

བྲང་སྤྱོད་བརྟག་ཞིབ་བཅའ་ཡིག་༢༠༢༤ ཅན་མ།



Rules for Integrity Vetting 2024

བློ་སྦྱོང་བརྟུན་ཞིབ་བཅའ་ཡིག་ ༢༠༢༤ ཚན་མ།



The Rules for Integrity Vetting 2024



དཔལ་ལྷན་འབྲུག་གཞུང་། ལྷན་བཀག་སྲོམ་ལྷན་ཚོགས།

ROYAL GOVERNMENT OF BHUTAN
ANTI-CORRUPTION COMMISSION

‘NATION’S CONSCIENCE’
‘LEAD BY EXAMPLE’
“If you care, you will dare”



ACC/COM-11/03774

31 December 2023

EXECUTIVE ORDER

The Anti-Corruption Commission (ACC), under Section 171 of the Anti-Corruption Act of Bhutan (ACAB), adopts the *Rules for Integrity Vetting 2024*, having revised the *Rules for Integrity Vetting 2022* that had been adopted under Sections 24(1) (a) & (j), 25 (1)(h), and 171 of the ACAB to promote and mainstream integrity in the public and private sectors.

The revision was necessitated by the subsisting impact, therefore disproportionate effect, of the Integrity Vetting Report on individuals. Elements of restorative justice incorporated and embedded in the *Rules for Integrity Vetting 2024* enables an individual indicted of minor misconduct or lapses to mend their erred integrity.

The Anti-Corruption Commission adopts the *Rules for Integrity Vetting 2024* on 31 December 2023, which shall come into force on the 20th day of the 11th month of the Water Female Rabbit Year corresponding to 1 January 2024. The Rule can be accessed from ACC’s website @ www.acc.org.bt.

(Deki Pema)
Chairperson

FIGHTING CORRUPTION IS OUR COLLECTIVE RESPONSIBILITY

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In exercise of the powers conferred by sections 24(1) (a) & (j), 25 (1) (h), and 171 of the Anti-Corruption Act of Bhutan, the Commission hereby makes this Rule for promoting and mainstreaming integrity in the public and private sector.

CHAPTER I PRELIMINARY

Title

1. This Rule shall be called the Rules for Integrity Vetting 2024.

Commencement

2. This Rule shall come into force on the 20th day of the 11th month of Water Female Rabbit Year corresponding to the 1st of January 2024.

Repeal

3. The Rules for Integrity Vetting 2022 is hereby repealed.

Application

4. This Rule shall apply to the selection, recruitment, promotion, nomination, appointment, and election of a person in private or public office or the award of a public contract or entering into a public contractual relationship.

Objectives

5. The purpose of this Rule is to:
 - a) establish the Integrity Vetting System as a repository of information for integrity vetting;
 - b) institute a system of issuing Integrity Vetting Reports to promote and mainstream integrity in the public and private sectors;
 - c) provide detailed procedures for processing Integrity Vetting Report; and
 - d) offer such other guidance as may be necessary for the effective implementation of this Rule.

CHAPTER II INTEGRITY VETTING SYSTEM

Integrity Vetting System

6. A web-based Integrity Vetting System is hereby established as a repository of information to be used in vetting the integrity of a person and generating the Integrity Vetting Report against a person.
7. The Integrity Vetting System shall be a repository of information on:
 - a) Complaint filed with the Commission;
 - b) Disciplinary actions taken against a person;

- c) Conviction of a person by the court of law;
 - d) Failure to comply with the requirements of the Asset Declaration Rules; and
 - e) Such other information contained in other relevant systems that are deemed necessary for integrity vetting and ensuring the efficiency and effectiveness of the Integrity Vetting System.
8. Until a successful integration of the Integrity Vetting System with other relevant systems, a disciplinary action taken against a person of conviction by a code of law as provided under section 7(b) and (c) shall refer to disciplinary action taken in relation to a complaint filed with commission or a conviction in relation to corruption offense.
9. The information provided under section 7 shall be generated from the Complaint and Investigation Management System and Asset Declaration System of the Commission, and such other relevant systems through system integration.
10. The Commission may integrate such other systems that are deemed relevant with the Integrity Vetting System to enrich the repository of information and broaden the scope of the integrity vetting and its applications.

CHAPTER III

INTEGRITY VETTING REPORT

Integrity Vetting Report

11. The agency shall request the Integrity Vetting Report before a final decision is taken on the matter described under sections 15 to 16 of this Rule.
12. The Commission shall issue the Integrity Vetting Report to assist the agency in making informed decisions on matters under sections 15 to 16 of this Rule.
13. The information contained in the Complaint and Investigation Management System, Asset Declaration System of the Commission, and those generated through system integration shall be the basis for processing the Integrity Vetting Report.
14. For the purpose of local government and parliamentary election, the Integrity Vetting Report as referred to in this Rule shall have the same meaning and application as the Integrity Assessment Certificate in the electoral laws.

Application/Jurisdiction of Integrity Vetting Report

15. The Integrity Vetting Report shall apply to:
 - a) Selection, recruitment, promotion, nomination, and appointment in the public office for the posts that include but are not limited to:
 - (i) Senior civil servants which shall include civil servants in the position level of P1 and above including the

- head of a Division or Unit who may not fall within this position level;
- (ii) Public servants in the position level equivalent to P1 and above; and
 - (iii) Candidates for the appointment as a member of the Board of Directors in the companies registered in accordance with the Companies Act of Bhutan; and
 - (iv) Nominees who have been nominated for an appointment by the competent authority in the independent posts which may include but are not limited to posts in the Constitutional Offices, Government Secretaries, and Office of the Attorney General.
- b) Selection, recruitment, promotion, and appointment in the private office for the posts of Senior Management and above subject to section 18 of this rule;
 - c) Aspiring candidates for election to the House of Parliament and Local Government; and
 - d) The award of a public contract or for entering into a contractual relationship, where the contract value involves the minimum threshold limit for Open Bidding as may be prescribed under the Procurement Rules and Regulation.
16. The scope for the application of the Integrity Vetting Report may be extended or broadened by the Commission as it deems necessary for ensuring the highest standard of ethics and integrity.
17. The Commission may facilitate the Integrity Vetting Report against a person other than those specified in section 15 of this

Rule in the event where an agency requests for an integrity vetting of such person.

18. The Commission may facilitate Integrity Vetting for employment in a private entity provided that such entity has a legal standing to sue and be sued as a juristic person.

Types and implication of Integrity Vetting Report

19. Except for the purpose of election, the Integrity Vetting Report shall be of four types that indicate the existence of:

(i) No Record

- (a) The Integrity Vetting Report with ‘No Record’ shall be issued when there is no record of the factors described under section 19 (ii) to (iv) of this Rule.
- (b) This type of Integrity Vetting Report shall be informational in nature and there shall be no advisory or binding condition on the requesting agency.

(ii) Provisional Record

- (a) The Integrity Vetting Report with ‘Provisional Record’ shall be issued when there is a complaint on a person against whom integrity vetting is sought and when there is:
- (i) **Pending investigation:** Pending investigation means the existence of a complaint that is under consideration for further proceedings by the Commission under the Anti-Corruption Act of Bhutan and other relevant laws.

- (ii) Ongoing investigation:** Ongoing investigation means the investigative proceedings have been initiated to establish criminal or administrative liability and the referral of the investigation report to the Office of the Attorney General or other relevant authorities is impending.
 - (iii) Pending administrative action:** Pending administrative action includes:

 - (a) Disciplinary action against a person is under consideration by the relevant agency;
 - (b) Commission is awaiting action taken report from the relevant; or
 - (c) Commission is considering further actions based on the action taken report.
 - (iv) Pending trial:** Pending trial means the investigation report transmitted for prosecution is under review by the Office of the Attorney General or the adjudication proceedings by the competent courts and impending judgment and appeal.
- (b) The Integrity Vetting Report with ‘Provisional Record’ containing any of the above information shall be advisory in nature. The requesting agency may refrain or postpone endorsement for matters under sections 15 to 17 until such time that a case against a person is formally or legally concluded.

(iii) With Record

- (a) The Integrity Vetting Report ‘With Record’ includes:
 - (i) Criminal conviction for the offenses of a petty misdemeanor or below;
 - (ii) Alternative sentencing in lieu of imprisonment such as civil commitment and/or commutation of sentences;
 - (iii) Civil sanctions in the form of fines or penalties;
 - (iv) Order for confiscation;
 - (v) Recovery in the absence of imprisonment with exception to protection of bona fide third party;
 - (vi) Non-compliance with Asset Declaration Rules including the verified disproportionate assets;
 - (vii) Disciplinary sanctions imposed by the tribunal or an agency.

- (b) The Integrity Vetting Report with ‘With Record’ containing any of the above information shall be directory in nature and the requesting agency is required to take into consideration the record against a person in deciding for matters under sections 15 to 17 of this Rule.

(iv) Adverse Record

- (a) Adverse record includes a criminal conviction for the offenses of misdemeanor or above;

- (b) The Integrity Vetting Report with ‘Adverse Record’ shall be obligatory in nature and the requesting agency

is prohibited from taking decision for matters under sections 15 to 17 of this Rule.

20. The type of Integrity Vetting Report to be issued on a person against whom an Integrity Vetting Report was issued on previous occasions may be subject to change to “No Record” after the completion of serving disciplinary or criminal sanction if similar misconduct is not recidivated during the sanction period from:
- (a) The “With Record” category after the expiry of the limitation period of 1 year and 6 months for the criminal sanctions of a petty misdemeanor or violation respectively or the limitation period provided in the relevant service rules, whichever is higher;
 - (b) The “With Record” category after the expiry of the limitation period of 6 months for major administration sanctions or 3 months for minor administrative sanctions or the limitation period provided in the relevant service rules, whichever is higher; or
 - (c) The “Adverse Record” category after completion of serving criminal sanctions and following the limitation period provided that the Integrity Vetting Report is for entering into a contractual relationship and not selection, recruitment, or appointment in public service:
 - (i) First degree: 5 years;
 - (ii) Second degree: 4 years;
 - (iii) Third degree: 3 years;
 - (iv) Fourth degree: 2 years;
 - (v) Misdemeanor: 1 year; and
 - (vi) Petty-misdemeanor: 6 months.

21. For the purpose of election, the following Integrity Vetting Report shall be issued:
- a) Integrity Vetting Report with ‘No Record’ shall be issued when there is no record in the Integrity Vetting System or when there is the following information to enable the voter to make an informed choice:
 - (i) There is a complaint qualified for investigation or a complaint is under investigation;
 - (ii) There is an ongoing trial for the offense of misdemeanor and below;
 - (iii) Imposed or there is pending minor administration action; or
 - (iv) There is a non-compliance record on Asset Declaration Rules including the verified disproportionate assets;
 - b) Integrity Vetting Report with ‘Adverse Record’ shall be issued when there is the following record:
 - (i) Conviction for criminal offences and sentenced to imprisonment;
 - (ii) Under trial for offenses of felony;
 - (iii) Imposed or there is pending major administrative action (termination, dismissal or removal from service);
 - (iv) Imposed alternative sentences in lieu of imprisonment such as civil commitment and/or commutation of sentences civil sanctions in the forms of fine or penalty; or
 - (v) There is pending confiscation, restitution, or recovery.

Nature of Integrity Vetting Report for Election

22. The Integrity Vetting Report with no record shall not be a ground for disqualification to elective office but serve as information for informed choice by the voter.
23. The Integrity Vetting Report with adverse records shall be an automatic ground for disqualification of candidates to elective office.

Validity of Integrity Vetting Report

24. The Focal person shall have access to the Integrity Vetting Report for a week from the day of approval by the Director and thereafter the validity of the Integrity Vetting Report shall cease to have an effect.
25. Access to the Integrity Vetting Report shall be automatically restricted by the Integrity Vetting System upon the expiry of a validity period.
26. The Integrity Vetting Report issued for the purpose of election shall be valid for the election period declared by the Election Commission of Bhutan.

CHAPTER IV

PROCEDURES FOR INTEGRITY VETTING

Focal Person

27. The focal person shall be the nodal point to liaise with the Commission in obtaining the Integrity Vetting Report and related matters.

28. The focal person shall:
 - (a) Upon the appointment by an agency, register with the Commission to enable the request for an Integrity Vetting Report;
 - (b) Maintain the confidentiality of user credentials and ensure the Integrity Vetting System is not misused;
 - (c) Initiate the request for an Integrity Vetting Report as may be directed by the competent authority of a requesting agency;
 - (d) Receive and generate the Integrity Vetting Report and submit it to the competent authority of a requesting agency;
 - (e) Uphold and maintain the highest level of confidentiality of the information contained in the Integrity Vetting Report;
 - (f) Ensure the Integrity Vetting Report is used only for the intended purpose;
 - (g) Read, understand, and strictly abide by the provisions of this Rule; and
 - (h) Exercise such other roles and responsibilities that may be necessary for the effective use of the Integrity Vetting System or Integrity Vetting Report.

29. The Focal Person shall be held accountable for any misuse of information associated with the Integrity Vetting Report.

Request for the Integrity Vetting Report

30. The head of the competent authority of a requesting agency shall direct the Focal Person with a formal written order to seek the Integrity Vetting Report from the Commission.

31. The Focal Person shall submit an online request for an Integrity Vetting Report by using the Integrity Vetting System through the official website of the Commission.

32. The request shall, as may be relevant, contain:

(a) Specific intended purpose of the use of Integrity Vetting Report;

(b) Details of a natural person against whom the Integrity Vetting Report is sought such as:

- (i) The name;
- (ii) Citizenship Identity Card Number;
- (iii) Nationality; and
- (iv) Employment details.

(c) Details of the legal person against whom the Integrity Vetting Report is sought such as:

- (i) Name of the proprietor;
- (ii) Registration number issued by the Bhutan Construction and Transportation Authority;
- (iii) License number issued by the Department of Trade; and

(iv) Taxpayers' number issued by the Department of Revenue and Customs.

33. The request shall be accompanied by self-explanatory supporting documents to corroborate the intended purpose of the use.

The Dealing Officer

34. The Division Chief shall identify and appoint the Dealing Officer to process the Integrity Vetting Report.

35. The Dealing Officer shall:

- (a) Liaise with the Focal Person and such other person to ensure effective implementation of the Integrity Vetting System;
- (b) Assign, validate, and reset the user credentials of the Focal Person;
- (c) Provide technical support including training on the use of the Integrity Vetting System to the Focal Person and such other person deemed relevant;
- (d) Validate the request for an Integrity Vetting Report received from the requesting agency;
- (e) Process the Integrity Vetting Report based on the information contained in the Integrity Vetting System;
- (f) Recommend the type of Integrity Vetting Report to be issued;
- (g) Maintain data on the Integrity Vetting Report and periodically update the data with the Evidence Management Division;

- (h) Collaborate with other agencies for the effective implementation of the Integrity Vetting System; and
- (i) Exercise such other roles and responsibilities that may be necessary for the effective implementation of the Integrity Vetting System or as may be assigned by the Commission.

The Division Chief

36. The Division Chief shall:

- (a) Receive the request for Integrity Vetting Report;
- (b) Assign the request to the Dealing Officer for the integrity vetting;
- (c) Ensure that the Dealing Officer has no conflict of interest with the subject of integrity vetting;
- (d) Review the information processed by the Dealing Officer;
- (e) Collaborate with other agencies for the effective implementation of the Integrity Vetting System; and
- (f) Exercise such other roles and responsibilities that may be necessary for the effective implementation of the Integrity Vetting System or as may be assigned by the Commission.

The Director

37. The Director shall:

- (a) Oversee the implementation of the Integrity Vetting System;
- (b) Approve or revert the Integrity Vetting Report or make the necessary changes therein;
- (c) Report to the Commission on the issuance of the Integrity Vetting Report or such other information on the implementation of the Integrity Vetting System; and

- (d) Exercise such other roles and responsibilities that may be necessary for the enhancement and effective implementation of the Integrity Vetting System.

Receipt and validation of the request

- 38. The Division Chief shall receive the requests through Integrity Vetting System notification.
- 39. Upon the receipt of the request, the Division Chief shall assign the request to the dealing officer to validate the legitimacy of the request by verifying the documents accompanying the request or through such other means to establish the genuineness of the request.

Processing of Integrity Vetting

- 40. Upon validation of the request, the Dealing Officer shall process the Integrity Vetting Report.
- 41. The Dealing Officer shall process the Integrity Vetting Report by verifying the information contained in the repository of the Integrity Vetting System.
- 42. The scope of integrity vetting shall be to ascertain the existence of records on the issues described under sections 19 and 21 of this Rule.
- 43. The Dealing Officer shall, upon completion of ascertaining the record, forward it to the Division Chief for verification.
- 44. The Division Chief shall verify the records forwarded by the Dealing Officer and accordingly recommend the type of Integrity Vetting Report to be issued.

Approval of Integrity Vetting Report

45. The Director shall, before the approval, review the Integrity Vetting Report and decide on the type of Integrity Vetting Report to be issued against a person whose integrity vetting was sought.
46. The Director shall give due consideration to the information generated in recommending the Integrity Vetting Report.
47. The Director may revert the Integrity Vetting Report to the Division Chief and Dealing Officer if he deems the need for further review.
48. The Focal Person shall be notified about the approval of the Integrity Vetting Report.

Turnaround time

49. The process of processing and approving the Integrity Vetting Report shall be completed within five (5) working days except when the request is exponentially high and reasonably cannot be completed within the stipulated time.

Use of Integrity Vetting Report

50. The Commission shall issue the Integrity Vetting Report explicitly specifying one of the general purposes provided under sections 15 to 17 of this Rule as may be contained in the request.
51. The Integrity Vetting Report and the content therein shall not be used for purposes other than the one explicitly specified in the Integrity Vetting Report.

52. The Competent Authority shall ensure the Integrity Vetting Report and information therein is used only for the intended purpose specified in the request and not misused for other purposes.

CHAPTER V

MISCELLANEOUS

Confidentiality

53. The Integrity Vetting Report and the information therein shall be treated as confidential and privileged.
54. The Focal Person, Competent Authority, or such other person who comes into possession or knowledge of the Integrity Vetting Report shall maintain the information contained therein confidential unless otherwise required by law.
55. A person contravening sections 50 and 51 shall be held liable under relevant provisions of law.

Accountability

56. The competent authority responsible for the employment shall be held administratively accountable for failing to abide by the requirement of the Integrity Vetting Report as provided in the Public Service Model Code of Conduct.

Rules of Construction

57. In this Rule, unless the context indicates otherwise singular shall include plural, and masculine shall include feminine and vice-versa.

58. The terms used in this Rule shall bear the same meaning as in the Anti-Corruption Act of Bhutan unless it is defined in this Rule.
59. The Commission shall be the competent authority for the interpretation of this Rule.

Preemption

60. This Rule shall be preempted when its application has a conflict with or its application is derogatory to the governing laws relevant to the subjects of application covered by this Rule.

Separability

61. If a part of this Rule is declared unconstitutional or unlawful, the rest of the provision shall remain in force and effect.

Guidelines

62. The Commission may adopt guidelines and manuals for effective use of the Integrity Vetting System and Integrity Vetting Report.

Amendments

63. The Commission may, as deemed necessary, amend this Rule from time to time.

Definition

64. In this Rule, unless the context otherwise requires:

- (a) **“Agency”** means any office, permanent or temporary, in the private or public sector that has the impending selection, recruitment, promotion, nomination, appointment, and election of a person in the office or award of a public contract or for entering into a contractual relationship.
- (b) **“Commission”** means the Anti-Corruption Commission established under the Constitution and/or the Anti-Corruption Act of Bhutan.
- (c) **“Competent Authority”** means the authority responsible for the selection, recruitment, promotion, nomination, appointment, election, or award of a public contract, or for entering into a contractual relationship. The head of competent authority shall be the head of requesting agency except when there is a delegation of authority to another person.
- (d) **“Department”** means the Department of Professional Support of the Commission.
- (e) **“Director”** means the Director of the Department of Professional Support of the Commission.
- (f) **“Election”** means an election to fill a seat or seats in either House of Parliament or any Local Government.
- (g) **“Employment”** means the selection, recruitment, promotion, nomination, appointment, and election of a person in the private or public office and award of a public contract or entering into a public contractual relationship.

- (h) **“Person”** includes the natural person or legal person such as a partnership, corporation, organization, enterprise, agency, or other legal entity whether public or private.
- (i) **“Private office”** shall have the same meaning as the private entity as defined under the Anti-Corruption Act of Bhutan.
- (j) **“Public office”** shall have the same meaning as the Public Agency defined under the Anti-Corruption Act of Bhutan.
- (k) **“Requesting Agency”** means a public agency or private entity that requests the Integrity Vetting Report from the Commission.

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