



Eusko Jurlaritzaren
Informatika Elkarte

Sociedad Informática
del Gobierno Vasco



Code of Ethics and Conduct

Version 2

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1 Introduction

1.1 Purpose

The purpose of this code of ethics and conduct is to set forth the rules of ethics and conduct that must be followed at EJIE in all areas of activity.

1.2 Affected Persons

The people affected by this Code of Ethics and Conduct are us, the staff of EJIE, and subsidiarily everyone who collaborates, works or provides services for or in the name of EJIE.

1.3 Principles of Ethics and Conduct

The people who make up the staff of EJIE are committed to our shared mission and vision and to the values that guide how we carry out the responsibilities bestowed on us as the technology management body of the Basque public sector, within the applicable regulatory framework.

In agreement with *Spanish law 11/2022 of 1 December regarding Basque Public Service Employment*, in its reference to *Spanish law 1/2014 of 26 June, Regulating the Code of Conduct and Conflicts of Interests for Public Employees*, “honesty, impartiality, objectivity and respect for the rule of law and all people” are the ethical principles that must guide our behaviour as EJIE staff, we must consequently do the following.

1. **Obey the rules** that form our regulatory framework.
2. **Work in the interests of EJIE** above any personal, family, corporate or client position or any other position that might collide with this principle.
3. **Act with loyalty and good faith** with our organisation, superiors, colleagues, subordinates and the entities we provide services to.
4. **Respect fundamental rights and freedoms** and avoid any behaviour that could cause any kind of discrimination based on birth, racial or ethnic origin, gender, sex, sexual orientation, religion or beliefs, opinion, disability, age or any other personal or social condition or circumstance.
5. **Refrain from participating in issues** where you have a personal interest **that constitutes a conflict of interests** with our activities and responsibilities at EJIE.
6. **Not acquire economic** obligations or intervene in financial transactions, patrimonial obligations or legal affairs with persons or entities **that present a conflict of interests** with our activities and responsibilities at EJIE.
7. **Not accept any favourable treatment** or situation that involves privilege or unjustified advantage by a physical person or private entity.
8. **Be mindful of effectiveness, economy and efficiency** in all our activities to achieve the organisation's goals.
9. **Complete the tasks that are our responsibility** or that are assigned to us with diligence and resolve the activities that are our responsibility on time.
10. **Keep** classified material and other material that it is illegal to disclose secret and use discretion regarding issues we know about due to our position and not use the information we have for the benefit of ourselves or for third parties or to harm the interests of EJIE.

2 Integrity Committee

2.1 Integrity Committee

The EJIE Integrity Committee is the highest body for guaranteeing this code is put into practice and it is made up of:

1. President of the EJIE Board of Directors, who acts as president of the committee
2. Vice president of the EJIE Board of Directors
3. General Manager of EJIE
4. Internal Control Manager for EJIE, who acts as committee secretary

2.2 Functions

The functions of the Integrity Committee are:

1. Addressing any concerns of EJIE staff in relation to this code
2. Addressing notifications of conflicts of interests
3. Addressing notifications of suspicious activity about possible non-compliance
4. Take the actions and measures necessary to ensure compliance with the ethical principles
5. Present an annual Compliance Supervision report to the Board of Directors to inform them about the work they have done, the incidents identified, the corrective measures proposed and the progress made with them

2.3 Operation

The activity of the Integrity Committee is governed by the following internal rules.

1. The committee must meet at least once a year and whenever necessary or when called upon to do so by the EJIE Board of Directors.
2. The meetings will be held in person or remotely.
3. The Secretary of the committee will call the ordinary meetings in conformance with the president's instructions.
4. The Integrity Committee has quorum when at least three of its members are present.
5. Agreements are made by an ordinary simple majority of votes. In the event of a tie the president will have the casting vote. The agreements made by the Integrity Committee will be certified in acts signed by the president and secretary of the committee.
6. In the event that, in the course of adopting an agreement, one of the members of the Integrity Committee has a potential conflict of interest, they must abstain from participating in the decision.
7. The people who make up the Integrity Committee must keep their deliberations and agreements secret and refrain from disclosing information, data and reports they have access to and using that information for personal benefit or the benefit of third parties. And at all times, they must also ensure confidentiality while handling notifications of suspicious activity and ensure the absolute respect for the rights of the people allegedly involved in possible non-compliance.
8. The Integrity Committee will ensure there is suitable protection for people who notify suspicious activity from any reprisals they may experience.

3 Conflicts of Interests

3.1 Definitions

Article 61.3 “**Conflicts of Interests**” of (EU, Euratom) Regulation 2018/1046 of the European Parliament and Council of 18 July (EU financial rules) establishes that, “conflict of interests exists where the impartial and objective exercise of the functions is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other direct or indirect personal interest”.

In regards to situations that would cause conflicts of interests, the following may arise.

- a) **Apparent Conflict of Interests**: Apparent conflicts of interests arise when the personal interests of a public employee or beneficiary make them susceptible to compromising the objective fulfilment of their functions or obligations, but no identifiable individual link with specific aspects (or repercussions of them) of the person's behaviour or relationships is ultimately found.
- b) **Potential Conflict of Interests**: Potential conflicts of interests arise when a public employee or beneficiary has personal interests of a nature that could be susceptible to causing a conflict of interests in the event they had to accept certain official responsibilities in the future.
- c) **Real Conflicts of Interests**: A real conflict of interest involves a conflict between the public duty and private interests of a public employee or when the public employee has personal interests that may have unsuitable influence on the fulfilment of their official duties and responsibilities. For beneficiaries, it would involve a conflict between the obligations assumed when financial subsidies are applied for and personal interests that may have an undue influence on the performance of the aforementioned obligations.

Article 23 “**Abstention**” of Spanish law 40/2015 of 1 October, Statutory Scheme of the Public Sector, establishes that, “government officials and people in service to the government who meet some of the circumstances indicated in the next section” must refrain from intervening in the process. The circumstances are:

1. Having a personal interest in the matter being addressed or in another matter whose resolution may influence the first one, being a manager of the interested company or entity, or having a pending legal issue with an interested party.
2. Having a marriage or equivalent common law relationship, or being a blood relative to the fourth degree or having a kinship relationship to the second degree with any interested person¹, the directors of the interested entities or companies or their consultants, legal representatives or agents who participate in the process as well as sharing a professional office or being associated with them for consulting, representation or as an agent.
3. Having a close friendship or open enmity with any of the people stated in the previous section.
4. Having participated expert witness or witness in the process under way.
5. Having a service relationship with a natural or legal person directly interested in the matter, or having provided professional services of any kind to them in the last two years in any place or under any circumstances.

¹ Persons employed in interested companies or entities are not considered “interested persons” if they are not consultants, legal representatives or directors of them.

3.2 Reporting

People who are aware of being affected by a possible conflict of interests related with an EJIE contracting proceeding in light of any of the five circumstances mentioned above must make it known to the Integrity Committee immediately by any means with which reception of the notification can be verified. The preferable method is to use the email address: ComitelIntegridad@ejie.eus.

3.3 Procedures

When notification is received, after verifying its origin, through its secretary the committee will ask the person requesting recusal from the bidding, adjudication, monitoring or control process for the contract and to not participate in decisions or matters that affect the evaluation and adjudication, execution monitoring or control of the contract and they will notify the body responsible for the process affected by the situation.

The committee will analyse the case within no more than 10 working days after receiving it. If no **real or potential** conflict of interests is found the notification of conflict of interests will be rejected in writing with substantiation such that the person who is requesting it may proceed with the assigned process without having to recuse themselves and the file will be archived.

4 Suspicious Activities

4.1 Definitions

An activity is deemed suspicious in the scope of this code when it shows signs or has the appearance of non-compliance with one of the ten principles of ethics and conduct stated in section 1.3.

4.2 Reporting

People who are aware of an activity that raises suspicions of non-compliance with one of the stated principles they can make its presence known to the Integrity Committee by any means with which reception of the notification can be verified. The preferable method is to use the email address: ComiteIntegridad@ejie.eus.

The committee will make available a secure reporting channel that guarantees anonymity according to the applicable regulations.

4.3 Procedures

The Integrity Committee will examine all notifications it receives within 10 working days after reception.

In the event a notification is not deemed to meet the minimum requirements for processing, due to obviously untrue statements, the stated acts manifestly do not constitute an infraction or it does not meet the minimum requirements for processing the notification will be archived. In that event, the notification of suspicious activities will be rejected in writing with substantiation and archived.

If upon examination there are signs or certainty that the suspicious activity constitutes an infraction of any of the aforementioned principles the following actions will be taken.

1. An investigation will be initiated and evidence will be requested to prove the acts described. If necessary, the Integrity Committee may name an investigation team with internal or external staff.
2. After the investigation, a detailed report must be drafted describing the facts with the documentation the investigation was based on and the procedures followed, and the evidence found, conclusions and suggested corrective actions will be included.

After reviewing the report and in the event and it has been concluded that one of the ethical principles has been violated and the infringing party or parties have been identified, the Integrity Committee will propose the disciplinary, corrective and preventive actions it believes are appropriate or necessary, which may include the following, to EJIE management and the Board of Directors.

1. Define appropriate administrative or work related sanctions
2. Report the acts to the competent authorities
3. Disseminate the case among everybody in the organisation as a mechanism for preventing similar acts
4. Take corrective measures where there is evidence for the vulnerability of a process or activity

If their identity is known, a response must be given to the person who made it that the notification of irregularities has been processed without undue delay.