

2018 CODE OF CONDUCT

FOR PERSONS CARRYING
ON LOBBYING ACTIVITIES

AS PUBLISHED BY THE STANDARDS IN
PUBLIC OFFICE COMMISSION 2018

EFFECTIVE 1 JANUARY 2019



LOBBYING.ie

An Clár Brústocaireachta
Register of Lobbying

Introduction

Under section 16 of the Regulation of Lobbying Act 2015 (the Act), the Standards in Public Office Commission (the Standards Commission) may produce a Code of Conduct for persons carrying on lobbying activities “*with a view to promoting high professional standards and good practice*”.

The purpose of this Code is to govern the behaviour of persons carrying on lobbying activities. The diversity and range of persons who may be captured by the scope of the Act presents a challenge in terms of defining a set of shared principles on which a code of conduct might be based. The provisions of the Act can apply to employers; to representative or advocacy bodies; to professional lobbyists or third parties who are being paid to communicate on behalf of a client or other person; and, significantly, to any person communicating about the development or zoning of land. Consequently, persons who might otherwise not regard themselves as lobbyists may find themselves carrying on lobbying activities and have the requirement to register.

The Standards Commission is of the view, however, that this Code sets out principles which can be applied equally to professional lobbyists and to employers, representative / advocacy bodies and individuals alike, and by which persons carrying on lobbying activities may conduct their lobbying activities transparently and ethically.

The Code is not intended to supersede or replace any requirement that a person carrying on lobbying activities may have to comply with the Act or to comply with any other legislation, professional code of conduct or industry rules and regulations which might apply to them.

The Code will come into effect on 1 January 2019. The Code will be reviewed every three years, in keeping with the statutory reviews of the Act provided for in section 2 of the Act.

Preamble

Lobbying activities are undertaken by many people and organisations in relation to a broad range of matters. Lobbying activities are a legitimate means of access to parliamentary, government and municipal institutions.

Lobbying activities contribute to informed decision-making by elected and appointed public officials.

The legitimacy of lobbying is reinforced when lobbying activities are carried out transparently and in an ethical manner. In support of the Act's objectives to foster transparency and the proper conduct of lobbying activities, this Code of Conduct sets out several principles by which persons carrying on lobbying activities should govern themselves in the course of carrying out lobbying activities, namely:

1. Demonstrating respect for public bodies;
2. Acting with honesty and integrity;
3. Ensuring accuracy of information;
4. Disclosure of identity and purpose of lobbying activities;
5. Preserving confidentiality;
6. Avoiding improper influence;
7. Observing the provisions of the Regulation of Lobbying Act; and
8. Having regard to the Code of Conduct.

While the Act governs communications with Designated Public Officials (that is, Ministers, Ministers of State, and ministerial advisors, elected representatives and certain senior public servants), the principles of the Code should apply to all communications with persons in public office, whether prescribed for the purposes of the Act or not.

The Act, together with this Code of Conduct and associated regulations, guidelines and standards of conduct applicable to Office Holders, elected representatives and public servants, aims to ensure that lobbying activities are conducted in accordance with public expectations of transparency and integrity, and that decisions are made in the public interest. Persons carrying on lobbying activities may also wish to have regard to other guidance material published by the Standards Commission in relation to the Act; to the Transparency Code published by the Minister for Finance and Public Expenditure and Reform; to the Standards Commission's Data Protection Policy; and to the Ethics in Public Office Acts 1995 and 2001.

Code of Conduct

Persons carrying on lobbying activities shall have regard to the following principles:

1. Demonstrating Respect for Public Bodies

Persons carrying on lobbying activities should act in a manner that demonstrates respect for the democratic process; for democratic institutions and for public bodies, including the duty of elected and other public officials to serve the public interest. A person carrying on lobbying activities should not act in a manner that shows disrespect for the democratic process; for democratic institutions or for public bodies, and should refrain from directly or indirectly exerting undue pressure on an elected or appointed public official.

Persons carrying on lobbying activities should not expect preferential access or treatment from public officials based on the person's identity or on a former or existing relationship¹ with the elected or appointed public official. Persons carrying on lobbying activities should not seek to abuse or exploit such relationships.

A person who, by virtue of their membership of a Committee, Advisory Group, Task Force etc. has preferential or exceptional access to elected or public officials, should not use their membership to seek preferential treatment for themselves or the organisation/body they may be representing.

2. Acting with Honesty and Integrity

Persons carrying on lobbying activities should conduct all relations with public bodies and elected or appointed public officials with honesty and integrity. Persons carrying on lobbying activities should not seek to obtain information or influence decisions dishonestly or by use of improper means or influence. Persons carrying on lobbying activities should make their case without manipulating or presenting information in ways that could be regarded as dishonest, misleading or false.

1 For example a personal or family relationship or having worked together on electoral campaigns.

Persons carrying on lobbying activities should not knowingly make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature or extent of their access to elected or appointed public officials.

Persons carrying on lobbying activities should avoid any conduct or practices likely to bring discredit upon themselves, the persons they represent or the public bodies they are contacting.

3. Ensuring Accuracy of Information

Persons carrying on lobbying activities should take all reasonable measures to satisfy themselves that the information they are providing to public bodies or to elected or appointed public officials is accurate and factual.

If a person carrying on lobbying activities considers that there is a material change in factual information previously provided and the person believes that the public body or elected or appointed public official may still be relying on the previous information, the person should, insofar as is practicable, provide accurate and updated information to the public body or to the elected or appointed public official.

For the purposes of transparency, persons carrying on lobbying activities are encouraged to make public, where possible, any information used to support their lobbying activities.

4. Disclosure of Identity and Purpose of Lobbying Activities to Public Bodies and Elected or Appointed Officials

A person carrying on lobbying activities should always identify themselves by name and, where applicable, the body or bodies they work for. Where a person is carrying on lobbying activities on behalf of a client or other person, the person carrying on the lobbying activities should disclose the identity of the client or other person, the nature of their relationship with that person or organisation and the client's/organisation's interests in the matter.

A person carrying on lobbying activities must not conceal or try to conceal the identity of a client, business or organisation whose interests they are representing.

A person carrying on lobbying activities should always inform the elected or appointed public official of any personal interests they may have in the matter. They should also make clear the objectives or aims they promote (or those of the client they represent) and the purpose and intended results of the communication.

5. Preserving Confidentiality

A person carrying on lobbying activities should only use and disclose any confidential information received from a public body or an elected or appointed public official in the manner agreed with the body/official and which is consistent with the purpose for which it has been shared.

A professional lobbyist or third party carrying on lobbying activities on behalf of other persons should not use, for purposes other than those of their mandate, confidential information obtained in the course of their lobbying activities. They should not divulge confidential information relating to their clients unless they have obtained the informed consent of their client, or disclosure is required by law.

6. Avoiding Improper Influence

A person carrying on lobbying activities should not, in the course of their lobbying activities, seek to create a sense of obligation on the part of the elected or appointed official by making any offer of gifts or hospitality.

A person carrying on lobbying activities should not create a sense of obligation or place elected or appointed public officials in a conflict of interest situation by proposing any offer, inducement or reward (directly or indirectly) which might cause an elected or appointed public official to breach any law, regulation, rule or standard of conduct applicable to them. In that regard a person carrying on lobbying activities should be aware of any rule or code of conduct which might apply to the acceptance of gifts or hospitality by elected or appointed public officials.

A person carrying on lobbying activities should not seek to influence an elected or appointed public official other than by providing evidence, information, arguments and experiences which support their lobbying activities.

7. Observing the provisions of the Regulation of Lobbying Act

A. Registrations and Returns

A person carrying on lobbying activities should familiarise themselves with the provisions of the Act and with any relevant guidance material published by the Standards Commission. In particular a person carrying on lobbying activities must:

1. Comply with the requirement to register on the Register of Lobbying (the Register) in accordance with section 8 of the Act and provide the information required under section 11 of the Act in the manner and form required by the Standards Commission.
2. Comply with the requirement to submit regular returns of lobbying activities to the Register as provided for in section 12 of the Act in the manner and form required by the Standards Commission. This includes “nil” returns where relevant.
3. Comply with the requirement under section 13 of the Act to provide additional or corrected information if requested to by the Standards Commission.

A person carrying on lobbying activities should follow the Standards Commission’s guidance on submitting returns of lobbying activities to ensure that returns of lobbying activities are accurate, complete and submitted on time.

A person carrying on lobbying activities on behalf of a client or other person shall inform the client, business or organisation whose interests they are representing of their own requirements and the client’s or other person’s requirements under the Act.

The head of an organisation should ensure that employees or other persons who carry out lobbying activities on the organisation’s behalf are aware of the organisation’s requirements under the Act and are made aware of the requirements of this Code of Conduct.

B. “Cooling off” period

Section 22 of the Act provides that “relevant Designated Public Officials (DPOs)” (Ministers and Ministers of State, Special Advisers and Senior

Public Servants) are subject to a one-year cooling-off period. During this period, relevant DPOs cannot engage in lobbying activities in specific circumstances, or be employed by, or provide services to, a person carrying on lobbying activities in specific circumstances, namely:

The making of communications comprising the carrying on of lobbying activities (as defined in section 5 of the Act) which:

1. Involves any public service body with which the relevant DPO was connected, that is, employed or held an office or other position in the year prior to their leaving, or
2. Is to a person who was also a DPO who was employed or held an office or other position with that public service body in the year prior to the person's leaving.

A person subject to the one-year cooling-off period may apply to the Standards Commission for consent to undertake such activities or be employed by a person who is undertaking such activities. The Standards Commission may decide to give consent unconditionally or to give consent with conditions attached. The Standards Commission may also decide to refuse the application for all or part of the one-year "cooling off" period.

If seeking to employ or engage a person who may be subject to the provisions of section 22 of the Act, the employer should first establish whether the person has considered the requirements of section 22 and, if necessary, has sought and received the consent of the Standards Commission to carry on such lobbying activities.

8. Having regard for the Code of Conduct

Section 16(5) of the Act provides that a person carrying on lobbying activities shall have regard to this Code of Conduct. When engaging in lobbying activities, therefore, a person should, in addition to meeting their statutory obligations under the Act, seek to meet the standards set out in the principles and rules of this Code and should conform to the letter and spirit of this Code of Conduct.



Coimisiún um Chaighdeáin in Oifigí Poiblí
Standards in Public Office Commission

Standards in Public Office Commission

18 Lower Leeson Street

Dublin 2

D02 HE97

Telephone: (01) 639 5722

Email: info@lobbying.ie

Website: www.lobbying.ie

Twitter: [@LobbyingIE](https://twitter.com/LobbyingIE)