Tool: Template for registration of private interests

**Purpose**

- To increase transparency and trust in the procurement process and avoid legal and negative public perception consequences.
- To ensure the ethical and objective behaviour of procurement practitioners by establishing and enforcing appropriate standards to foster integrity.
- To support policy makers in preparing effective procedures to identify risks and manage conflicts of interest in daily operations.

**Description**

Registration of private interests for procurement practitioners and immediate family is an example of concrete tool to support a conflict-of-interest policy. Registration must be signed by procurement practitioner and be filed in the contract file for future reference.

A conflict of interest involves a conflict between the public duty and the private interest of a public official, in which the official’s private-capacity interest could improperly influence the performance of his/her official duties and responsibilities. This basic definition conveys three elements of conflict of interest: an unacceptable possibility of conflict between a public official’s interest as a private citizen and their duty as a public official.

It is crucial to differentiate between potential, apparent and an actual conflict of interest. A potential conflict is where a public official might have a private interest. An apparent conflict is where people may assume that a public official has a private interest. An actual conflict is where a public official does have a private interest.

A conflict of interest is not the same as corruption or a violation of integrity. A conflict of interest becomes corruption when a public official misuses their official power/resources for improper personal gain. Having an apparent conflict of interest can be as serious as having an actual conflict of interest because of the potential for doubt to arise about a public official’s integrity and the integrity of the public sector organisation where the public official is employed.
Preventing conflict of interest is necessary throughout the entire procurement cycle, including in the design of contract requirements or terms of reference, the selection of tender methods, evaluation and award of contract, contract monitoring and payment. Thus, conflict-of-interest controls must be established at key points during the procurement cycle and take steps to strengthen training and record-keeping techniques.

The public availability of the registration of private interests by procurement practitioners can vary. It may be submitted to an independent public authority that will use the information should a situation arise that requires it to be used. It may be disclosed only to members of the different commissions (possible conflicts are judged by peers). It may be made publicly available, emphasising transparency but raising questions of how to balance an individual privacy.

The generic registration of private interest template is intended to be used to identify the relevant personal assets and beneficial interests which are most likely to cause a conflict-of-interest situation. The administrative procedure surrounding the completion, submission and processing of the registration needs to be supported by an enforceable law or government policy. Failure to provide a complete return when required could be made the subject of sanctions (e.g. disciplinary action or disqualification from participation on tender committees), or criminal sanctions as appropriate.

The process does not require procurement practitioners to identify assets disposed of during the reporting period. Optionally, a stronger form of this declaration process would do so, by means of a question (which could be inserted as a new item after Question 11) to identify any assets which were identified as owned on the previous declaration form, and which have since then been disposed.

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**Box: Generic template for the registration of private interests**

To: [Head of public organisation or relevant public authority]

Particulars of my private interests and those of my immediate family of which I am aware are set out in the attached form.

I hereby undertake to advise you should a situation arise when an interest of mine, or an interest of a member of my immediate family of which I am aware, conflict, or may reasonably be thought to conflict with my public duty, whether that interest is pecuniary or otherwise.

Signature: ……………………………
Date: ……………………………

1. Real estate/immovable property

Owner ……………………………………………………………………………………………………………………………………………………………
Location ……………………………………………………………………………………………………………………………………………………………
Nature of interest held ………………………………………………………………………………………………………………………………………
Purpose (e.g. investment, domicile, etc.) …………………………………………………………………………………………………………………
Template for registration of private interests

2. Shareholdings
Indicate all holdings of shares and like instruments, including holding companies and subsidiary companies if applicable. Exclude nominal shareholdings by way of qualification for membership of a credit union, building society or other co-operative society:

Name of company ..........................................................................................................................................................................
Owner of shares ...........................................................................................................................................................................

3. Trusts/nominee companies
a. Identify any beneficial interest held in a family or business trust or a nominee company:

Trust or nominee company ..............................................................................................................................................................
Nature of interest ..............................................................................................................................................................................
Nature of operations of trust or company ........................................................................................................................................
Name of person holding interest ....................................................................................................................................................
Date commenced ..............................................................................................................................................................................

b. Identify any interest held as a trustee of a family or business trust established under a law:

Trust or nominee company ..............................................................................................................................................................
Nature of interest ..............................................................................................................................................................................
Nature of operations of trust or company ........................................................................................................................................
Name of person holding interest ....................................................................................................................................................
Date commenced ..............................................................................................................................................................................

4. Directorship, appointments and ancillary employment in other enterprises
Indicate all directorships currently held, whether a director’s fee is paid or not:

Name(s) of directors ..............................................................................................................................................................
Name of company [whether public or private] ................................................................................................................................
Activities of company ..........................................................................................................................................................
Date commenced ...........................................................................................................................................................................

5. Partnerships, etc.
Identify all current business and professional partnerships and similar arrangements:

Person holding interest ..........................................................................................................................................................
Type of activities .................................................................................................................................................................
Date commenced ...........................................................................................................................................................................

6. Investments
Identify all investments in bonds, debentures, savings or investment accounts with banks or other financial institutions. Where the cumulative value of such investments is less than the threshold [€x,000] no registration is required:

Person holding investment
Type of asset .................................................................................................................................................................
Source ....................................................................................................................................................................................
Date obtained ...........................................................................................................................................................................
7. Other assets
Identify each asset valued at over \( \text{€}x,000 \): principal family home, household contents, personal effects and motor vehicles for person use could be excluded:

<table>
<thead>
<tr>
<th>Owner of asset</th>
<th>Type of asset</th>
<th>Source</th>
<th>Date obtained</th>
</tr>
</thead>
</table>

8. Other significant sources of income
Identify current salary and income from all appointments/employment including those identified in Item 4: salary from primary public service/official position is to be excluded:

<table>
<thead>
<tr>
<th>Person receiving income</th>
<th>Source/nature of income</th>
</tr>
</thead>
</table>

9. Reportable gifts (including substantial travel, hospitality or other forms of valuable benefit)
Identify all “reportable gifts” of current market value exceeding \( \text{€}x00 \), received in the past financial year:

<table>
<thead>
<tr>
<th>Person receiving gift</th>
<th>Nature of gift</th>
<th>Market value of gift</th>
<th>Donor</th>
<th>Date received</th>
</tr>
</thead>
</table>

10. Liabilities
Identify current financial liabilities, loans, mortgages, etc. Minor debts such as ordinary short term credit arrangements, charge cards, etc. are to be excluded:

<table>
<thead>
<tr>
<th>Person liable</th>
<th>Nature of liability</th>
<th>Creditor</th>
</tr>
</thead>
</table>

11. Other personal interest which could constitute a potential conflict-of-interest situation
Include for example, previous relevant employment or positions held (e.g. in business ventures, professional bodies/unions, non-governmental organisations or community organisations), continuing rights of return to previous employment or position, and standing offers or agreements about future employment, etc. Note: political and religious affiliations, etc. are not required to be notified unless they could reasonably constitute a specific conflict-of-interest situation to the position held by the person making this declaration.
Further Resources

