

Digital Hub Development Agency

Code of Conduct

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1. Introduction

In line with the Code of Practice for the Governance of State Bodies and the DHDA Act 2003¹ and following consultation with staff, The Digital Hub Development Agency (DHDA) has revised its a Code of Conduct. This Code of Conduct sets out an agreed set of guiding principles, and outlines expectations of and obligations relevant to Staff and third parties working for the DHDA.

This Code of Conduct is a recognition of the fact that individual behaviour and practice can be a significant factor in the effectiveness of an organisation, its reputation and the level of confidence and trust the public has in it.

2. Purpose

The purpose of this code is to guide the behaviour of staff and third parties working for the DHDA, in a way that reflects proper standards of integrity, conduct and concern for the public interest. This document sets out guidelines to be followed in order to:

- avoid potential conflicts of interest, whether actual or perceived
- promote objective decision-making
- establish appropriate standards of ethical conduct
- promote and maintain the confidence and trust of the people we work with
- prevent the development of unethical practices
- enable The Digital Hub to provide a courteous, professional, and efficient service to the client companies, the public and all other stakeholders

3. Scope

This code applies to all staff and any third parties working for the DHDA. Throughout this document, references to staff and/or employees should be taken to include third parties working for the DHDA.

4. Digital Hub Mission and guiding principles

Our mission is to develop a diverse and creative digital technology quarter in Dublin 8 that realises tangible social, economic and community benefits for Ireland, while regenerating this historic part of Dublin city.

In delivering this mission, we are committed to the guiding principles of fairness, respect, inclusion, trust, and integrity.

5. Ethical behaviour and obligations of staff

Staff are obliged to behave appropriately in accordance with the principles and requirements set out in this Code, the policies and procedures established by the DHDA and any other relevant legislation/regulations. This includes a commitment to the highest standards of business ethics in the delivery of our functions and compliance with procurement legislation/regulations/guidelines.

¹ S.23 of the Digital Hub Development Agency Act 2003 and S.5 of the Code of Practice for the Governance of State Bodies.

It is not possible for this Code of Conduct to provide for every situation which may arise, staff must bear in mind that it is primarily their personal responsibility to ensure that all their activities, whether covered specifically or otherwise in this Code of Conduct, are governed by the guiding principles and ethical considerations implicit in the Code.

6. Conflicts of interest

A conflict of interest² arises when personal, commercial, or political associations/interests does, could, or could be perceived to, inappropriately affect our judgement or actions when performing or duties.

The DHDA recognises that employment in a public sector body can provide opportunities for conflicts of interest to arise. In all such circumstances, all staff, have an obligation to disclose any actual, potential, or perceived conflicts of interest to the Chief Financial Officer/Board Secretary as soon as they become apparent.

Outlined within appendix 1 are practical examples of the types of situations in which conflicts may arise and the DHDA's expectations of staff in such situations.

Board Members and designated employees under the Ethics in Public Office Act have an obligation to ensure compliance with relevant provisions of the Ethics in Public Office Acts 1995 and 2001. This includes a specific obligation for the periodic disclosure of interests which will be communicated by the Chief Financial Officer/Board Secretary on an annual basis.

6.1. Process for recording and managing conflicts of interest

- When a staff member raises a conflict of interest, the Chief Financial Officer/Board Secretary will add this to the register of interests for Staff. This information will be accessible only by the Chairperson, Chief Executive Officer and Chief Financial Officer/Board Secretary.
- Following the disclosure of a conflict of interest, the Staff Member, in conjunction with the Chief Financial Officer will consider how to manage the conflict of interest. Actions taken may include for example:
 - disclosing to Board Members and Staff the existence of a conflict of interest and nature thereof
 - agreeing to not influence nor seek to influence any decision related to the conflict of interest,
 - absenting from meetings during which the conflict of interest is discussed,
 - taking no part in any deliberation/vote of the DHDA relating to the conflict of interest
- Actions taken to manage staff conflicts of interest will be considered by the CEO to deem their appropriateness.
- Actions taken to manage the conflict of interest will be documented and maintained as part of the register of interests by the Chief Financial Officer/Board Secretary.

² An interest may also include interests of a connected person and/or entity (examples of a connected person/entity include but are not limited to: family members, friends, someone with whom an individual is involved in a relationship with such as a spouse or civil partner, previous employers/employees, business partners, bodies corporate controlled by an individual, political associations and charitable/not for profit organisations an individual is involved with).

6.2. Gifts and hospitality

As a general principle, staff should avoid the giving or receiving of corporate gifts, hospitality, preferential treatment, or benefits which might influence, or influence them in the performance of their duties.

Under the Criminal Justice (Corruption Offences) Act 2018, it is an offence to solicit or accept a gift, consideration or “advantage” from any person for himself, herself or another person, as an inducement or reward, in return for any Employee doing, or omitting to do, any act in relation to his or her position or the DHDA’s business.

This does not mean that receiving gifts or accepting modest hospitality is inappropriate in all circumstances. Please see appendix 2 which sets out the DHDA policy on the receipt of gifts and business hospitality policy.

7. Protected disclosures Act 2014/Whistleblowing

Any employee who has concerns about any aspect of DHDA activities is encouraged and expected to come forward and voice those concerns. They may do so without fear of victimisation, subsequent discrimination, or disadvantage as a result of the disclosure.

The DHDA has a protected disclosures policy and procedure available on the public drive which should provide additional information in respect of making a protected disclosure and the protections offered under legislation.

8. Access to Information by the public

Staff shall facilitate access to information relating to the DHDA in a way that is open and that enhances accountability to the public. This includes complying with relevant statutory provisions relating to Freedom of Information, access to Personal Data and access to Information on the Environment. In line with these statutory provisions, staff are expected to:

- maintain clear and accurate records in an accessible and secure format
- honour a commitment not to acquire information by improper means
- observe appropriate prior consultation procedures with third parties where it is proposed to release sensitive information in the public interest
- minimise documentation gathered where possible and
- ensure information held is in line with document collection/storage/retention policies.

Queries received by staff about the release of information under these statutory provisions should be directed to:

Freedom of Information request	foi@thedigitalhub.com
Personal data access request	dataprotection@thedigitalhub.com
Access to information on the Environment	aie@thedigitalhub.com

9. Confidentiality

Due to the nature of their positions, staff members are privy to information and material which may be sensitive or confidential to the organisation and its clients and are therefore required to maintain confidentiality in such matters (unless disclosure is required by law).

This includes:

- commercially sensitive information (including, but not limited to, future plans or details of major organisational or other changes such as restructuring of the DHDA or client companies)
- personal information

The requirement not to disclose privileged or confidential information does not cease at the end of an employment contract. Duty of ongoing non-disclosure of privileged or confidential information is confirmed in writing to staff on appointment. Staff members leaving their position are required to dispose of any documentation obtained during their terms relating to the business of the DHDA.

10. Respect for Human Rights

The DHDA is committed to maintaining a workplace that is free from discrimination or harassment on the basis of race, gender, colour, national, ethnic or social origin, creed, age, disability, sexual orientation, political opinion or any other status protected by applicable law.

11. Equality, Diversity, and Inclusion

The Digital Hub values the diversity of the people and communities with whom we work and the contributions they make. We commit to equality of opportunity and intolerance of discrimination and harassment in all our work.

The DHDA are developing an Equality, Diversity and Inclusion policy and underpinning action plan for launch during 2020.

12. Regard for State resources

Staff should endeavour to ensure the proper, effective, and efficient use of public finances. This includes:

- Avoiding the use of DHDA resources for personal gain
- Taking proper and reasonable care of public funds and DHDA property
- Not incurring any liability on the part of the DHDA without proper authorisation
- Ensuring that expenses (such as travel and subsistence) are not unnecessarily incurred by themselves or those reporting to them.

13. Anti-Fraud

Under the Criminal Justice Act 2011, a person (such as a Board Member or member of staff of the DHDA) who has information that he or she knows or believes might be of material assistance in preventing the commission of or in solving or prosecuting certain crimes (such as theft and fraud) must disclose that information as soon as it is practicable to do so to the Garda Síochána.



The DHDA has an anti-fraud policy in place to support and enable such disclosures which is available on the public drive under 'agency procedures' or on the Digital Hub website.

14. Loyalty

Staff are obliged to commit to loyally serve the DHDA in the implementation of its activities whilst having regards for the Government of the day and the other institutions of the State.

15. Outside interests/employment

During your employment, you shall not, except as the DHDA's representative or with the CEO's (or the Board's) prior written approval, whether paid or unpaid, be directly or indirectly engaged, concerned or have any financial interest as agent, consultant, director, employee, owner, partner, shareholder or in any other capacity in any other business, trade, profession or occupation (or the setting up of any business, trade, profession or occupation).

You agree to disclose to the CEO (or the Board) any matters relating to your spouse or civil partner (or anyone living as such), children or parents which may, in the CEO's (or the Board's) reasonable opinion, be considered to interfere, conflict or compete with the proper performance of your obligations under this agreement.

16. Criminal convictions

Any employee who is convicted of a criminal offence or given the benefit of the Probation Act when charged with a criminal offence must report that fact to the Chief Financial Officer/Board Secretary as in certain circumstances, this may have implications for his or her official position. Such information will be treated in strict confidence and no record of it will be kept unless the information is considered relevant to his or her official position.

17. Work and Environment

The DHDA acknowledges that its staff are central to the delivery of its strategic. As an organisation, it recognises that it has a duty to develop and support its staff. Staff are expected to:

- place the highest priority on promoting and preserving the health and safety of all employees
- ensuring that staff members' concerns are fully considered
- minimising any detrimental impact of operations on the environment
- engaging with the local community and considering any concerns
- promoting the development of a culture of 'speaking up' whereby staff can raise concerns regarding serious wrongdoing in the workplace without fear of reprisal.

18. Communication of the Code of Conduct

All staff shall be provided with a copy of this Code of Conduct which will also be published on the Digital Hub website. Written confirmation of understanding and a commitment to comply with same will be required.

19. Feedback, review, and approval

The DHDA welcomes employee feedback on the provision of this Code. Any comments or queries relating to the Code of Conduct can be directed to the Chief Financial Officer.

This Code of Conduct will be reviewed at least annually and authority for approval rests with the Board.

20. Version control

Version number	Summary of Revision	Date of approval
1		December 2018
2	Wholesale change to Code of Conduct in line with legislation, regulation, Code of Practice for the Governance of State Bodies, and good practice.	May 2020
2.1	Text revised related to outside interests/employment	31 / 3 / 21



Appendix 1 – Practical guidance on gifts, entertainment, and conflicts of interest

Receiving or being offered hospitality or gifts

The receipt of gifts or hospitality from third parties has the potential to create a conflict of interest. To manage this issue, the DHDA has a specific Policy on the Receipt of Business Hospitality and Gifts.

Staff who are offered gifts or hospitality should act in line with DHDA policy on the receipt of gifts and hospitality outlined in appendix 2.

Commercial and private business affiliations

Staff should avoid being affiliated with any commercial or private business which may influence, or which could be seen to influence, the impartial discharge of their duties. This includes avoiding dealings with businesses where they have family/friend/relationships, that could give rise to an actual, potential, or perceived conflict of interest.

Where there is a commercial or private business affiliation which cannot be avoided, the staff member should declare this to the Chief Financial Officer to determine how this conflict of interest can be managed. At a minimum, steps should be taken to should exclude themselves from any relevant decision-making processes such as tender evaluations.

Political activities

The DHDA is an independent institution established under statute and its apolitical position should be safeguarded. Active involvement in a political party, or other public activity which demonstrates a political view, may give risk to a conflict of interest. For example, nomination in a national or local election may give rise to a situation where an individual may deal with matters of public policy.

In the above situation, this should be raised with the Chief Financial Officer at the outset to discuss potential implications for the DHDA and any potential discord with the individual's professional responsibilities.

Involvement with charitable or not for profit (NFP) organisations

Active involvement with a charitable or NFP organisation may give risk to a conflict of interest whereby, any work undertaken for, or in support of, a charity or NFP organisation could imply DHDA endorsement for one organisation above others.

Where there is involvement with a charitable or NFP organisation, the staff member should act in line with section 15 (Outside interests/employment) of the Staff Code of Conduct.

Post-employment conflicts of interest

Conflicts of interest may arise between duties associated with an individual's role in the DHDA and any outside interests and/or employment.

Staff member should refer to section 15 (Outside interests/employment) of the Staff Code of Conduct prior to considering engagement in interests/employment outside of the DHDA and act in line with this Section of the Staff Code of Conduct.

Staff who are intending to leave the DHDA should notify the Chief Financial Officer/Board Secretary as early as possible to manage any actual, potential, or perceived conflicts of interest arising from new employments..

Appendix 2 – DHDA policy on the receipt of gifts and hospitality

For the purposes of this Policy a “gift” is any item or benefit which is given free of charge or at less than its commercial price.

Reasonable, appropriate, modest, and bona fide gifts, hospitality or entertainment extended or received from third parties is generally acceptable under the following circumstances:

- acceptance of the gift/hospitality has been approved in writing by the CEO
- the gift/hospitality is unsolicited
- the gift/hospitality is appropriate in the circumstances, taking account of the reason for the gift, its timing and value i.e. it is customary for gifts to be given at Christmas
- the gift/hospitality is given openly, not secretly
- the gift/hospitality is not given or could not be perceived to be given, with the intention of unethically influencing decision making. Extreme care must be taken where the gift/hospitality is being extended by a party who is seeking or is likely to seek to do business with the DHDA
- it does not include cash or a cash equivalents (i.e. gift vouchers)
- the frequency and scale of the hospitality is not more than the DHDA might be expected to give in return
- the number of employees availing of the hospitality is kept to a minimum
- it does not include the provision of travel or overnight accommodation
- accepting the gift or availing of the hospitality does not associate the DHDA in a public way with any supplier or contractor

In all other cases, gifts, etc. should be returned to the sender, with a note advising that acceptance would be contrary to the policy of the DHDA.

In circumstances where employees are unsure as to whether it is appropriate to accept a gift or benefit, they should discuss the matter with the CEO.

Staff should be aware of the provisions of the Criminal Justice (Corruption Offences) Act 2018, (the Act), which places no value limit on what constitutes a gift or consideration or advantage. Section 5 of the Act outlines active and passive corruption offences. Section 6 of the Act outlines the offence of passive and active trading in influence. These sections are linked to section 14 of the Act, which contains the presumption that a gift given to an official by or on behalf of a person with an interest in the relevant functions of the official is presumed to be given and received corruptly.