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Konflikt interesov v organizacijah - Smernice

Conflict of interest in organizations - Guidelines

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Conflict of interest in organizations — Guidelines

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Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular, the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

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Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation of the voluntary nature of standards, the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT), see www.iso.org/iso/foreword.html.

This document was prepared by Technical Committee ISO/TC 309, *Governance of Organization*, working group 9 - Conflict of interest.

A list of all parts in the ISO 37000 series can be found on the ISO website.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html.

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Introduction

Understanding conflict of interest and how to identify and manage it is important for organizations of all types. Conflict of interest (whether actual, potential or perceived) can obstruct the objectivity and fairness of any decision-making process. Unmanaged conflict of interest is one of the key factors contributing to corruption or other types of wrongdoings or contributing to the perception of wrongdoing or other serious risks.

Though conflict of interest is not necessarily corruption, conflict of interest can adversely impact effective performance, responsible stewardship and ethical behavior in an organization or the public.

Therefore, organizations should have an effective conflict of interest management framework in place to ensure that interested parties declare their conflict of interest on time and it is properly managed.

This document provides guidance to organizations on understanding conflict of interest and how to manage conflict of interest based on the principles of trust, integrity, transparency and accountability. It distinguishes and provides guidance on dealing with actual, apparent and potential conflict of interest.

Potential benefits to the organization include, but are not limited to:

- a) mitigating risks related to conflict of interest;
- b) promoting good governance outcomes, such as effective performance, responsible stewardship and ethical behaviour;
- c) protecting the reputation and building trust;
- d) strengthening the decision-making processes;
- e) improving and fostering overall compliance performance.

The conflict of interest management framework should be an integral part of management, embedded in the culture and practices, and tailored to the business processes of the organization. The management framework of conflict of interest is delineated in this document.

NOTE 1 Guidance for governance of organizations is provided in ISO 37000.

NOTE 2 Requirements for a general compliance management system are specified in ISO 37301.

Conflict of interest in organizations — Guidelines

1 Scope

This document provides guidance to organizations on how to identify, assess, resolve and monitor conflict of interest based on the principles of trust, integrity, transparency and accountability.

The guidance in this document is generic and intended to be applicable to all organizations, regardless of type, size and nature of activity and whether in the public, private or not-for-profit sectors. It distinguishes between actual, apparent and potential conflict of interest.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

ISO and IEC maintain terminology databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <https://www.electropedia.org/>

3.1 organization

person or group of people that has its own functions with responsibilities, authorities and relationships to achieve its objectives

Note 1 to entry: The concept of organization includes, but is not limited to, sole-trader, company, corporation, firm, enterprise, authority, partnership, charity or institution, or part or combination thereof, whether incorporated or not, public or private.

[SOURCE: ISO 37301:2021, 3.1, modified - Note 2 to entry has been deleted.]

3.3 interested party (preferred term)

stakeholder (admitted term)

person or *organization* (3.1) that can affect, be affected by, or perceive itself to be affected by a decision or activity

Note 1 to entry: An interested party can be internal or external to the organization.

[SOURCE: ISO 37001:2016, 3.3]

3.4 personnel

individuals in a relationship recognized as a work relationship in national law or practice, or in any contractual relationship that depends on its activity from the *organization* (3.1)

[SOURCE: ISO 37301:2021(en), 3.22]

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3.5

governing body

person or group of persons who have ultimate accountability for the whole *organization* (3.1)

Note 1 to entry: A governing body can be explicitly established in a number of formats including, but not limited to, a board of directors, supervisory board, sole director, joint and several directors, or trustees.

Note 2 to entry: ISO management system standards make reference to the term “top management” to describe a role that, depending on the standard and organizational context, reports to, and is held accountable by, the governing body.

Note 3 to entry: Not all organizations, particularly small and medium organizations, will have a governing body separate from top management. In such cases, top management exercises the role of the governing body.

[SOURCE: ISO 37000:2021, 3.3.4, Notes modified]

3.6

governance policy

intentions and direction of an *organization* (3.1), as formally expressed by its *governing body* (3.5)

[SOURCE: ISO 37000:2021, 3.2.9]

3.7

top management

person or group of people who directs and controls an *organization* (3.1) at the highest level

Note 1 to entry: Top management has the power to delegate authority and provide resources within the organization.

[SOURCE: ISO 37301:2021, 3.3, Note 2 removed]

3.8

risk

effect of uncertainty on objectives

Note 1 to entry: An effect is a deviation from the expected - positive or negative.

Note 2 to entry: Uncertainty is the state, even partial, of deficiency of information related to, understanding or knowledge of, an event, its consequence, or likelihood.

Note 3 to entry: Risk is often characterized by reference to potential events (as defined in ISO Guide 73) and consequences (as defined in ISO Guide 73), or a combination of these.

Note 4 to entry: Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood (as defined in ISO Guide 73) of occurrence.

[SOURCE: ISO 37301:2021, 3.7]

3.9

process

set of interrelated or interacting activities that use or transform inputs to deliver a result

Note 1 to entry: Whether the result of a process is called an output, a product or a service depends on the context of the reference.

[SOURCE: ISO 37301:2021, 3.8]

3.10

documented information

information required to be controlled and maintained by an *organization* (3.1) and the medium on which it is contained

Note 1 to entry: Documented information can be in any format and media and from any source.

[SOURCE: ISO 37301:2021, 3.10, Note 2 removed]