

CODE OF ETHICS FOR OFFICIALS

The purpose of the work of an official is to act for the benefit of the state and society with honesty and dignity. In its actions, a person exercising public authority follows the ethical values of the civil service set out in the Code of Ethics for Officials.

The fundamental values of a good official are:

- lawfulness;
- focus on people;
- trustworthiness;
- professionalism;
- impartiality;
- openness and cooperation.

Lawfulness means that

- the official abides by the law and follows the Constitution and laws of the Republic of Estonia;
- the official exercises authority within the limits provided by law.

The **focus on people** means that

- the official is at the service of the people;
- the official acts responsibly, realising that their decisions impact people and society;
- the official is careful, diligent, polite and helpful upon performing their duties.

Trustworthiness means that

- the official exercises public authority solely in the public interests;
- the official refrains from exploiting in private interests their official position as well as from exploiting information learned while performing their duties;
- the official acts with dignity both at work and outside of working time and refrains from harming the reputation of the civil service;

- the official uses the assets and resources entrusted to them purposefully, effectively and economically;
- in work-related matters, the official may express their personal opinion, thereby acting responsibly, supporting the opinion with arguments and taking into account the established restrictions;
- the official draws attention to acts that harm the trustworthiness of the civil service.

Professionalism means that

- the official acts based on the best knowledge and skills in their field of work;
- the official keeps themselves informed about developments in relevant fields in order to perform their duties, and constantly develops themselves;
- the official is innovative in their activities, aiming to resolve work-related problems.

Impartiality means that

- the official refrains from acts and situations that may call their impartiality in performing their duties into doubt;
- the official refrains from gifts, incentives and services that call their official independence and objectiveness into doubt;
- the official treats all social groups and people equally.

Openness and cooperation means that

- the official exercises public authority in a transparent and understandable manner;
- the official explains and gives reasons for their work-related decisions;
- officials cooperate for the purpose of attaining common goals;
- the official involves stakeholders and the public in the preparation, making and implementation of decisions concerning them;
- upon using information, the official follows the established restrictions, respecting the confidentiality requirement and the privacy of persons.

EXPLANATIONS OF CODE OF ETHICS FOR OFFICIALS

The Code of Ethics for Officials consists of values that are characteristic of democratic civil service. According to the survey 'Roles and Attitudes in Civil Service' commissioned by the Estonian Ministry of Finance, Estonian officials respect the same values. The Code highlights six core values. Each core value consists of explanatory principles. For instance, the core value of impartiality includes the principle of equal treatment and the core value of focusing on people includes the principle of politeness. The explanatory part of the Code of Ethics gives examples for the purpose of better understanding and implementation of core values and principles.

The Code is formulated as simply as possible. A reference to the main legal instruments that should be read for the purpose of familiarising oneself with the topic is made under each principle.

Lawfulness

The core value of lawfulness arises from the Constitution of the Republic of Estonia and is the foundation of the acts of an official. Lawfulness means that the official is law-abiding and acts on the basis of the Constitution, laws, regulations and other legislation in their work. Upon implementing legislation, the official must take into account the substantive as well as formal goals of the rules. They must also act on the principle that people's rights and freedoms may be restricted solely in accordance with the Constitution and in the events provided by law. According to the core value of lawfulness, the official must also be law-abiding outside of their official capacity. Offences committed in private life may in certain events affect the trustworthiness of the official and the civil service.

In the case of some acts and decisions, the official can **decide on the most suitable solution within the limits provided by law**. In other words, the official can exercise discretionary power. To that end, the official must be able to analyse the current situation, assess the proportionality of various solutions, give reasons for the decision made and prevent the exceeding of statutory limits, i.e. the arbitrary exercising of authority. This way the decision-making trail is made understandable and possibilities are created for supervision. The duty to state the reasons for the considerations arises from § 56 of the Administrative Procedure Act. For instance, from the point of view of discretionary power it is disproportionate if an official engaged in giving advice on a legal instrument recommends that the most severe solution possible be sought at all times. Also, a situation where an official from the social field decides to deprive a parent of support due to a one-off and minor overdue kindergarten payment may not be in line with the principle of discretionary power.

Situations not clearly regulated by a legal instrument constitute special cases. In such an event it is necessary to develop uniform implementation practice for handling similar cases. To that end, authorities need to agree on the uniform principles of implementing the legal instrument. In this way, a situation where different officials or regional units handle similar situations differently can be avoided in giving field-based advice or exercising supervision. The uniform implementation of the law is the recurrent principle in the administrative procedure.

In their work, officials come across situations where there is **no legislation or where the legislation is controversial**. Such cases call for ethical competence on the part of the official, i.e. the skill to analyse situations based on the broader goals of the state and the values of the civil service and to reach a considered, proportional and purposeful solution. The official can draw the attention of the issuer of the legal instrument or another relevant body if a legal instrument is in conflict with a law or the Constitution in their field of work. For instance, an official granting social benefits may come across a situation where several concurrently implemented laws regulate the conditions of receiving the benefits controversially, as a result of which the amount of the benefits may differ under different laws.

Lawfulness also means **avoiding illegal behaviour and refusing to follow illegal orders**. The duties and requirements of the education, work experience, knowledge and skills of an official are set out in their job description. An official cannot perform duties on their own initiative for which they have no competence or right. For instance, an official engaged in providing training cannot assume the performance of the duties of an inspector who inspects undertakings. An official must not execute illegal orders, e.g. forging documents of supervision proceedings under the orders of their direct supervisor. Section 54 of the Civil Service Act regulates in detail how to act in the event of illegal orders or orders that exceed the competence of an official.

At the institutional level it must be ensured that officials are familiar with the legislation regulating their activities. For instance, an authority may introduce regular meetings to discuss bottlenecks in implementing legislation and organise intra-authority training on implementing legislation.

Focus on people

Focusing on people means that the actions of an official must be aimed at serving the people. At the same time, the official must act on the lawfully expressed will of the politicians who have received a mandate from voters as well as on the legislation in force. In this context, 'people' means various social groups and institutions in the broadest sense, e.g. citizens, non-citizens, undertakings and non-profit organisation. Human-centeredness also

refers to the official's duty to follow good administrative practice, which can be considered a separate value category. Good administrative practice does not arise explicitly from the Constitution: the Estonian Supreme Court has derived it from § 14 of the Constitution. The Chancellor of Justice exercises supervision over the observance of good administrative practice. Such practice is not based on formal adherence to legislation, but requires the official to also act with dignity, be helpful, care and follow the principle according to which the state acts in the interests of the people.

The official is at the service of the people in their official capacity. The official has been entrusted with the rights and competence to make decisions concerning the people and to organise public services. Upon performing their duties, the official must keep in mind **the needs and opportunities of people**. This means that decisions made or steps taken within the limits of the law must be aimed at substantive solutions, must be understandable and must take into account people's needs. For instance, a conflict with the principle arises when an official explaining the implementation of a legal instrument does not in their reply pay attention to circumstances that the person has failed to indicate, but knowledge of which effectively contributes to resolving the person's problem. Also, a situation where an authority receiving citizens constantly has long queues of people at the end of the working day whom the authority fails to serve goes against good administrative practice.

In their work, the official must take into account **the impact of a specific act on the state and society as a whole**. In policy-making and upon implementing policies, the official is required to find a balance between different opinions and interests. When political will, expert knowledge, departmental guidelines, public opinion and personal preferences cross their paths, actions and decisions must be analysed with the public interest and lawfulness in mind. Upon performing their duties, the official must consider different choices and the related impact. For instance, an official drafting legislation in a field must know that different rights, obligations and consequences to the state and society may arise from different wordings.

Upon the performance of duties, the official represents the state as well as their institution. By their acts, the official shapes the reputation of the civil service and people's opinions of the state and their organisation. Thus, the official can only act with respect and politeness towards cooperation partners, residents, associations and the media. The official must also be respectful of other officials, thereby cultivating a good working atmosphere.

Via training and other activities, the **institution** can increase and harmonise officials' awareness of good administrative practice and of the role of the official in serving the people. In the case of institutions providing public services, it is important to agree on service quality standards. To support the core value of focusing on people, the institution can research service satisfaction and improvement possibilities among officials as well as the target groups of the activities of the institution.

Trustworthiness

The work of the official directly affects various social groups, and officials also use public resources in their activities. Because of the special role of the official, the exercising of public authority cannot be based on the person's own interests or personal gain. **Trustworthiness** means that the official must follow heightened requirements in their official capacity as well as in unofficial situations that have a bearing on the role of the official. The official must be able to assess the impact of their acts on the performance of their official functions. The official must avoid a conflict of interest as well as refrain from damaging their official dignity and the reputation of the institution or the civil service. Trustworthiness must be kept in mind upon exploiting official influence and public resources (incl. information), in private life situations that have a bearing on the official position as well as upon expressing personal opinions and work-related expert opinions. The non-trustworthy behaviour of an official may affect the reputation of the entire institution and the civil service. Subsection 5 of § 51 of the Civil Service Act demands that the official act with dignity in both official and unofficial capacities.

Laws do not contain a definition of a **conflict of interest**, but in essence all of the prohibitions and restrictions set out in the Anti-corruption Act are aimed at preventing such a conflict. A conflict of interest involves a discord between the public duty and private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities (OECD 2005). Private interests arise in relation to family and next of kin, activities not related to work, organisational affiliations, hobbies etc. Usually, it is not permitted to restrict the non-work activities of an official. It is important to think through the possibilities of preventing a conflict of interest so that an official position cannot be exploited in private interests.

The general principle is that the official cannot use **the resources given to them for the performance of their duties or the position or influence arising from office** in order to generate private benefits for themselves or persons related to them. For instance, an education official must not demand a kindergarten place by making a reference to their official position; a migration officer must not access information contained in restricted access databases out of curiosity or in order to forward the information to their friends; and a social worker must not use an official car for journeys connected to their private company or for personal use. Upon using work resources, account must be taken of the situation, intra-institutional rules and the characteristics of the work of the official. For instance, in an institution that applies flexible working time, one cannot consider it a breach of the Code of Ethics if an official sends a personal e-mail message from their work computer during working time. A breach means a situation where work suffers due to the time spent running personal errands. A situation where an institution organises motivation events for its civil

servants using the budgetary funds designated for such a purpose cannot be considered a breach of work-related funds. It is advisable to agree on the principles of use of work-related resources at the institutional level in greater detail. The principles related to the misuse of work public resources, one's position and official influence are regulated by the Civil Service Act (subsection 4 of § 51 and § 55) as well as the Anti-corruption Act (§ 5).

A conflict of interest arising from leaving the civil service can be avoided if the official informs their former employer about commencing work in a field where a conflict of interest may arise. For instance, it is advisable to inform the employer if the official responsible for drafting the Employment Contracts Act establishes, after leaving the service, a consultancy firm that, among other things, organises training introducing the very same act. Such information allows the institution to assess whether there might be a conflict of interest upon commissioning training from the law firm of the former official. The conflict of interest arising from leaving the civil service is also regulated by subsection 5 of § 60 of the Civil Service Act, which prohibits an official over a term of one year from being employed by a private legal person over which the official exercised supervision.

The **sharing of work-related information for a charge** and in the name of the institution constitutes a special case of using work resources. It must be distinguished whether such sharing forms part of employment duties or whether training constitutes an additional task and results in a rise in workload. Keeping the institution informed about the training activities of the official allows for the development of uniform practice. The institution must assess whether the training qualifies as training arising from the position or as an additional or collateral activity, whether there is a risk of a conflict of interest (e.g. a supervision official cannot for a charge train persons over whom they exercise supervision) and on what conditions a fee can be charged for training. The acceptance of additional fees relating to the performance of employment duties is also regulated by clause 2 of subsection 4 of § 60 of the Civil Service Act. The Council of Ethics of Officials has prepared guidance materials entitled 'Prevention of conflicts of interest in the training activities of officials.'

The **private roles of an official must not conflict** with the official's work if the civil service is to be (and seem) trustworthy. An official may be a spouse or parent, act as an entrepreneur, belong to a volleyball club or a political party etc. People have their personal convictions, values and attitudes. The expression of personal convictions or attitudes and various private roles are relevant from the point of view of the ethics of officials if they are directly linked to or in conflict with the role of the official. Examples thereof include a situation where an official acting in a private capacity breaks the very same law over adherence to which the official exercises supervision or where an official acts in a manner that is in conflict with the professional values. For instance, an environmental inspector fishes without a fishing permit; a traffic police officer exceeds the speed limit while on holiday; a police officer wears hatred-inciting insignia while on duty; or a health inspector works for a tobacco company. To prevent a conflict of interest arising from collateral activities, the official must inform the

head of the institution in writing about the activities specified in § 60 of the Civil Service Act. The head of the institution must prohibit the collateral activity if it impedes the work of the official or harms the reputation of the institution. Also, the trustworthiness of the civil service and the dignity of the official must be kept in mind upon expressing an opinion in matters not related to work (e.g. in social media or when giving an interview on subjects not relating to work).

Officials holding a leading position whose positive or negative example influences public opinion and organisation culture are **under heightened attention**. Stricter restrictions and requirements extend to the official positions of law enforcement authorities or investigative bodies (prosecutors, prison officials, active servicemen and police officials).

Although ideally an official behaving ethically is also a law-abiding and honest person outside of their official capacity, each ethically questionable private act or offence cannot be deemed a breach of the core value of trustworthiness of the civil service or as harming the reputation of the institution. In each case it is important to assess the connection with the official position and the activities of the institution and, thereafter, the possible impact arising from the breach on the reputation of the institution, profession or civil service.

On the one hand, the official serves as an expert who directs the development of a certain policy area, exercises supervision or provides a public service. On the other hand, the expert knowledge of the official is limited by political will, and in reality the two do not necessarily overlap. Upon **expressing their expert opinion**, the official must follow the public relations principles of the institution, but institutions should encourage the expression of expert opinions and the public coverage thereof at the stage of policy-making and legislative drafting. This is necessary for enriching public debate even if the official's expert opinion differs from the political goals. For instance, upon preparing reforms which have a significant impact, provided that these are open for public debate, the publication of the expert opinion of an official who knows the field well via the media should be encouraged even if it differs from the opinion of the minister who initiated the reform. Following public debate and the making of a decision in the Parliament (*Riigikogu*) or the Cabinet, the first task of the official is to implement a lawful decision even if the official's opinion was not accepted. Upon expressing a personal opinion on work-related matters, the characteristics of the profession must also be taken into account. The expression of one's views in public is limited by law when it comes to prosecutors, court officials and officials involved in state secrets or topics intended for internal use within the institution. The restrictions on freedom of expression relating to these professions apply to work-related matters as well as to the public expression of certain personal beliefs and convictions.

Upon expressing an opinion on work-related matters, one must always take into account the legislation that restricts freedom of expression in the particular case, the internal rules and communication principles of the institution, codes governing various fields and other

rules that restrict freedom to express one's opinion. Upon drafting rules that restrict the freedom of expression of an official, the institution must thoroughly consider the proportionality and relevance of the restrictions. As a rule, the dissemination of personal beliefs and convictions by an official is not limited in the capacity of a citizen. For instance, an official studying at a university may publish articles in professional literature wherein the official analyses from an academic point of view the possible negative effects of the decisions made in their field of work.

The trustworthiness of the civil service means, among other things, that **the official draws attention to an unethical or illegal act of a colleague**. This principle refers to the collective responsibility of officials to contribute to the resolution of situations that damage official dignity. Ethical violations are not necessarily always malicious: they may result from a lack of knowledge of the standards of conduct of the civil service, rules of the institution or statutory restrictions. A solution to the situation may be giving advice to a colleague, internally discussing topics that give rise to dissenting opinions, drafting rules or procedures, carrying out disciplinary proceedings in the event of more serious violations or informing investigative bodies.

At the institutional level it is important to describe the main sources of conflict arising from the field of activity and the characteristics of the institution, past cases and ways of preventing them in the future. The development of an open organisation culture which, among other things, means encouraging discussion, is of great importance. It is important that an official who is informed of a trustworthiness-harming act be open to constructively contributing to resolving the problem. Also, the situation of the person who draws attention to the dishonourable or unlawful act should not worsen.

Professionalism

According to the core value of **professionalism**, an official is an expert in a field who performs their duties based on the best knowledge, is interested in further work-related self-development and is familiar with the general principles of functioning and developments of public administration. In-service training takes place during working time at the expense of the state and to the extent permitted by the institution. The training requirement and the institution's duty to support it is set out in subsections 1 and 2 of § 31 of the Civil Service Act.

In Estonia, a person who has the best knowledge, skills and experience for performing the tasks of the position is admitted to the civil service. These criteria are also followed upon moving from one position to another within the civil service or upon taking up service in another institution.

According to the core value of professionalism, **an official is an expert in their field**. For instance, the positions of a specialist, advisor or mid-level manager engaged in environmental, cultural or entrepreneurship matters call for different professional qualifications and work experience, knowledge and skills as well as knowledge of and adherence to the professional standards of the field.

The official must be able **to update their work-related knowledge and to keep themselves up to date as regards developments in the field**. On the one hand, the institution must create possibilities for improving the knowledge and skills of officials. On the other hand, the official must be interested in developing themselves further. The updating of work-related knowledge lies in, for instance, in-service training or taking part in professional conferences. Independent study with the help of professional literature and other sources serves the same purpose. A conflict with the principle arises, for instance, if the official makes a harmful work-related decision with regard to a citizen based on outdated knowledge. Wrong decisions made due to incompetence reduce the trustworthiness of officials and the state. Also, such decisions may be impartial or non-transparent to the public. Pursuant to the state liability procedure it is possible to obtain compensation for damage caused by an illegal decision. This may mean a recovery claim against an official.

It is also important that the official contribute to the development of the field of expertise where it is justified, **making proposals for work-related innovation**. The current situation in the field, development needs as well as the possibilities of resolving work-related problems more effectively must be taken into account. For instance, if human resources surveys and feedback from cooperation partners indicate problems in the salary system, the official coordinating the civil service salary system must provide solutions to the situation.

Taking the three principles of professionalism into account contributes to the performance of duties in the way specified in the job description or laws or in the way determined by the direct supervisor.

The **institution** is required to organise the recruitment, evaluation, development and recognition of officials in such a manner that people who are as competent as possible want to start and then remain working in the field. The institution must also ensure budgetary funds and possibilities for the in-service training of officials.

Impartiality

The core value of **impartiality** means that the work of the official must be based on objective criteria. Upon the performance of work duties, the official must be independent from personal preferences and convictions, interests arising from private roles as well as from the narrow goals of any stakeholders. The principle of impartiality must be followed upon policy-

making and the implementation of policies, upon the involvement of stakeholders and in a situation where a gift or an incentive is offered.

Objectiveness criteria are usually formulated in legislation, internal rules and good practice. The activities of the official must be based on certifiable information and be in accordance with the established procedures. In this way, the collection and objective analysis of diverse and relevant information as well as the making of a reasoned decision is ensured. Section 56 of the Administrative Procedure Act, according to which administrative decisions must be supported with facts and legal grounds, also refers to this principle. Upon policy-making, the official must observe national priorities, not the narrow interests of one group. For instance, if a relative of an official is an entrepreneur, the official must observe national entrepreneurship policy, not the interests of the specific enterprise, when drafting entrepreneurship support scheme. Upon policy-making, official rules must be followed as well. For instance, upon inspecting adherence to occupational health requirements, it is prohibited to assess the working environment of an institution based on a first impression or gut feeling.

In their work, the official must **set their personal political preferences aside and act on the lawful political will expressed to the official**. Political will may be expressed, for example, in the development plans of the field, in the work plan of the institution or in adopted legislation. If an official is a member of a political party or has political preferences, the official cannot work against the goals of the current Cabinet based on different political preferences. For instance, a taxation official may be a devoted supporter of progressive income tax, but as the implementer of legitimate political will the role of the official is to support the implementation of the tax system currently in force. At the same time, the principle does not mean that the official should not highlight bottlenecks in the existing system as an expert in the area. Most officials are allowed to be members of a political party, but nevertheless officials who are members of a political party that is in opposition must set their personal political views aside in their work and follow the goals established by the Cabinet in power. They must refrain from abusing information disclosed to them in connection with their work in the political party and as an official.

In the case of certain professions, the emphasising of the principles of impartiality and independence is of special importance. In such an event the laws establish stricter limitations on non-work activities. For instance, police officers, prosecutors and active servicemen cannot be members of a political party in accordance with the Police and Border Guard Act, the Prosecutor's Office Act and the Military Service Act.

The official must withdraw from making a decision if the official is not or may not be impartial. The circle of related persons listed in the Anti-corruption Act is not exhaustive, but it does include the official's next of kin, related legal persons and the official as a private individual. The withdrawal requirement does not apply to a situation where the official has

been appointed to a management or audit body of a legal person by the institution (e.g. a ministerial official has been appointed to the supervisory board of a state-owned museum). This is regulated in greater detail in subsection 2 of § 7 and in § 11 of the Anti-corruption Act. The removal of an official from making a decision that involves a person related to the official is, first and foremost, the duty and responsibility of the official. For instance, there is a conflict with the principle of impartiality when the official commissioning a survey evaluates a tender submitted by the consultancy of their next of kin. This is so even if the official does not have any regular family relations with the relative. There is also a conflict if an official belonging to a political party exercises supervision over a person who is a member of a management body of that political party.

In the work organisation of the institution, the principle of impartiality is supported by the **application of rotation schemes**. For instance, regarding officials checking the purposeful use of the structural funds, it is possible to periodically change the circle of supervised persons. Thus, a situation where long-term work-related contact between the official and the subject reduces the objectiveness of the official can be prevented. An official who has not detected any deficiencies in the operations of the supervised undertaking for many years and with whom pleasant cooperation relations have been established may be more easily influenced to disregard minor deficiencies.

The core value of impartiality is supported by the statutory **requirement to inform the employer about one's collateral activities**. In this way the institution can preventively assess, for instance, whether the actions of an official who is responsible for issuing fishing permits or for the development of the fishing industry and is also a member of the board of a fishing association call the impartiality of the official into doubt. At the local level there is a conflict with the principle of impartiality if a municipality's legal advisor (who advises citizens) also works in a law firm located in the territory of the municipality and represents the residents of the municipality in disputes relating to the activities of the municipality. Upon following the principle of impartiality, the restrictions established in § 11 of the Anti-corruption Act and clause 1 of subsection 4 of § 60 of the Civil Service Act must also be respected.

The official must not demand or accept **gifts, incentives or offers** that even seemingly affect their impartiality upon performing their duties. In the case of gifts and incentives relating to work, the purpose and exclusiveness of the gift as well as whether the donor may expect a favour in return must be taken into account. One must recognise niceties and gifts made in line with the rules of etiquette, which are not aimed at influencing the official. Such gifts include flowers for birthdays, a symbolic Christmas present from a cooperation partner of the institution, a token of gratitude by a foreign delegation to the host institution and gifts presented in diplomatic communication. One must be critical of unique and exclusive gifts and incentives proffered due to official responsibilities. An expensive gift from a cooperation

partner of the institution which is related to a hobby of the official or sample products offered during an inspection visit can be considered ethically questionable.

Gifts and incentives that even seemingly call the official's impartiality into doubt must be avoided. For instance, it is ethically unacceptable for an official responsible for the arrangement of travel to accept a holiday package from a contractual travel agency or a spa package along with Christmas greetings. It is inappropriate for an official drafting the Medicinal Products Act to participate in a medical conference paid for by a medicinal products manufacturer or to accept product samples provided by a medical company. However, medicinal product discount campaigns aimed at all consumers are of no relevance from the point of view of officials' ethics.

Under the Anti-corruption Act, a gift offered because of official duties is deemed income derived from corruptive practices and § 4 describes how to act in the event of such incentives being proffered. In more severe cases where the official is expected or asked to return a favour, this may constitute gratuities or a bribe. Such cases are qualified as criminal offences under the Criminal Code.

According to the core value of impartiality, the official must avoid discrimination and handle similar situations in a uniform manner. Based on personal convictions or preferences, the official cannot, in similar situations, treat people differently based on age, gender, nationality, race, skin colour, faith or religious convictions, disability or sexual orientation unless grounds for different treatment arise from the law. For instance, an official granting creative industry support cannot preclude works in a specific genre from the target group of the support scheme merely because the official personally does not like the genre. Also, an official cannot give a lower score to an application merely because the applicant comes from a political party whose political views the official does not share.

For the purpose of raising awareness of the value of and implementing impartiality, the institution must identify positions and work processes wherein the risk of violation of the principle is higher. Thereby it is also possible to agree on the internal principles of self-removal. Typical situations related to the preparation of support decisions, tender proceedings, supervision, gifts and incentives should be recorded. Instructions on conduct in situations where a gift in conflict with the principle of impartiality is offered to an official should be drawn up.

Openness and cooperation

Openness and cooperation means the transparency of the actions of the state, ensuring the availability of public information in an understandable form and allowing public supervision over the actions of the state. In the work of officials, these values are reflected in

administrative procedure, in cooperation between officials and authorities, and in the involvement of various parties in policy-making. Open and transparent policy-making, decision-making and inclusion of the public support citizen-centred public governance and give the public a feeling of security that authority is being exercised in the public interest.

In **administrative procedure**, the principle of openness arises from § 7 of the Administrative Procedure Act. It is one of the five general principles through which a uniform administrative procedure that allows for the participation of persons as well as judicial review is attained. In accordance with the principle of openness, the requirements for the disclosure of information on the websites of authorities, the principles of requesting approval and opinions in policy-making, the principles of recording procedural steps, the requirements for delivering or disclosing decisions made etc. are established.

In the case of development plans adopted or decisions made, the official must be prepared to explain the substantive purpose of the decisions relating to their field of responsibility and the meaning of the decisions outside the institution. This principle must be followed in a situation where the official supported a different solution in the decision-making process based on their expert knowledge and actively expressed their views prior to the approval of the decision. After the approval of a legitimate decision, the role of the official usually lies in explaining the substance of the decision and supporting its implementation, not in expressing their personal opinion or the disagreements arising in the course of the decision-making process. For instance, the duty of an official giving advice in the field of public procurements is to explain, in the event of an enquiry, the substance and goal of the statutory procedural rules, even though the official may have preferred a different solution at the time of drafting the law.

The prerequisite for policy-making and implementation processes is that officials and authorities **cooperate for the purpose of achieving common goals**. Functioning cooperation calls for the will of different parties to jointly reach a solution that takes into account the interests of the parties in the best possible manner and secures a high-quality decision made in the public interest. While both teamwork and negotiation skills are important at the level of officials, at the institutional level the shaping of an organisation culture that values cooperation and openness is important.

In **policy-making**, openness and cooperation are expressed via inclusion and the assessment of the impact of legislation. Informing stakeholders and the public and consulting with them allows the quality, legitimacy and acceptability of decisions to be increased. Via assessment of the impact of development plans and legislation it is possible to explain significant effects arising from changes and the need for the changes, as well as to think through those aspects pertaining to the implementation of the change. Therefore, officials are required to forward balanced and objective information upon preparing new policies. In this way it is possible to understand the purpose of the decision and various solutions as well as to seek feedback on

the planned policy. In essence, this involves cooperation with experts, stakeholders and other authorities.

The greatest challenges in regard to inclusion are related to balancing the positions of stakeholders and to the efficiency of the process. Since not all of the proposals of cooperation partners and stakeholders can be taken into account, it is important to state reasons for agreeing or disagreeing with a proposal. In the interests of the transparency (as well as the objectiveness and impartiality) of policy-making, the reasons must focus on the effects arising from the proposal. Special attention must be paid to stating the reasons for decisions that give advantages to one group over others or to the rejection of the proposals of a stakeholder. If the incentives provided by law or the possibilities to receive support extend only to limited target groups, the rejected proposals and the decision to reject must be explained as exhaustively as possible for the purpose of making the decision acceptable.

Since inclusion is **time-consuming and expensive**, people tend to skip it in situations where they want quick decisions. The reasonableness of urgency must be weighed up against the gains of inclusion. Inclusion allows situations to be prevented where the problem to be solved is discussed one-sidedly or based on one target group in conflict with the legislation or development plans in force. A hastily made decision may later need to be revised. More detailed instructions for the inclusion of interest groups and assessment of the impact of legislation are contained in 'Good Practice in Inclusion' approved by the Government of the Republic and in the guidance material entitled 'Legislative Impact Analysis: Guidelines for Officials Engaged in Legislative Drafting' (available in Estonian).

One of the goals of the core value of openness is ensuring reliance on the public interest. However, the principle of openness is not absolute. **Restrictions** on the disclosure of or access to information may be established if the information harms the public interest or infringes privacy. The purpose of the restrictions is to protect privacy, trade secrets, national security etc. For instance, the disclosure of all of the tactics of the police may impede the discovery of offences or encourage the committing of offences (clause 5¹ of subsection 1 of § 35 of the Public Information Act); the disclosure of information relating to national defence may harm national security; and so on. In the case of the protection of personal data, the main goal is to protect privacy, and in borderline cases it must be preferred over the public interest. Requirements relating to the disclosure of information are set out in greater detail in the Public Information Act, the Personal Data Protection Act and the State Secrets and Classified Information of Foreign States Act.

The main ethical problems regarding restrictions are related to discretionary decisions upon the disclosure and restriction of data as well as to the access to various databases of officials. At the institutional level it is important to establish rules on access to restricted data and to ensure adherence to these rules.

Stating the reasons for decisions and including people in policy-making may bring about a **need to explain decisions to the public** via a press release, explanatory article or interview. The main goal is to ensure that the information given to the public on a decision – whether it is still being planned or has already been made – is reliable, uniform and exhaustive. In accordance with the principles of media communication, the organisation of work and the situation at hand, communication with the public may be organised in different ways. Among other things, there may be differences in the number and level of spokespeople and in coordination in the unit responsible for public relations. The institution must establish uniform principles and inform its officials thereof.

IMPLEMENTATION OF THE CODE OF ETHICS

- The Code of Ethics contains principles for resolving ethical dilemmas encountered in the work of officials, but at the same time it does not offer legally binding solutions or contain an exhaustive list of all situations relating to the ethics of officials. The explanatory part of the Code is regularly updated by the Council of Ethics of Officials.
- Even though the Code is applicable to officials under the Civil Service Act, the Ethics Council recommends that the employees of public authorities follow the Code as well. The Code contains values that are characteristic of the civil service as a whole. Furthermore, most of the legal rules governing the prevention of corruption arise from the Anti-corruption Act, which also applies to most of the employees of public authorities. For the purpose of better implementation of the Code, the requirement to follow the Code should be set out in the internal rules of the institution.
- The Code of Ethics for Officials contains values across the civil service. Ethical values, standards and restrictions arising from the characteristics of the field or institution may be established in organisational or profession-based codes of ethics and codes of conduct. Profession-based standards are applicable, for example, to prison officers, active servicemen and prosecutors. In the case of field-specific ethical dilemmas, one must first and foremost follow the code of the profession or organisation. The Code of Ethics for Officials is a tool to the extent that is not covered in the field-based code.
- If an official faces an ethical dilemma, the case must be analysed based on the core values and principles of the Code and a solution must be sought within the institution first.
- Upon systemic analysis of cases, the document 'E for Ethical Decision-making Model' (available in Estonian) represents good reference material: http://www.avalikteenistus.ee/arhiiv/ope/html/2_0.html.
- If an internal solution cannot be reached or an expert opinion is required in a case, the Council of Ethics of Officials can be addressed.
- The Code of Ethics and other codes regulating the field-based ethics of officials are advisable materials in training organised for newcomers to institutions, in discussions, upon developing organisational values and upon drafting documents regulating ethical behaviour.
- Further information can be found under the ethics menu on the civil service website www.avalikteenistus.ee and on the anti-corruption website www.korruptsioon.ee.

- Measures with the help of which institutions can support the implementation of the Code of Ethics within an organisation:
 - Taking into account the values and principles of the Code of Ethics, to discuss organisational ethical principles and/or examine the consistency of existing ethical principles with the Code
 - To define the structural unit, official or employee who is responsible for reinforcing ethics within the institution
 - To map the processes and activities in the organisation where there is a heightened risk of a conflict of interest
 - To organise regular training to raise awareness of ethics and prevent corruption. It is important to ensure awareness throughout the institution, but it is of special importance to pay attention to new civil servants, policymakers, mid-level and senior executives, and inspectors.
 - To discuss topics of the Code of Ethics at internal seminars or other events of the institution in order to remind people of matters related to values on a positive note
 - To gather regular feedback from civil servants on the main ethical issues in the institution. This can be done, for instance, via anonymous surveys, or the topics can be discussed during appraisals.
 - To draw up internal principles on the topics related to the prevention of conflicts of interest that are the most important from the point of view of the activities of the organisation. This may include the acceptance of gifts and incentives, informing about collateral activities, the principles of withdrawal and removal for the purpose of adherence to operating restrictions and the use of the equipment and funds of the institution.
 - To introduce value-based human resources management – to agree on the main values of the institution and to consciously observe them upon the recruiting, evaluating, remunerating, training etc. of civil servants. For instance, upon the recruitment of a supervision official, it is possible to use the analysis of a case involving a conflict of interest.