

Code of Business Conduct for Commissioners of the Commission for Communications Regulation (ComReg)

Preface

In March 1992, a set of guidelines entitled “State Bodies Guidelines” was issued by the Department of Finance. The guidelines were updated and endorsed by Government in October 2001 and are known as “The Code of Practice for the Governance of State Bodies”. The Code sets out principles of corporate governance which State bodies are required to adopt.

Corporate governance comprises the systems and procedures by which enterprises are directed and controlled. In the interests of transparency and accountability, it is important that corporate governance of State bodies should operate to the highest standards applicable in the business world generally.

It is to be noted that where the provisions in the Communications Regulation Act, 2002 govern matters which are the subject of “The Code of Practice for the Governance of State Bodies”, such matters will continue to be governed by the Communications Regulation Act, 2002.

The Code of Practice for the Governance of State Bodies states that all State bodies should have a written Code of Business Conduct for Directors. This Code of Business Conduct for Commissioners of the Commission for Communications Regulation (ComReg) takes account of the provisions of the following Acts:

- Communications Regulation Act, 2002
- Ethics in Public Office Acts, 1995 and 2001
- Standards in Public Office Act, 2001
- Freedom of Information Acts, 1997 and 2003
- Data Protection Acts, 1988 and 2003
- Safety, Health and Welfare Act, 1989

Objectives

The objectives of this Code of Business Conduct are to facilitate the:

- articulation of an agreed set of ethical principles for Commissioners in ComReg
- promotion and maintenance of confidence, trust, openness and transparency and
- prevention or acceptance of unethical practices.

General Principles

The Commissioners will ensure that ComReg’s core values of:

- integrity
- impartiality
- professionalism

- transparency
- effectiveness

are constantly reinforced and developed throughout the organisation and that the following fundamental principles are applicable throughout the organisation:

Official Secrecy, Confidentiality and Integrity

Section 24 of the Communications Regulation Act, 2002 applies to any information received by the Commissioners in the performance of his/her functions.

Disclosure of Interests

Section 25 of the Communications Regulation Act, 2002 contains provisions governing matters relating to Disclosure of Interests in respect of Commissioners.

Ethics in Public Office Acts, 1995 and 2001

The Commissioners comply with the provisions of the Ethics in Public Office Acts, 1995 and 2001.

Acceptance of Gifts

In order to maintain and enhance the high ethical standards of ComReg staff, it is our policy that;

- Gifts/Corporate hospitality from authorised operators subject to regulation by ComReg will be refused or, if delivered, will be returned immediately
- Gifts/Corporate hospitality from providers/suppliers of services to ComReg – other than unsolicited items of small intrinsic value (less than €100.00) such as diaries, calendars, bottles of wine/spirits - will be refused or, if delivered, will be returned immediately.

ComReg Code of Financial Management

Section 33 of the Communications Regulation Act, 2002 requires ComReg to publish a Code of Financial Management. This Code outlines the responsibilities of the Commissioners and the management team to ensure that ComReg adheres to best practice with regard to issues of corporate governance.

Information

Disclosure of Information

Section 24 of the Communications Regulation Act, 2002 contains provisions governing matters relating to the prohibition of the unauthorised disclosure of information.

Freedom of Information Acts, 1997 and 2003/Data Protection Acts, 1988 and 2003

The Commissioners will ensure that ComReg complies with Freedom of Information and Data Protection legislation.

Consultation Process

The Commissioners will ensure that ComReg observes a consultation process with stakeholders in the course of its activities.

ComReg Guidelines on the treatment of confidential information

These Guidelines set out how ComReg treats claims by stakeholders that the information provided to ComReg is confidential.

Loyalty

Subject to the Communications Regulation Act, 2002, the Commission shall be independent in the exercise of its functions. The Commissioners acknowledge their duty to be loyal to ComReg and are fully committed in all its business activities. The Commissioners acknowledge the duty of all to conform to highest standards of honesty and business ethics.

Fairness

The Commissioners will ensure that ComReg continues to operate as an equal opportunities employer and is committed to a policy of equal opportunities in the organisation. ComReg has a progressive equality agenda and new initiatives are developed on an ongoing basis.

ComReg Customer Charter sets out its commitment to a high quality of service to consumers.

Work/External Environment

In accordance with the Safety, Health and Welfare Act, 1989, ComReg has a safety statement in place and continues to implement appropriate measures to protect the safety, health and welfare of all staff and visitors to its office.

Responsibility

This Code of Business Conduct will be circulated to the Commissioners for their retention and recipients are required to acknowledge receipt and understanding of the Code.

Review

The Commissioners commit to review the Code of Business Conduct, as appropriate.