

# **Civil Service Regulation**

of 22 June 2018, which lays down

## **The Internal Anti-corruption Programme**

in the National Archives

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### **Part One**

#### **Introductory provisions**

##### **Art. 1**

##### **Introductory provisions**

- (1) This Civil Service Regulation (hereinafter referred to as the “Regulation”) shall be issued in accordance with the Instruction of the Minister of the Interior No. 16/2018 of 14 May 2018 amending the Instruction of the Minister of the Interior No. 1/2015, which laid down the Departmental Internal Anti-corruption Programme of the Ministry of the Interior (hereinafter referred to as “DIAP”), as amended.
- (2) This Regulation shall apply to civil servants who are in civil service employment under the Civil Service Act, to employees in labour-law employment under Section (178) of the Civil Service Act, to employees not engaged in activities pursuant to Section (5) of the Civil Service Act, and employees working on the basis of agreements on work performed outside labour-law employment (hereinafter referred to as “employees”).

##### **Art. 2**

##### **Purpose of Internal Anti-corruption Programme – IAP**

- (1) The Internal Anti-Corruption Programme (hereinafter referred to as “IAP”) is a tool and guideline for creation and strengthening the anti-corruption climate and managing the identified risks of corruption in the National Archives (hereinafter referred to as the “Archives”).
- (2) IAP is based on the following basic pillars of the fight against corruption:
  1. Creating and strengthening the anti-corruption climate,
  2. procedures for suspected corruption;
  3. transparency,
  4. management of corruption risks,
  5. evaluation of the internal anti-corruption programme.

### **Art. 3**

#### **The concept of corruption in public administration**

- (1) In the public administration environment of the Czech Republic, corruption is mainly perceived as taking and giving bribes, counter-services, clientelism and nepotism. Corruption can be characterized as a relationship between two parties, where one party violates its obligations by misusing the entrusted jurisdiction, for which it gains an unjustified advantage for itself or for another, on its own or at the initiative of the other party. All forms of corrupt conduct must be deliberate acts with the aim of bringing an undeserved advantage, unjustified benefit, etc. to themselves or to others.
- (2) Corruption in public administration occurs most often in two basic forms.
  - (a) *Bureaucratic corruption*, which includes the corrupt behaviour of persons performing activities concerning public administration. It manifests itself, for example, as decision-making contrary to legal regulations and internal management regulations, awarding contracts outside the competitive environment, scheming in the field of public procurement, not imposing sanctions on persons who violate legal regulations, etc.
  - (b) *Political corruption*, in particular corruption of public officials, threatening the foundations of the constitutional system, economic and security policy of the state.
- (3) Both forms of corruption affect different levels of public administration and political power and manifest themselves either as *corruption leading to the accumulation of property* (such as bribes, commissions, fraud, embezzlement, and economic crime), or as *corruption linked to the protection of power positions* (such as abuse of a position or an office to acquire property or other undeserved benefit or advantage).

## **Part Two**

### **Creating and strengthening the anti-corruption climate**

#### **Art. 4**

#### **Code of Ethics**

- (1) The Code of Ethics sets out the conduct and responsibilities of employees not explicitly stipulated by law or internal regulation.
- (2) An important document in the field of ethics in public administration is the Code of Ethics of Officials and Employees of Public Administration, approved by Government Resolution No. 331 of 9 May 2012 (hereinafter referred to as the “Code of Ethics”) and Civil Service Regulation of the Deputy Minister of the Interior for Civil Service No. 13/2015, laying down the rules of ethics for civil servants (hereinafter referred to as the “Ethics Rules”).
- (3) The employees of the Archives shall exercise their rights and duties arising from the civil service and labour-law employment in accordance with the Code of Ethics and Ethics Rules.

**Art. 5**  
**Objectives and means of IAP**

- (1) The aim of IPP shall be to minimize the motivation of employees to engage in corrupt practices and raise awareness that if they resort to corruption or participate in creating a corrupt environment, they will soon be detected and punished.
- (2) Prevention of corruption shall be a working environment rejecting corruption and emphasizing the employee's loyal relationship to the employer and state property.
- (3) Employees who, through their culpable acts or omissions, violate legal regulations, internal management regulations and thus create space for corruption, or are themselves involved in corrupt activities, should be dealt with quickly, forcefully and uncompromisingly, within the limits of the Civil Service Act or the Labour Code.
- (4) The educational process, the effective internal control and management system, the Code of Ethics, the Ethics Rules and the personal example of senior civil servants and managers shall have supporting effect.

**Art. 6**  
**IAP Awareness**

- (1) The IAP shall be available to employees of the Archives on the intranet. This shall ensure:
  - Familiarization of employees with IAP;
  - awareness of the protection of employees who have reported suspected corruption;
  - explanation of the procedure in the case of corruption so that each employee is able to deal with situations that he/she may encounter in the exercise of his/her powers, for example when receiving a corrupt offer.
- (2) The IAP shall be permanently accessible to the public on the Archives website at <https://www.nacr.cz/uredni-deska/protikorupcni-opatreni>.

**Art. 7**  
**Employee training**

- (1) The initial training of employees shall include familiarization with applicable internal management and civil service regulations and familiarization with the Ethics Rules of civil servants. Employees shall be also familiarized with procedures in the event of corruption.
- (2) All employees shall confirm by signing that they are familiar with the IAP. Managers shall arrange employees' confirmation of familiarization with the IAP as well as its each update.

## **Part 3**

### **Anti-corruption Programme**

#### **Art. 8**

#### **Procedure for reporting suspected corruption**

**(1) Receipt and handling of motions by the Office of the Minister of the Interior**

The Archives shall be generally governed by the procedures laid down in the DIAP. Thus, for the employees of the Archives, the place to report corruption shall be the Office of the Minister of the Interior, unless the report of suspected corruption is filed with the prosecuting authority.

Archives employees may file a report of suspected corruption with the Office of the Minister of the Interior in the following forms:

- A paper notification that can be sent to the address Ministerstvo vnitra [Ministry of the Interior], kancelář ministra vnitra [Office of the Minister of the Interior], Nad Štolou 3, 170 34 Praha;
- an e-mail to the address [protikorupci@mvr.cz](mailto:protikorupci@mvr.cz);
- a phone call to phone number (+420) 974 832 925;
- reporting in person in the Office of the Minister of the Interior.

The department receiving reports shall observe the following rules:

- It shall guarantee anonymity of the notifier;
- evaluate the relevance of the received report;
- determine the degree of severity of the relevant report;
- keep records of submissions for statistical processing;
- propose corrective action based on the findings.

**(2) Reporting procedure for civil servants only**

In addition, a civil servant may use the procedure of reporting corruption under the Government Regulation No. 145/2015 Coll., on measures relating to the reporting of suspected lawless behaviour in the Service Authority.

Pursuant to this Regulation, an Investigator shall be designated in the Archives who may be filed a notification with:

- By e-mail to the address [protipravnijednani@nacr.cz](mailto:protipravnijednani@nacr.cz);
- in paper form – for this purpose there shall be a box in the Archive located in the Operational-technical Building in Chodovec, on the ground floor;
- in paper form to the address Národní archiv [National Archives], Archivní 4, 149 00 Praha – the envelope containing notification shall be clearly marked “PROŠETŘOVATEL” [INVESTIGATOR].

The investigator's activities shall be governed by Methodological Instruction of the Deputy Minister of the Interior for Civil Service No. 8/2015, which lays down details on the procedure for investigating reports of suspected lawless behaviour in the Service Authority. The protection of notifiers shall be declared in accordance with established procedures so the notifiers must not be punished, disadvantaged or subjected to coercion in connection with the report made.

**(3) Protection of notifiers**

The role of the notifier is essential in detecting corruption. If reporting has not been made with the aim of causing damage to another person, no personal, disciplinary or other sanctions against the notifier of corrupt conduct shall be adopted in connection with the report made by the notifier.

The identity of the notifier shall not be known to the investigating organization unit during the work with the submitted report nor its investigation and shall remain stored in the file kept by the Office of the Minister of the Interior or the Investigator of the Archives, provided that the case is not a criminal offense.

In the obvious case of a suspected criminal offense, it shall be a legal obligation to refer the submission to prosecuting authorities. In such cases, however, the identity of the notifier cannot be concealed.

Only the notifier, if known, shall be informed of the referral of the submission. Informing senior civil servants and managers with a view to taking factual, organizational or personnel measures shall be carried out in coordination with the police authority so that the purpose of the criminal proceedings is not hampered or thwarted.

The Office of the Minister of the Interior or the Archives Investigator shall monitor the attitudes of superiors towards the notifier, if known, and, if discriminatory activities are identified, take immediate steps to eliminate them.

**(4) Follow-up measures**

To reduce the recurrence or to timely detect corrupt conducts, remedial measures shall be taken, laying in modification of internal processes and assessment of corruption risks by senior civil servants and managers of the Archives and taking measures to reduce their impact and significance.

If corrupt conduct is detected, the investigation procedure shall be followed in accordance with valid laws and internal management regulations.

The resulting damage shall be solved and recovered on the basis of the employer's decision.

**Art. 9**  
**Transparency**

- (1) The management of individual processes, activities and their control shall ensure the right of the public to information within the scope of valid legal regulations and submission of suggestions and proposals from the public. This shall create adequate preconditions for the prevention of corruption as well as for its detection.
- (2) Publication of information in the Archives shall be carried out in accordance with valid legislation and shall include:
  - (a) information on completed public procurement contracts, including small-scale public procurement contracts;
  - (b) Internal Anti-corruption Programme of the Archives;
  - (c) personal data protection – GDPR;
  - (d) information on the structure of the Archives;
  - (e) contacts to the senior civil servants and managers including e-mail;
  - (f) professional curriculum vitae of the Head of the Service Authority;
  - (g) concluded contracts, including amendments.
- (3) Obligatory published information pursuant to points (a) to (e) shall be made available on the website of the Archives at <http://www.nacr.cz/>. Information pursuant to point (f) shall be published in the Register of Contracts (ISRS), administered by the Ministry of the Interior of the Czech Republic, at <https://smlouvy.gov.cz/>.

**Art. 10**  
**Corruption risk management**

- (1) Corruption risks shall be part of the analysis of all risks identified in processes and activities secured within the meaning of Sections (25)(1) and (25)(4) of Act No. 320/2001 Coll., on Financial Control, as amended.
- (2) Corruption risk management shall include these activities:
  - (a) *Identification of corruption risks, including annual updates* – consists in identifying corruption risk areas in the Archives;
  - (b) *determination of the probability of the impact of risk* for the identified risks – in real time, rating degrees 1 to 5;
  - (c) *determination of undesirable impact of risk* for the identified risks – its impact on public administration performance and budget, rating degrees 1 to 5;
  - (d) *determination of the degree of significance* of the risk effect – the product of the probability and impact assessment;
  - (e) *proposal of measures* to reduce the risk of corruption for the identified risks;
  - (f) *creation of the document “List of corruption risks”* (see Annex), classified by activities to be secured;
  - (g) *development of a graphical risk map* according to the degree of significance of the risk impact (see Annex).
- (3) The senior civil servants and managers of the Archives shall be responsible for activities pursuant to Section (2), points (a) to (e).

- (4) Activities pursuant to Section (2), points (f) and (g) shall be performed by a designated employee from the Department of the Director of the Archives.
- (5) The identified risks shall be assessed on a five-stage scale as follows:

<b>Probability of the impact of risk</b>	<b>Undesirable impact of risk</b>	<b>Determination of the degree of significance of the risk effect (probability x impact)</b>
<b>1 – Insignificant</b> Occurs to insignificant extent (1–20 %)	<b>1 – Insignificant</b> Outage in activities that do not affect the operation of the organization, routine remedies.	<b>1 – Insignificant</b> (Range of values 1–3)
<b>2 – Slight</b> Occurs in exceptional circumstances (21–40 %)	<b>2 – Slight</b> Outage in activities that do not affect the operation of the organization, remedies require cooperation of several entities.	<b>2 – Common</b> (Range of values 4–8)
<b>3 – Possible</b> Occurs in large measure (41–60 %)	<b>3 – Low</b> Occasional outage in activities, necessary interventions in the organization regime, failures disrupting the internal operations of the organization.	<b>3 – Not inconsiderable</b> (Range of values 9–15)
<b>4 – Almost probable</b> Occurs to extent of 61–80 %	<b>4 – Middle</b> Periodic recurrences of outage in activities, the risk of financial losses, a large number of misconducts, must be addressed by courts and superior authorities.	<b>4 – Serious</b> (Range of values 16–20)
<b>5 – Probable</b> Occurs to extent of 81–100 %	<b>5 – Substantial</b> Outages have impact on the public, threat to fulfil legal obligations, financial losses.	<b>5 – Very serious</b> (Range of values 21–25)

- (6) When a risk with a “Serious” or “Very serious” degree of significance is identified, the Head of the Service Authority (Director of the Archives) shall arrange for an investigation to identify and evaluate the facts suggesting corruption and take measures to minimize these risks.

### **Art. 11 IAP evaluation**

As of 31 December of the odd calendar year, the designated employee of the Archives shall evaluate the IAP as follows:

- (a) Evaluates and updates the list of corruption risks;
- (b) elaborates a report on the evaluation of the Internal Anti-corruption Programme and sends it to the Office of the Minister of the Interior by 15 January of the following calendar year. This report shall contain:
- Information, whether an internal anti-corruption program has been created;
  - how the Archives employees were acquainted with the content of the Internal Anti-corruption Programme;
  - where this document is available to the public (on the Internet);

- whether corruption risks have been updated and what measures have been taken to reduce their impact;
- whether there have been any cases of corruption;
- contact to the person who is devoted to the issue of corruption;
- conclusion and signature clause.

## **Part Four**

### **Final provisions**

#### **Art. 12**

#### **Updating the IAP**

The IAP shall be updated based on updates of Departmental Internal Anti-corruption Programme of the Ministry of the Interior.

#### **Art. 13**

#### **Familiarization of employees with the Civil Service Regulation**

The respective senior civil servants and managers of the Archives shall ensure that all their subordinates will be familiarized with the content of the Civil Service Regulation.

#### **Art. 14**

#### **Repealing provision and effect**

- (1) Instruction of the Director of the National Archives No. 2/2015 shall be repealed.
- (2) This Civil Service Regulation shall enter into effect on 30 June 2018.

Prague, 22 June 2018

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Annex:  
List of corruption risks in the National Archives