



## *National Computer Board*

### **Gift Policy at the National Computer Board**

#### **1. Preamble**

This gift policy provides guidance to all the staff of the National Computer Board, about what is and what is not appropriate to accept as a gift, offering, award, favour, benefit or token of appreciation from a customer, vendor, supplier, or any third party which might have an influence on their way of carrying out their duties and highlight their obligations in situations where they are offered such gift or hospitality.

The law generally prohibits anyone from giving, offering or promising a public official either directly or indirectly anything of value with the intent to influence any public official act or omission on the part of that public official. According to the Prevention of Corruption Act 2002, Section 15:

“Receiving gift for a corrupt purpose” makes it an offence for any public official to solicit, accept or obtain a gift for a corrupt purpose. However, in the explanatory note, the term gratification is used. Thus, any public official who solicits, accepts or obtains a gratification for himself or for any other person, that is ;

- a) from a person, whom he knows to have been, to be, or to be likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with his functions or those of any public official to whom he is subordinate or of whom he is the superior; or
- b) from a person whom he knows to be interested in or related to the person so concerned,

shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 10 years.

## **2. Guidelines for staff**

Staff should understand that there are real risks associated with accepting gifts, benefits and hospitality in the course of their work. Such offers may undermine their integrity and influence their behaviour or give the perception that they are being influenced in their decisions. Even gifts of moderate value may create an inappropriate relationship where the employee feels an obligation or loyalty to the giver. They should be alert to the fact that an offer of gift or gratification can cause them to act partially towards the provider, rather than impartially in accordance with public duty.

In the light of the legal considerations, some practical guidelines for the staff, in relation to gifts offered in different situations, are set out below:

- 1) Staff must a priori refuse any gift or benefit that can be construed as a gratification.
- 2) Staff shall not accept a gift of any value if it constitutes a conflict with the proper discharge of his/her duties, or creates the appearance of conflict. Thus, on account of his/her public function or in relation to the past, present or future performance of his/her public duties, staff cannot accept (for himself or for anyone else) any gratification at all, of whatever nature, in whatever form and by whatever name it is called.
- 3) Staff shall not give, or solicit a contribution for, a gift to his/her superior or subordinate if this is likely to have an influence on any of the official duties of the employee.
- 4) The acceptance of gifts of money or gift vouchers is strictly prohibited. Likewise, any gifts and benefits (including token value) associated with procurement is strictly prohibited. This also includes lunch offered by a contractor to public officials involved in monitoring of contracts and dinners to “seal the deal” or the signing of a contract.
- 5) Token gifts such as pens, stationery and among others which have logos and other branding must also be avoided as this may be seen to be endorsing or promoting the donor’s product. One should exercise caution particularly if the donor is regulated by or has official dealings with the government.

- 6) Hotel accommodation/air tickets/tours offered by a private company making its publicity or promotion campaign of a product where the public body is invited to be represented by its official/s must not be accepted.

### **3. Exceptions**

There may be exceptions for acceptance of gifts and these may include diplomatic missions, workshops, seminars, conferences and other functions which a staff attends in his/her official capacity or when participating in social and cultural events.

All gifts or hospitality accepted should satisfy the “Zero Influence Test”. In deciding whether the items offered satisfy the “Zero Influence Test”, staff should ensure that the following two conditions are met:

- a) The offeror giving the gift or hospitality has no intent to influence a decision or start a “sweetening process” with the ultimate aim of influencing a decision- making process. The gift should be solely offered out of mere appreciation; and
- b) The gift or hospitality offered should be available to others such as other public officials or members of the public. The more widely it is available to others, the safer it is.

If the above two conditions are not met, the “Zero Influence Test” will not be satisfied. In any event, the staff must always report to his/her immediate Head of Department any offer of gratification whether accepted or not.

Some exceptions are given as follows:

#### **1) Conferences and other events**

The offer and acceptance of gifts during conferences and other official events may be permissible as long as the participation in the event is considered as a customary and necessary part of the staff duties and gifts offered/received are not meant to have any bearing or influence on the decision- making process regarding any dealing or future dealings with the organisation.

Staff participating in a conference or other official event, for which he/she has been officially nominated, may accept an offer of free attendance including materials, meals or refreshments paid by the organisation or organising country/institution. It should be clearly understood that they should preserve their impartiality and their participation in the events should not have any bearing on any of their current or potential decisions where the organising institution has an interest.

Gifts are often presented to a staff representing his/her organisation in a public forum. These gifts are often presented in appreciation of the work, assistance or participation of the public official. Refusal to accept gifts in these circumstances may cause embarrassment and when presented by representatives of another country or international agency, may have adverse diplomatic implications. These gifts may, therefore, be accepted subject to appropriate disposal. Similarly, a public official may on behalf of his/her organisation, offer gifts during public forum to his/her counterparts for the organisation they represent. The offer of such gifts should be subject to the laws of the country of the recipient(s).

## **2) Discounts and rebates**

A discount or rebate offered to a staff without regard to the official status and which is provided in the normal course of business and offered to the general public is not considered a gratification. On the other hand, if a discount or rebate, which is not available to the general public, is offered to the public official on account of his/her position or office and accepted, both the giver and the public official may commit an offence under the Act.

## **3) Hotel Accommodation**

In the context of promotion campaigns, hotels may offer accommodation and services at discounted rates to customers. Such discounts may be accepted by staff if made available to the general public or bona-fide targeted groups of customers including a group of public officials. However, if offered to a staff only because of the latter's official position or on account of the exercise of his/her function, then it is a gratification and is therefore prohibited.

A fortiori, free accommodation and services can constitute an offence.

#### **4) Gifts between/to employees**

A staff may accept, give, or contribute towards major life events such as birth or adoption of a child, wedding, funeral, retirement of an official superior or subordinate provided this is not likely to have an influence on any of the official duties of the public official.

#### **5) Gifts from friends and family members**

A staff may accept gifts from friends and family members in the normal gift-giving situations (e.g. birthdays, anniversaries). However, if a gift is received outside the normal gift-giving pattern of one's relationship, one should consider whether external factors such as any associated obligation may be at play before accepting the gift.

#### **6) Frequent flyer and other loyalty schemes**

Some airlines encourage customers to join programmes that award free flights and other benefits to frequent flyers. These schemes, in effect, may lead to staff receiving private benefits through expenditure of public funds. For instance, when a staff benefits from frequent flyer points on account of his/her official missions abroad funded by his/her the government. Here as well, the general principle is that any benefit obtained as a result of the performance of official functions must accrue to the organisation and not to the individual. To adopt a clear and consistent approach, points earned on the frequent flyer and similar loyalty schemes through government funded travel should accrue to Government and should be used to fund further official travel.

### **4. Disposal of gifts**

The general principle is that gifts obtained during the performance of an official duty are the property of the NCB.

A staff must within one week hand over the gift to the administration department of the NCB for appropriate disposal. Appropriate records of all gifts together with the names of the donors will be kept. Such items when retained will be included in the NCB inventory record. Examples of the ways in which gifts obtained in the above circumstances may be disposed of are:

- ❖ If the gift is of a perishable nature e.g food or drink and among others, it may be shared among staff of NCB.
- ❖ If the gift is a non-perishable item, it may be kept in the HR department.
- ❖ If the gift is suitable for display (e.g. a painting, vase, and among others) or suitable for retention as a souvenir in the office, it may be displayed in the organisation.

## **Note**

- a. Gifts received should always be subject to a written declaration by the staff made to HR as per Annex 1.
- b. The NCB should set a zero tolerance stance against the acceptance of gifts and should exert stringent control over gifts and hospitality. The above measure will allow transparency and impartiality in the execution of public duties at the NCB.
- c. The gift policy of the National Computer Board has been prepared in accordance with the ICAC Guidelines on Gifts and Gratifications for Public Officials and where the gift policy does not address a particular issue, advice shall be requested from ICAC.

## **5. Endorsement**

- This policy has been endorsed by the Board at its 278<sup>th</sup> meeting held on 04 August 2020