

IFIP

INTERNATIONAL FEDERATION FOR INFORMATION PROCESSING

Criteria and Procedures for Developing Codes of Ethics or of Conduct

**To Promote Discussion
Inside the IFIP National Societies**

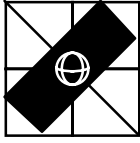
On behalf of IFIP-SIG9.2.2:

Jacques BERLEUR, Penny DUQUENOY, Jan HOLVAST, Matt JONES,
Kai KIMPPA, Richard SIZER, and Diane WHITEHOUSE

IFIP-SIG9.2.2
IFIP Framework for Ethics of Computing
September 2004

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Abstract

This document should be considered as an “Executive Summary” of the work undertaken by IFIP-SIG9.2.2 (IFIP Framework on Ethics of Computing) since it produced its monograph *Ethics and the Governance of the Internet* [1].

The reader is also recommended to refer to the supporting documentation available on the Internet at

http://www.info.fundp.ac.be/~jbl/IFIP/References_Criteria_and_procedures.pdf

IFIP is an international organisation whose members are the national member Societies, and we are aware of a growing interest amongst these national computer Societies in developing their own codes of ethics/conduct. Given the diversity of IFIP’s membership, the aim of this group is not to be prescriptive but, rather, to offer a framework of principles within which organisational and national cultures can be taken into account.

IFIP-SIG9.2.2 in appreciating the different cultural, social and legal contexts of an international community believes however that there are “minimum criteria, conditions, and requirements” of a Code of Conduct. In this respect we recommend that each national or regional situation remain open to the notion of “universalisation” as suggested by Kant in his “categorical imperative.”[2]

In producing this document, SIG9.2.2 provides an overview of its most recent work over the past years. Its aim is to provide persons considering the development or revision of a code of ethics (for their profession or organisation that is involved in activities relating to the implementation of information and communication technologies) with a view of the various issues to bear in mind. The goal is not to mandate best practice but is to identify good practice and avoidance of pitfalls.

This document offers a starting point for organisations wishing to develop a code, and a “checklist” which can be used retrospectively by those with codes already in place. The following pages set out what we consider to be the minimum conditions or requirements for developing a code of conduct or ethics, in terms of content as well as process and evaluation.

We begin with an overview of the rationale for codes of conduct, and follow with some explanation of the distinctions between codes of conduct and practice. In keeping with the aim of the document we provide practical support in highlighting the main issues facing information technologists today and we emphasise the importance of the process of writing a code. Finally, we offer criteria for the evaluation of a code of conduct.

1 Introduction

Following its early work of the study of IFIP national Societies' Codes of Ethics and of Conduct [3], and its subsequent investigation of self-regulation and identification of ethical issues concerning the Internet [1], SIG9.2.2 has taken its work on self-regulation a step further by focussing on the criteria and procedures for developing codes of conduct.

The purpose of this current document is to provide a starting point for organisations wishing to develop a code, and to provide a "checklist" which can be used retrospectively by those with codes already in place. The following pages set out what we consider to be the minimum conditions or requirements for developing a code of conduct or ethics, in terms of content as well as process and evaluation.

It is well recognised that codes of conduct are instruments of self-regulation that serve different functions. Codes:

- acknowledge a responsibility on the part of professionals for the work that they do;
- can support the legal process;
- provide a statement to the wider community (for example, the general public), increasing awareness of professional behaviour, offering a means of professional accountability, and the opportunity for a wider debate;
- give an indication of a mature profession, a kind of status symbol that protects the profession;
- can provide - in an international arena - an opportunity to harmonise existing and non-existent legislation. [4]

Three other functions, among which the first is of particular interest in an age of self-regulation focus, can be noted. Codes:

- serve as a source of public evaluation;
- enhance the profession's reputation and the public trust; and
- preserve entrenched professional biases.[5]

While the development and adoption of a code of conduct by an organisation is perceived as a worthy aim, SIG9.2.2 in its analysis of codes of ethics/conduct has found that in some instances, codes appear to be paying no more than "lip service" to self-regulation [6] and [8]. It can indicate more of a move towards self-protection on the part of the professional or organisation enacting the code or a means of avoiding heavy regulation (as suggested by Lord Cadbury in 1993 regarding an international Code for accountants) [7]. One of IFIP-SIG9.2.2's aims in formulating the minimum criteria and procedures for developing codes is to promote a more "ethical" approach to self-regulation via codes of conduct.

2 Codes of ethics/conduct or practice

Let us make a short statement about the difference between Codes of ethics/conduct and Codes of practice. We should note that codes setting out principles of behaviour or action have a variety of titles: Code of Conduct, Code of Ethics, Deontological Code, Code of Practice, to name but a few. In essence, they can all be described as guidelines, and have common aims. However, there is a subtle difference between a Code of Practice and the other forms of codes.

Codes generally fall into two categories. The first contains a set of high level principles as general guidance (for example a Code of Conduct/Ethics), while the second form of codes (Code of Practice) is more specific and aimed at the application of “good practice” in a given working or occupational environment.

IFIP-SIG9.2.2’s intention in this document is not to insist on the use of any specific title. Each professional group that devises its “code” should make its own decision as to what it will be called. But a recommendation can be made to paying attention to the main difference between:

A **code of conduct/ethics** that governs how the person to whom it applies conducts him or herself in an ethical manner. It needs not, *per se*, contain the word ‘ethics’ but must be based on ethical principles. It could be also spelled in terms of “Guidelines”. One should not make too much difference between a code of ethics and a code of conduct, since different codes around the world that have a similar content are named one way or another, according to their own traditions; and

A **code of practice** governs how the person to whom it applies carries out his or her work technically. It need not, *per se*, include the word ‘ethics’ but should either refer, where appropriate, to the related code of conduct or embody ethical principles. It is linked to specific domains of competence or applications (software engineering, security, intelligent agents,...)

Within a given organisation or context, the code of conduct/ethics and associated code of practice must be mutually compatible. In general, a code of conduct will be more static than a code of practice; in a fast-developing technical context, the latter may need frequent revision. However, both will need to be kept under review. There should, therefore, be an administrative procedure for the review and updating of both codes and the associated disciplinary procedures.

SIG9.2.2 has also concluded that no code has any value in terms of public duty unless it is associated with a power of sanction such as disciplinary procedures. Full details of both codes and the associated power of sanction must be available in the public domain, for example via publication in conventional media or on a well known website.

3 Ethical issues arising from the implementation of Information and Communication Technologies

A key element when thinking of the relevance of a code of ethics is to identify issues that are relevant to the domain within which an organisation is operating. Part of the work of a code of conduct is to address issues that are likely to be problematic.

The issues listed below have been identified by SIG9.2.2 through analysis, consultation, and research. They are neither exhaustive nor definitive – they are a “snapshot” in a rapidly changing technological environment, and represent the constantly evolving technological field and the associated changing face of the ethical landscapes.

<p><i>Issues as in IFIP national Societies Codes</i></p> <ul style="list-style-type: none"> - Respectful general attitude; - Personal (/institutional) qualities, such as conscientiousness, honesty and positive attitude, competence and efficiency; - Promotion of information privacy and data integrity; - Production and flow of information; - Attitude towards regulations <p>(From an analysis of more than 30 codes of IFIP national Societies [3]).</p>
<p><i>Issues with a more ethical content</i></p> <ul style="list-style-type: none"> - Equity in the right of access ("universal service"); - Questions linked to the respect of the dignity of the person (protection of minors and human dignity; illegal and harmful content on the Internet, paedophilia, racial hate, denial of crimes against humanity, incitement to murder, to drug trafficking, to riot, ...); - Justice and social exclusion (mainly North-South, but also work distribution,...); - Respect for the interests and the rights of the persons; - Free speech / censorship; - Quality of life; - Right to information ("transparency"); - Personal qualities (honesty, competence,...); - Non-abuse of power (appropriate use), - Respect for cultural differences, - Freedom of choice in the use or non-use of the Internet,

- Grounding "virtual" life in the physical realm.
- (From a series of analyses and consultations in the year 1998-2000 [1].)

Issues related to the Internet as identified, for instance, by the Internet Service Providers

- Concern about 'illegal material' (child pornography, racism propaganda,...), the necessity of protecting youth, especially against those who exploit their credulity and commitment to cooperate with hotlines;
- Data protection, confidentiality and e-mail secrecy;
- Need for decency, no violence, no hatred, no cruelty, no incitement to commit crimes, no dissemination of propaganda material for unconstitutional organisations, respect for and care of human dignity, no ethnic or religious discrimination, or discrimination on the basis of handicap or of expressed ideas;
- Fair trading, acting decently with the customers, giving them clear information, including about pricing, etc.:
- Honesty, legality (no material in breach of the law), responsibility for their own content.

(From IFIP-SIG9.2.2 analyses [6] and [8].)

Issues identified for the "World IT Forum 2003"

- Professional ethics;
- Access to content and technology for all;
- Education, literacy and public awareness;
- Multilingualism, cultural concerns;
- Influence of globalisation; regulation, self-regulation,
- Governance and democratic participation;
- Intellectual property rights;
- Specific digital policies such as eHealth, eWork, eGovernment, etc;
- Privacy; protection of human and civil rights; protection of the individual against surveillance;
- Development of the quality of life and well-being;
- Combating social exclusion;
- Computer crime, cyber-attacks and security;
- Employment and participative design at work;
- Risk and vulnerabilities.

(From work leading to WITFOR 2003. [9])

4 Process

The process used to develop a code is as important as the code itself. A review of similar codes that have already been developed can be useful to provide a starting point. However, simply copying an existing code will not address the specific needs of an organisation or a professional body, neither will it be a convincing document for that organisation's membership.

For a code to have any authority and legitimacy it is important to refer to the membership and to cross reference principles with each organisation’s particular requirements. A code that has been democratically produced is more likely to be accepted and honoured by those subscribing to it than one that is delivered as a “fait accompli”. SIG9.2.2 strongly recommends a process of consultation and feedback in developing a code – following the idea of enabling “spaces for discussion”[3].

When assessing an existing code it is important to know who has generated the code, and their motives for producing it. On a similar theme, it is important that codes are widely disseminated and that those who are affected by it are aware of its existence and participate in its elaboration. For example, if part of the rationale behind a code of conduct is to protect the public, then it is vital that the general public has access to that information - particularly any information that impacts the general rights of the public.

The following step-by-step guide to developing and implementing a code is adapted from “Voluntary Codes: A Guide for their Development and Use” (Canada) [10].

<p>Step 1: Gather information Address and articulate problem clearly; agree on objectives; identify all stakeholders; identify a range of solutions, potential costs and benefits.</p>
<p>Step 2: Preliminary discussions with major stakeholders Test preliminary findings and options with major stakeholders.</p>
<p>Step 3: Create a working group Select working group members; decide how the group is to function.</p>
<p>Step 4: Preliminary draft of the code Identify specific implementation functions, roles and responsibilities; contact the appropriate government authorities.</p>
<p>Step 5: Consultations on preliminary draft Consult those most likely to be directly affected and already aware of the initiative; disseminate information to groups and members of the public.</p>
<p>Step 6: Publication and dissemination of the code Develop a communication plan to ensure all parties are aware of, and receive the code.</p>
<p>Step 7: Implementation Ensure effective code compliance by involving all code participants and stakeholders.</p>
<p>Step 8: Review Allow for regular code reviews.</p>

The conclusion of SIG9.2.2 is that the following points are *vital* in the consideration and preparation of Code:

- The participation of all the interested parties, of the stakeholders, and of the public: if there is no real participation, the legitimacy of the codes will be questioned later.

- Who is promulgating the code? Where has it to be “received”? Democracy requires clear answers to those questions.
- No code has any value in public duty terms unless associated with a power of sanction such as disciplinary procedures.
- Full details of both codes and the associated power of sanction must be in the public domain.
- Where are the places, the “fora”, the “agora” where discussions take place?
- The discussion must take place at the level where the questions are raised and may be solved. SIG9.2.2 is opposed to international codes of ethics/conduct or practice that are surely at risk of being minimalist, and having no influence at all on people and organisations.

5 Evaluation/validation of codes

The following is a checklist of assessment criteria that SIG9.2.2 have tested out on different codes. This list is intended to identify the strengths and weaknesses of a code, and show where specific clauses need to be added.

Content - what is in the code?
<ul style="list-style-type: none"> - Clarity of definitions (i.e. is it clear what is being addressed by the code?); - Clarity of scope (i.e. is the extent of the code clear?); - Sanctions/complaints/enforcement (can the code be enforced in any way?); - Transparency, visibility; - Basic Principles/Guidelines; - Additional value to the law (for example, addressing minorities, or use for special interest/special group); - Procedure (can, or should, the code be updated and revised if necessary?); - Clear instruction for the public; - Duties, rights; - Ethical requirements.
Importance – the context of the code and its likely impact
<ul style="list-style-type: none"> - Local/national, etc.; - Field/sector (is it functional – e.g. scientific research?); - Specialised/general (for a company/sector); - Voluntary/compelling; - Participation of free-riders (organisation; how many people of the profession belong to the organisation which promulgates the code?); - Who is promulgating code? On behalf of whom? Are they representing the profession?

Procedures – how has the code been developed?
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- | |
|---|
| <ul style="list-style-type: none">- Parties involved (one-sided, multi-sided);- Revisions;- Certification (promise to abide by code.) |
|---|

6 Summary and conclusions

In producing this document, SIG9.2.2 provides an overview of its most recent work over the past years. Its aim is to provide persons considering the development or revision of a code of ethics (for their profession or organisation that is involved in activities relating to the implementation of information and communication technologies) with a view of the various issues to bear in mind. The goal is not to mandate best practice but is to identify good practice and avoidance of pitfalls.

The document therefore outlines what are the criteria for developing a code or re-evaluating an existing one, and the procedures that are the most effective to follow. It describes the general similarities and differences between codes of ethics and codes of conduct. It pinpoints the ethical issues that arise from the implementation of information technologies. It highlights certain processes and procedures involving consultation and feedback on codes, and then offers practical criteria for evaluating an existing code. In Annex A, it identifies some of the most frequently asked questions about codes.

To conclude, SIG9.2.2 does not believe that a universal or international code of ethics can be mandated for persons working with information and communication technologies. Nevertheless, it understands that there are certain general criteria and procedures of which it is useful to be aware. It is in this hope that the group offers the overview for the consideration of IFIP-related organisations (and wider), anticipating that they will find this mini-guide useful in developing more effective professional practices and behaviours.

Acknowledgements

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More Information

The electronic version of this document is available at:

http://www.info.fundp.ac.be/~jbl/IFIP/Criteria_and_procedures.pdf

Substantiating documents for this Executive Summary, and representing SIG9.2.2 analyses are referred at:

http://www.info.fundp.ac.be/~jbl/IFIP/References_Criteria_and_procedures.pdf

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<http://www.info.fundp.ac.be/~jbl/IFIP/cadresIFIP.html>

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http://www.info.fundp.ac.be/~jbl/IFIP/Ethics_and_Internet_Governance.pdf
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Annex A: Frequently Asked Questions

Many frequently asked questions relate to the reasons why a code might be written, for whom it is written, its actual application, and the differences between codes and legislation. We give here a first set of frequently asked questions (FAQs). This inaugurates a process that we intend to put on-line [http://www.info.fundp.ac.be/~jbl/IFIP/FAQs_Criteria_and_procedures.html] to provide a dynamic “space for discussion”.

Q: Why does a national member Society of IFIP need a code of ethics/conduct and a code of practice?

A: Member societies of IFIP represent professionals in the field of informatics, and codes of conduct support the notion of professionalism by acknowledging responsibility. They are helpful to the professional in offering guidance, and present a professional image to the wider community. In its early work (1996), SIG9.2.2 concluded that given the diversity of the IFIP membership an international code of ethics was not a viable proposition. It has consequently focussed on establishing minimum criteria and requirements for developing a code, thus offering some practical guidance and at the same time setting a standard worthy of a professional body.

Q: Who are these ethical codes for anyway?

A: The codes can be either for personal members of the Society or a member organisation of the society. In either case, they will generally be directed towards the person rather than the organisation, but they can be for both. The codes directed at the organisations may also be useful as drafts for company codes within the country of the Society.

Q: What if a member of a national Society does not follow the code of ethics/conduct or the code of practice?

A: Assuming that the code is binding, the member Society should handle any breaches of the code in the first place through discussion with the member, if necessary warning the member of the breach; and finally, if no action is taken, expelling the member from the Society in question.

Q: What is the relationship between the code and law?

A: Codes of ethics are a less formal means of regulation in context where legal measures could be inappropriate. They provide specific guidance and rules for a particular sector of society rather than society at large, and can address the specific issues that affect that sector.