giving small token gifts and investigating practices and weak points among the civil servants who are targeted to be given perks or to be bribed. After practices and weak points have been sought out, only small "favours" are accepted at first – perhaps just within the bounds of what is permissible. Soon after, the civil servant is led to commit "minor" offences and infractions out of a sense of "friendship", so that they can "return the favour". The mutual dependency that this creates means that the individual is subsequently targeted for illegal activities, often combined with blackmail to ensure their continued cooperation. However, corruption can also arise from a situation spontaneously, without any planning or preparation.

Among other things, the Code of Conduct serves to raise awareness that seemingly harmless actions can become problematic. It helps us to openly address issues relating to corruption and its prevention so that we can find the right solutions. When in doubt, I always have the option of consulting the Code of Conduct, asking myself ethical questions, or consulting with my manager. The ability to respond correctly in situations where there is a risk of corruption serves not only to ensure legal certainty for me and prevent any implications under criminal and public services law; it also serves to

protect public trust that official duties are being performed reliably and objectively. We should therefore be vigilant and not create an opportunity for corruption, maladministration or self-serving actions aimed solely at personal gain to take hold in the civil service. This is how we will protect the reputation of the civil service, as well as Austria's reputation as a reliable business location.

My conduct is a response to how the Austrian civil service deals with arbitrariness, corruption and the abuse of power. I am aware of the RESPONSibility I bear towards my fellow human beings. In asking myself ethical questions, I am optimising my personal ethical compass by continuously questioning the reasons behind my actions. I have high confidence in my ability, and that of my colleagues, to act with integrity and responsibility in a loyal, transparent, objective and fair manner in accordance with the rule of law, and to abide by our general principles of conduct.

To those who do not conduct themselves in this way, I would like to say quite clearly:

I will not allow the actions of a few to destroy my excellent work and reputation.

I STAND FIRMLY AGAINST ANY FORM OF CORRUPTION, BECAUSE  
THE RESPONSIBILITY RESTS WITH ME!



TIP



Ethical QUESTION



EXAMPLE

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# Abiding by the general principles of conduct

As part of the civil service, I am committed to the principles of the rule of law, loyalty, transparency, objectivity, fair treatment, integrity and responsibility.

Together with my managers and colleagues, I uphold these principles, set a good example for others and remain true to myself. I am proud of these achievements.

## RULE OF LAW AND LOYALTY

01

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The legal system forms the foundation, the standards and limits of my conduct. I conduct myself in a lawful and dutiful manner and show due respect to the people I encounter. Mutual respect and support throughout all levels of the hierarchy, along with reliability and trust, creates transparency, quality, safeguards against arbitrariness and ensures effective legal protection.



When in doubt regarding the interpretation of a legal provision, I consult with my manager.



Is my conduct consistent with Austrian legislation?

## TRANSPARENCY

I work transparently, i.e. in a way that is accountable, and provide information to individuals or to the public regarding my professional activities in line with my duty to disclose, provided that my confidentiality obligations or other obligations to maintain secrecy do not oppose the disclosure.

I document both the disclosure and non-disclosure of information, along with the reasoning behind my decision.



Could the official act be reconstructed in full by someone who was not present, based on the documentation?



## OBJECTIVITY AND FAIR TREATMENT

The public expects me to work diligently and in an unbiased manner and to uphold this stance through my conduct. Essentially, I know where my limits are. Many of my duties are routine, which enables me to work efficiently. Even when performing routine duties, I am always vigilant. In doing so, I ensure that I will remain objective in future.

01

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My aim is to treat others in the way I would wish to be treated in a similar situation. For this purpose, I avoid anything that could create the impression that I am favouring or disfavouring others. This might include partisanship, unobjective language and inappropriate personal remarks, as well as discriminatory statements and acts and blanket judgements.

I issue only permitted instructions. I refuse to accept intervention and protectionism with the aim of deliberate unequal treatment, or improper official conduct. The same applies to "favours" granted out of a misunderstood desire to help.



I assess the case of each person submitting a request solely on the basis of objectively assessable circumstances and treat each individual as I myself would like to be treated.



Would I conduct myself in the same way if I were dealing with this matter for the very first time? Does my first impression stand up to objective scrutiny?

## INTEGRITY

I always conduct myself in such a way that my actions are consistent with my personal ethical value system and in line with the general principles of conduct set out in the Code of Conduct. In this way, I play an important role in upholding the integrity of the civil service.



I always maintain respect for myself and for others.



Could I tell my manager and colleagues about my conduct, openly and without hesitation?

## RESPONSIBILITY

I am responsible for preventing, recognising and reporting bias. Therefore, I am also responsible for the implications of acting unobjectively. I, like all my colleagues, must be accountable for my conduct and cannot shift my RESPONSibility onto them, my manager or the organisation.

Where I make a report in good faith to my employer or to the Federal Bureau of Anti-Corruption (BAK) with regard to a reasonable suspicion of corruption, I must not be disadvantaged by my employer in response to the report.

If, on the other hand, I make unfounded accusations, I will be held RESPONSible. Irrespective of how seriously others take this principle, I remain responsible for myself and set a good example for others.



I always remember: The RESPONSibility rests with me!

What are the implications of my conduct, for myself and others?  
Would I find it acceptable if my manager or colleagues did the same thing?



01

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### RESPECTING THE BAN ON ACCEPTING GIFTS

In many cases, corruption starts by accepting gifts or other perks that are given with regard to an official position or administration of office.

Perks do not only include money or valuables that I receive as a gift. A perk can be anything that makes me, or my relatives, better off in any way, be it tangible or intangible. Some examples of this include:

- Non-cash gifts
- Tips
- Gift vouchers
- Holiday trips
- Dinner invitations
- Tickets
- Significant discounts exceeding a normal level
- Offers of services
- Job offers
- Offers of secondary employment
- Support with application requests
- Free use of vehicles or accommodation, etc.

It is not necessarily a question of the monetary value of the gift.

Only when private and official matters are kept separate can decisions be made without influence; I maintain this separation particularly in the case of gifts and other perks.

For this reason, I am especially diligent when dealing with gifts and other perks. I bear in mind that the way in which I handle perks may affect the public's perception of the civil service.

I also ask myself who wants to give me the perk, and for what reason. If I accept unauthorised gifts or other perks, I may be subject to disciplinary and criminal sanctions.

I am aware that requesting, accepting or allowing myself to be promised a perk in exchange for the performance or non-performance of an official function in breach of my duty will be punished – irrespective of the value of the perk.

When in doubt, I refuse gifts or other perks.

I always remember that the acceptance of gifts and other perks is generally prohibited. The law does, however, provide for exceptional cases in which perks may be accepted or received. I do not accept or receive any other perks.

Have I checked whether the gift or other perk is permissible and am I responding correctly to the specific situation?

A new company that provides consulting services would like to introduce itself in an in-person meeting and invites me to lunch at a nearby restaurant.

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My objectivity, along with the reputation of the civil service, could be damaged if I accept the invitation. I politely but firmly decline the invitation and pay my own bill. Where possible, I use an available meeting room or my office to carry out this type of meeting.



I am offered a valuable bottle of wine as a gift.

Remembering the ban on accepting gifts, I politely but firmly decline the gift so that I do not create even the merest impression of being influenced.

## 02

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### RECOGNISING LOW-VALUE TOKEN GIFTS CUSTOMARY IN A REGION OR COUNTRY

The ban on accepting gifts does not apply to low-value token items that are customary in the region or country (the so-called "3K" rule: "Kugelschreiber, Kalender und Kleinigkeiten" [pens, calendars and small items]).



Token gifts in the form of money/tips or vouchers are never customary in a region or country.

Discounts and perks that are customary in the market and that are generally available to all customers (e.g. when a certain annual sales volume is reached), or that are offered on the basis of agreements concluded with the employer or the staff committee/works council, are generally considered innocuous.



Have I assessed in each individual case whether the gift is of low value or is customary in the region or country?



In my department, satisfied customers often wish to give money to the civil servants "for the coffee fund".

I politely but firmly refuse this money.

One morning, I find a thank-you note containing EUR 20 from a citizen expressing her thanks for an official act.



Perks such as cash, cheques, banker's orders or postal orders to which there is no legal entitlement must be immediately reported and returned via the official channels.

Upon completing a project, I am presented with a bouquet of flowers/box of chocolates.



Giving a bouquet/box of chocolates as a token gift is generally customary in the region or country. Provided that the bouquet/box of chocolates is of low value, I may accept it.

02

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## RECEIVING HONORARY GIFTS

Receiving honorary gifts is permissible in order to avoid delicate situations that could arise should they be refused, particularly within the international sphere.

Honorary gifts are items presented by other nations, public authorities or traditional institutions (e.g. voluntary fire departments, social partners) to honour someone's accomplishments, to mark a festive occasion or as a courtesy.

It is important that when receiving an honorary gift, the emphasis is on the purpose of honouring the person, not the material value. I may receive this type of gift, but I may not keep it straight away.





I am allowed to receive honorary gifts only on behalf of my employer and I comply with any reporting requirements. Honorary gifts of low or symbolic value may be given for my personal use.



I am part of a delegation and, on the last day of the trip, I and the other participants receive a silk scarf from a representative of the host country.

This is an honorary gift. I am able to accept the silk scarf and I comply with any reporting requirements. As an honorary gift, the silk scarf may be given to me for personal use.

## 02

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### CHECKING PERKS AT EVENTS IN WHICH THERE IS A JUSTIFIED OFFICIAL INTEREST IN PARTICIPATING

Aside from low-value token gifts customary in a region or country, certain perks may be accepted in connection with events (e.g. congresses, conferences, trade fairs, training and continuing education courses) in which there is an official, or otherwise objectively justified, interest in participating.

An objective assessment must be made as to whether there is a justified official interest in participating. Furthermore, a justified official interest in attending an event only exists if my employer is aware of and consents to my participation.

When I participate in an event where there is a justified official interest in my participation, I consider whether any perks offered are:



1. Generally given to all participants as part of the event
2. Consistent with the standard usually seen at comparable events
3. Appropriately related to the content of the event, and
4. Not related to a specific official function, aside from its relation to the content of the event.

I may only accept a perk when I am able to answer "yes" to all four questions and there are no concerns from a criminal law perspective.

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When in doubt, I consult with my manager or the Compliance Office, or I do not accept the perk.

I attend a conference related to my professional field. As part of the event, participants are presented with a textbook on the subject area being covered.



The conference is an event in which there is a justified official interest in participating, as I am attending with the knowledge and consent of my employer.

The textbook is offered to all participants as part of the event; it is also standard practice at continuing education and training events to receive professional brochures and informational material on the subject area being covered. Where the perk has no connection to a specific official function and is not predicted to have a connection to a future official function, I may accept the textbook.



I participate in a three-day continuing education and training event. As per the programme, on the first day there is an opportunity, following the official portion and dinner, for all participants to get together to voluntarily share their experiences – drinks and catering will be provided by the organiser.

The continuing education and training event is an event in which there is a justified official interest in participating, as I am attending with the knowledge and consent of my employer.

This opportunity to share experiences is open to all participants and drinks and catering are provided equally to all participants. The sharing of experiences between participants is consistent with standard practice at comparable continuing education and training events that run for multiple days. These sessions provide an appropriate setting for participants to share their experiences on the subject areas being covered at the event.

Where the perk has no connection to a specific official function and is not predicted to have a connection to a future official function, I may attend this sharing of experiences and accept the drinks and catering.

## REACTING CORRECTLY TO A SPECIFIC SITUATION

Whenever I am offered gifts or other perks, I ask myself the following questions, in particular:



1. Who wants to give me the gift or perk, and for what reason?
2. Would accepting the gift or perk diminish public confidence in the objectivity of the civil service?
3. Does my conduct create the impression that I am amenable to receiving gifts or other perks?
4. Would I want to accept the gift or perk even if witnesses were present?
5. How would accepting the gift or perk look to others? Would I accept the gift or perk even if it was in the newspaper the next day?
6. Am I liable to prosecution?

I always have the option of referring to the Code of Conduct for help. When in doubt, I immediately consult my manager or a colleague in order to ensure that all further processes are as transparent as possible.



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## DEALING WITH LOBBYING

Lobbying is defined as organised and structured contact in the interest of a contracting entity that engages functionaries for the purpose of directly influencing decision-making in the legislative or executive processes of the federal government, states, municipalities and municipal associations. Representing the interests of those who are affected by legislative and executive processes is generally legitimate and can provide decision-makers with a comprehensive picture of the economic, social, ecological and other implications of government action, as well as whose interests are affected in a given case. In order to avoid unwanted influence, while at the same time enabling civil society to participate in government decision-making, a high degree of transparency and openness must be established. This should ensure that the quality of processes is improved and that decisions are made based on comprehensive information.

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In order to regulate lobbying activities and create the necessary degree of transparency, the Lobbying and Advocacy Transparency Act (LobbyG), which entered into force in 2013, was created. In essence, this contains:

1. Conduct obligations when dealing with the public sector
2. Registration obligations in the lobbying and advocacy register, and
3. Sanctions in specific cases of violation of these obligations.

Lobbying firms and lobbyists (persons that work for lobbying firms) are subject to all obligations and sanctions of LobbyG. They must register before making contact.

They must also notify me of the identity and specific objectives of their contracting entity. They must also comply with the conduct obligations. In particular, they may not exert unfair or undue pressure on me.

Some companies employ corporate lobbyists or in-house lobbyists (own primary lobbying agents or employees of these companies) instead of engaging lobbying firms. If these corporate lobbyists or in-house lobbyists spend more than 5% of their annual working hours performing lobbying activities, they must comply with the majority of the obligations set out in LobbyG and are subject to its sanctions.

Self-governing bodies as defined in LobbyG are institutions that are based on a law or ordinance and that safeguard the professional or other shared interests of their members (e.g. professional chambers).

For these self-governing bodies and their stakeholders (primary lobbying agents or employees that spend the majority – i.e. more than half – of their annual working hours performing lobbying activities), the regulations of LobbyG apply only to a limited degree. Stakeholders are, for example, exempt from the sanctions set out in LobbyG.

Primary lobbying agents and employees of interest groups that primarily carry out lobbying activities and that act – in contrast to self-governing bodies – on the basis of private law (e.g. as an association or syndicate), also constitute stakeholders as defined by LobbyG.

For these, too, the regulations apply only to a limited degree and they are not subject to sanctions.

Political parties, legally recognised churches and religious societies, the Association of Austrian Municipalities and the Austrian Association of Cities and Towns, statutory social insurance funds and their umbrella organisations, along with interest groups that do not employ employees as stakeholders, are fully exempt from LobbyG. Only certain registration obligations apply to social partners and institutions empowered to negotiate collective agreements. These are exempt from both the conduct obligations and sanctions. Other self-governing bodies and interest groups are required only to comply with certain registration obligations and certain conduct obligations, specifically the principles applicable to lobbying activities and advocacy. They are also not subject to sanctions.

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Before initial contact is made, I question whether the person is active as a lobbyist, corporate lobbyist or stakeholder as defined in LobbyG. Where necessary, I ask them to disclose their identity, contracting entity and assignment. If they are obligated to register, I can consult the lobbying and advocacy register at [www.lobbyreg.justiz.gv.at](http://www.lobbyreg.justiz.gv.at) for more information.

An employee from the lobbying department of a large company contacts me to promote a newly launched product.



As an employee of the lobbying department, the corporate lobbyist performs lobbying activities for more than 5% of his or her annual working hours and is therefore obligated to comply with the majority of the obligations set out in LobbyG and is subject to sanctions. I ask the lobbyist to disclose their identity, meaning that I can consult the lobbying and advocacy register. I also consult with my manager before any further discussions take place and document this discussion. I always represent the interests of my department and observe my confidentiality obligations, other obligations to maintain secrecy and the applicable legislation, in particular public procurement law.

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## DEALING WITH SPONSORSHIPS

The performance of public duties must not be dependent on sponsorship. This is to ensure that the civil service is independent and cannot be influenced.

Sponsorship is the donation of money or perks of monetary value (material resources, services or expertise) by a sponsor (a legal entity or natural person) who is generally also pursuing justified economic interests alongside the promotion of a public function or public institution (the non-material component). The sponsor's intention is, among other things, to enhance the image and reputation of their service and to increase their public presence (promotional effect). The interests of the sponsor must be compatible with the objectives of the civil service.



Sponsoring is ruled out from the outset if it creates even the merest impression of influenceability. Sponsorship may only be granted to the territorial authority or municipal association by which the civil servant is employed, within the framework of private-sector administration activities. Sponsorship may not be agreed in exchange for an official function or with a view to influencing the performance of official duties. In government administration, an (explicit) legal basis is required when linking a sponsorship to an official function. Sponsorship is to be distinguished from a gift or donation to a territorial authority or municipal association (e.g. targeted at a department or authority), for which there is no quid pro quo.

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A business owner informs me that she would like her company to support a cultural or sporting event organised by my department. In return, advertising banners and the company logo could be displayed at the event in order to generate publicity for the company.

I consult with the responsible office or my manager. A contract must be concluded and a number of legal matters considered (e.g. criminal law, public services law, civil law, public procurement law, competition and state aid law, tax law) in order to accept a sponsorship.



I also follow this procedure where a gift or donation is offered to a territorial authority, and consult the responsible office or my manager.

I ensure that the prohibition on accepting gifts is not circumvented (see subsection "Respecting the ban on accepting gifts").

CODE OF CONDUCT FOR PREVENTING CORRUPTION

☰ Republic of Austria

### BEING MINDFUL OF IMPARTIALITY AND REACTING TO BIAS

I am employed in the civil service and, just like everyone else, I have individual opinions, attitudes, values and personal interests. However, impartiality is of paramount importance in the civil service. My conduct is determined by many different factors. I am aware of this, and only through this knowledge am I able to act objectively. Situations can always arise – both in private as well as professionally – that I am not able to judge objectively, or where I could create this impression. If I am not able to approach a matter with complete impartiality and an open mind, or even create the appearance of doing so, I am no longer objective – I am biased. It is sufficient if I, as a result of external circumstances, merely create the impression for others that I will not, or am not able to, act purely on the basis of objective criteria.

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### PREVENTING CONFLICTS OF DUTY

When performing my duties, I regularly ask myself whether there is any reason to doubt that I am completely unbiased. In doing so, I consider whether conflicts might exist between my official duties and my obligations to friends and family, social obligations or political activities. I can account for my conduct at all times, both to myself and others. In my official duties (both professional and non-professional), I proactively watch out for potential bias. I purposefully conduct myself in such a way that my professional duties cannot mix with my other activities. Of course, I strictly comply with legal regulations aimed at preventing conflicts of interest.

I am responsible for awarding a public contract, or am able to influence the outcome of a contract award, in which I have a direct or indirect financial, economic or other personal interest.



There is a conflict of interest. My impartiality and independence during the procurement procedure could be compromised. In this case, my department – as the contracting authority – must take measures in order to prevent, detect and remedy the conflict of interest. If this is not possible via less severe measures, any contractors affected must be excluded from the procurement procedure.

Am I aware that the employment of close relatives at (contracting) companies can also create a conflict of interest, and therefore bias on my part?

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### BIAS REQUIRES RESPONSE

If it is possible for (even the appearance of) bias to exist, I immediately report this to my manager. Where this risk is imminent, I only carry out official acts that are necessary and cannot be postponed and immediately arrange for someone else to carry out the relevant duties. However, I do not use bias as an excuse to escape my RESPONSibility.

## NO SECONDARY EMPLOYMENT WITH POTENTIAL BIAS

Generally speaking, extra-professional commitments make an important contribution to society. I am aware that, as a result of the RESPONSibility I bear, this commitment is subject to particular rules. These rules ensure that there are no incompatibilities, helping ensure that the civil service remains objective, impartial and lawful.

Secondary employment is any employment that is performed outside of the official employment relationship. This includes all salaried and self-employed activities, as well as any paid or voluntary roles within companies or associations.

Secondary employment that

1. interferes with the performance of official duties, or
2. creates the impression of bias, or
3. poses a threat to other significant official interests

is prohibited.

This is intended to prevent me from finding myself in a situation where I can no longer make impartial decisions as a result of my secondary employment.



Accepting secondary employment from persons or companies with which there is already an official relationship may involve a pecuniary advantage and therefore represents an impermissible gift or perk.

## COMPLYING WITH REPORTING AND OTHER OBLIGATIONS FOR SECONDARY EMPLOYMENT

I am fully compliant with legislation, regulations and decrees concerning reporting requirements, any conditions for approval and bans on secondary employment.

I report any secondary employment in a timely manner and in full. Only by submitting timely, complete, and sufficiently detailed reports of my planned activities will my employer be able to determine whether a conflict of interest might arise from my performing this secondary employment.



## REPORTING FUNCTIONS IN SOCIETIES AND ASSOCIATIONS

As a general rule, it is not only gainful secondary employment that must be reported. Appointments to a management board, supervisory board, administrative board or to a body of a for-profit entity under private law (e.g. GmbH, AG) must also be reported. Voluntary activity within a body of a non-profit association is usually not reportable.

However, accepting this type of role may result in bias if there is crossover, or could be crossover, between my official activities and the company or association. In this case, I do not perform the secondary employment.

I maintain a strict separation between my main occupation and any private appointment.

I am conscious that my profession takes priority and consider whether my secondary employment might conflict with my official duties.



Close personal relationships resulting from secondary employment must not influence my official duties. When in doubt, I forego the secondary employment.

### RESPONDING TO THE MERE APPEARANCE OF BIAS

I do not process files or cases for persons (e.g. clients, contractors) with whom I am, have been, or will be engaged in secondary employment.

Where, in an individual case, any bias is created as a result of secondary employment, I immediately arrange for someone to cover the relevant duties and promptly seek the advice of my manager.

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Critical factors within an individual's main occupation include, for example, duties relating to the awarding of contracts and promotions, the conclusion of contracts, performance monitoring, contract monitoring or official tasks (approval procedures, supervision and control).



Official experts may not, for example, act simultaneously as planners or intermediaries for companies within their own professional field.



In the case of secondary employment, critical factors include (equity) participation in, or collaboration (e.g. as a lecturer, consultant or expert) with, companies with which there is an official relationship.

## BEING MINDFUL OF CONFLICTS OF INTEREST WITH SUBSEQUENT EMPLOYMENT

Certain types of subsequent employment in the private sector may affect the public's confidence in my objectivity when performing my previous official duties.

This includes positions within legal entities that are not subject to public scrutiny (e.g. private companies) over whose legal position I had a significant influence prior to the termination of my employment or my retirement (e.g. contract award process, official proceedings). I comply in all instances with the statutory (e.g. time-related) restrictions with regard to subsequent employment in order to avoid conflicts of interest.



### AS TRANSPARENT AS POSSIBLE – AS DISCREET AS NECESSARY

In order to maintain the required level of transparency within the civil service, alongside provisions relating to the duty to disclose information, I also comply with regulations relating to confidentiality obligations and other obligations to maintain secrecy. To ensure the lawful protection of data subjects, I maintain confidentiality with regard to certain information. I am aware that, depending on my area of work,

I am subject to various, specific confidentiality obligations and/or obligations to maintain secrecy that limit my duty to disclose information. These also apply when I have retired or after I leave the civil service.

The disclosure of information that is acquired solely in the course of my professional duties may violate the legitimate interests of third parties. I therefore always observe the regulations concerning confidentiality obligations and other obligations to maintain secrecy. To the extent stipulated by law, I am bound to confidentiality with respect to all facts disclosed to me in the course of my official duties for which secrecy is required:

- In the interest of national defence
- In the interest of national security
- In the interest of maintaining peace, order and security
- To lay the groundwork for a decision
- In the economic or financial interest of the federal government, a state, municipality, municipal association or other self-governing body as a public entity
- In the overriding legitimate interest of another person, or
- For compelling reasons relating to integration or foreign policy or concerning foreign relations.

This obligation applies with respect to all persons to whom I am not required to provide official notification of these facts. I may be released from certain confidentiality obligations.

It is not only events and facts that are subject to confidentiality obligations – consideration must also be given to internal processes, including plans and ideas inferred from discussions, instructions that have not been officially released and decisions or documents that have not yet been delivered. In cases of doubt, I consult my manager. I document both the disclosure and the non-disclosure of relevant information, along with the reasoning behind each of my decisions.



1. What obligations of confidentiality and secrecy apply to me?
2. Am I aware of the implications of unlawfully disclosing, or refusing to disclose, information?
3. Have other persons gained an unlawful advantage as a result of information I have disclosed and does this violate the general principle of conduct of objectivity and fair treatment?





I am participating in a public discussion group as a private individual. During the course of the discussion, I am asked in front of the assembled audience for confidential information from "my institution".

Confidential information that is subject to a confidentiality obligation or any other obligation to maintain secrecy will not be disclosed by me under any circumstances. I make it clear that I am not participating in the discussion on behalf of "my institution", but as a private individual.



Someone I know engages me in a conversation about the specific projects that I am currently involved with, or will be involved with in future.

I change the subject so that my confidence cannot be betrayed. If I were to tell the person about specific projects, they could use my knowledge to their advantage.

Unauthorised disclosure of insider knowledge may cause significant harm and impinge upon free competition.

## ENSURING DATA PROTECTION

Data protection is a fundamental right

Protecting personal data and complying with data protection regulations is essential for maintaining the trust of the public in the civil service.

Handling personal data is limited to specific, defined, explicit purposes resulting from an official need and is carried out in accordance with the applicable legal basis, or on the basis of consent or a contractual agreement.

I protect data that is worthy of protection from access by unauthorised persons, even where said persons are colleagues. In particular, I refrain from processing or disclosing personal data for unlawful purposes or without a legitimate corresponding business-related need for doing so.



I exercise particular care when lawfully processing "personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation" and when processing "personal data relating to criminal convictions and offences".

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1. Is it necessary that I access this data?  
If yes, am I handling this data in the proper manner?
2. Am I obligated to protect the data that I am processing?  
Is this data that I would myself protect if it were my own?
3. Have I taken all necessary measures to protect the data?
4. Would others be harmed if I lost or accidentally disclosed the data?





I find sections of personnel files left in the photocopier that contain wage and salary information and a range of other items of personal data.

I immediately return the documents to the respective department, while maintaining discretion. Maintaining the confidentiality of personal data is key.



I have access to the data in an official database. A company requests that I "obtain" data relating to a particular person.

I am conscious that in doing so, I would be violating data protection regulations and remember that all instances of access to the data may be automatically logged and evaluated. I deny this request and inform my manager.

## RESPONSIBLE USE OF SOCIAL MEDIA

### Freedom of expression

My employer, of course, respects and guarantees my right to freedom of expression as a private individual. However, I still avoid making statements that could discredit me or my employer.

### Registrations and profiles

I may not use any social media registrations or profiles belonging to my employer for private purposes, unless otherwise stipulated by role-specific or workplace-specific regulations for use.

Where I use my personal registrations or profiles on social media, I must not give the impression that this use is on behalf of, in the interest of, or with the knowledge of my employer.

### Publication of personal data

When on social media for private use, I am responsible for the information, and how much of it, that I disclose in relation to myself and others. If I wish to tag or name colleagues on social media, I obtain their consent beforehand.

### Privacy settings

I always pay attention to the privacy settings when I am active on social media. I am aware that posts on social media can reach a wide audience – often unintentionally – particularly when profile information is not restricted.

### Location data

Most mobile devices, such as smartphones and tablets, enable localisation (e.g. via GPS). I keep this in mind when sharing content on social media when the settings for determining location are enabled.

### Social engineering

During the course of my work in the civil service, I have access to a great deal of information that could be of interest to unauthorised persons.

"Social engineering" seeks to influence civil servants in the performance of their duties and persuade them to act in a certain way – for example, to circumvent security precautions or disclose confidential data.

Simply by combining seemingly trivial individual items of information, this may enable comprehensive conclusions to be drawn in relation to persons and behaviours. Therefore, I also exercise particular caution when on social media and remember that individuals on social media may assume false identities.

## Special status, even outside of the civil service

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If my role within the civil service is identifiable on social media, this means that I am representing my employer in public, even during private activities. I therefore always conduct myself in such a way that ensures that my objectivity and impartiality, as well as that of my employer, remains uncompromised.

## Limits

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When on social media I, of course, also refrain from making discriminatory and offensive statements. Even sharing or liking dubious content can be relevant from a public services law, civil law or criminal law perspective.

I therefore always consider whether my statements are appropriate to be seen by the wider public, even during heated discussions.

## Copyright

When on social media, I also take copyright into consideration.

This means that before forwarding or sharing content – such as photos, texts, videos or music – I check the copyright regulations. If I cannot clearly determine the copyright of a post, I will refrain from forwarding or sharing it.

## Confidentiality obligations

Violating confidentiality obligations or any other obligation to maintain secrecy always has implications under public services law or criminal law. Consequently, I, of course, do not share internal or confidential information on social media. I consider it important that official information that is not intended for the public remains confidential.

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### EMBODYING VALUES, ACTING AS ROLE MODEL

As a manager, I have a RESPONSibility to my organisation, my employees and the public. Especially in my role as manager, I am committed to the general principles of conduct: The rule of law and loyalty, transparency, objectivity and fair treatment, integrity and responsibility. I am a role model for my employees in embodying these general principles of conduct and in complying with the rules.

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1. Being aware of my position as a role model, I avoid conflicts of interest (bias, incompatible secondary employment) and regularly arrange appropriate awareness-raising measures (e.g. training) within my team.
2. As a manager, I ensure that the appropriate structures and measures are in place in order to minimise system-related corruption risks, for the protection of both my employees and of the organisation. To do so, I utilise internal control systems and regularly question the compatibility of any secondary employment with my employees' main occupation, such as in the event of changes within the civil service.
3. I trust in the skills and knowledge of my employees, encourage them and provide them with support and guidance in implementing of our principles of conduct.

4. As a manager, I advise my employees, where necessary, on the proper conduct in situations where there is a risk of corruption or incompatibility, and encourage them to conduct themselves correctly.
5. I ensure compliance with existing laws and regulations within the scope of my official and professional supervisory duties.
6. I am committed to preventing and fighting corruption and raise awareness of this issue among my employees, in particular within the context of structured employee appraisals.
7. Within the scope of my RESPONSibility, I take the appropriate measures to protect my employees and enforce the necessary sanctions to protect the organisation.
8. I take care to ensure that both my employees and I have proper and clear forms of communication and behaviours; I support my employees and treat them with respect.
9. I make transparent, accountable decisions.



An employee is invited to carry out a company visit as a civil servant, including an overnight stay and schedule for them and an additional personal guest.

I advise the employee to refuse the invitation (in writing) and support them in doing so, as this company visit is not in the interest of the organisation. I use this as an opportunity to reflect within our team on the reasons for this course of action and our clear stance on this issue.



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Due to a change of personnel, such as the retirement of an employee, I need to reassign the responsibilities within my team.

When doing so, I consider the potential impact on internal control systems. In particular, I keep in mind whether this new distribution of tasks could result in any bias on the part of the employees bearing these responsibilities; due to secondary employment, for example.

Throughout the process, I make it clear that even the possibility of disclosing internal information may be sufficient in creating an appearance of bias due to secondary employment.



The internal training program is released and I see that it contains awareness training on corruption prevention.

I ensure that employees from my team regularly attend this type of training and that they pass on what they have learned to the whole team in the form of knowledge transfer.

1. I document all refusals of invitations, gifts and other perks.
2. I use checklists when onboarding new employees. I provide them with our Code of Conduct, which covers important integrity issues.
3. I ensure compliance with a standard procedure for reporting secondary employment and assess any incompatibilities as part of my role as manager.
4. I maintain a structured approach with regard to training measures and knowledge transfer within the team.
5. I make use of opportunities to share our principles of conduct, in particular in official meetings and when the chance arises.



Am I a good role model for my employees in observing our principles of conduct?



Have I done everything I can to ensure that my employees are able to comply with our principles of conduct?

### KNOWING THE RISK AREAS, PROACTIVELY INFORMING

A proper, transparent organisation is a key part of ensuring that the civil service is free of corruption.

As an organisation, we are proactively committed – with respect to citizens and business partners alike – to the general principles of conduct: The rule of law and loyalty, transparency, objectivity and fair treatment, integrity and responsibility.

By conducting risk analyses, our organisation ensures that it has up-to-date knowledge of the risk areas relating to corruption.

Our solid organisational framework and clear responsibilities enable us to minimise the risks of corruption from the outset and protect our employees against personal risks.

We install internal control systems and implement preventive measures (e.g. separation of functions, compulsory dual control principle, rotation principle where possible) in areas that are at risk of corruption.

We cooperate in good faith with regulatory and auditing bodies.

We actively champion compliance with the ban on accepting gifts and other perks, including with respect to citizens and business partners.

We prevent conflicts of interest within our organisations with the aid of suitable structures and processes (e.g. reporting forms, regular evaluations, obtaining periodic negative reports) where necessary. We organise our official operations in a way that is effective and efficient.

Our service to the customers of the civil service is important to us. Training aimed at raising awareness around the issue of corruption prevention is a fixed component of internal training and continuing education within our organisation.

On our organisation's intranet, employees can find a template that contains sample wording for refusing gifts and other perks.

The range of functions within our organisation is so well organised that even when an employee is absent, the individual who is covering their duties knows exactly what needs to be assessed and the action that need to be taken when, for example, paying an invoice.

Our employees know that we have a clear stance and clear rules in our organisation that help to prevent corruption situations from the outset.

1. All information relating to corruption prevention (e.g. Code of Conduct, decrees, forms, points of contact) can be easily found on the intranet.

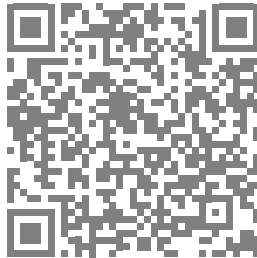


2. Information on internal control systems is made available to all employees and managers.
3. Awareness training on the topic of corruption prevention is delivered regularly.



Can employees find the necessary information and tips on how to conduct themselves in a situation that may present a risk of corruption?

Is there a point of contact or Compliance Office where employees can obtain information on the correct conduct in this type of situation, where necessary?



[www.oeffentlicherdienst.gv.at/verhaltenskodex-elearning](http://www.oeffentlicherdienst.gv.at/verhaltenskodex-elearning)

The **RESPONS**ibility rests with me  
A QUESTION OF **ETHICS**

An e-learning course on the  
Code of Conduct for  
Preventing Corruption in the  
Civil Service



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