

# Guidelines for external work at NHH

Adopted 21 March 2023 (In accordance with the Board's authorisation of 11 June 2015, item 23/15)

NHH



## 1. INTRODUCTION

'External work' is the term used to describe offices and work (paid and unpaid) that staff perform in addition to their ordinary position at NHH. Any ownership interests/shareholdings in sole proprietorships or companies are also considered external work. What percentage of a full-time position the employee works is of no relevance.

NHH looks favourably on staff being active and sharing their expertise for the benefit of society. This also applies when the work is carried out in addition to their position at NHH.

At the same time, NHH needs an overview of external work performed by staff. This is because NHH, as a state-owned institution, a teaching and research institution and an active contributor to public debate, is dependent on being perceived as neutral and objective. This means that the individual employee's external work must be compatible with their position at NHH.

What the external work consists of, however, is considered personal data. There must be a legal basis for collecting such information. The collection of such data requires a legal basis. In this case, the relevant legal basis is [Section 39 a of the Government Employees Act](#) (in Norwegian only).

Section 39 a of the Government Employees Act states: *'In order to prevent conflicts of interest, an enterprise may decide that employees in certain positions shall register their offices and financial interests if necessary based on the enterprise's responsibilities and areas of work and the employees' position or function. In such case, it must also be determined what information is covered by the duty of registration, and how the registration is to take place'.*

This legal provision means that limitations apply to which employees may be ordered to disclose external work, what information they may be required to disclose and how these data are processed.

We will do this by requiring all employees to report to NHH whether they have external work. The Vice Rector for Faculty Affairs, in consultation with the Director of Organisation and Governance, will make an assessment of whether there are grounds for registering the external work and whether the activity is compatible with the person's position.

## 2. DUTY TO REGISTER EXTERNAL WORK

In accordance with Section 39 a of the Government Employees Act, NHH may only register external work for employees *'in certain positions'* where it is *'necessary based on the enterprise's responsibilities and areas of work and the employees' position or function'*. The Ministry of Local Government and Regional Development has prepared a guide to this provision in which they describe in more detail which employees are subject to a duty of registration.

Page 3 of the guide 'Registration of government employees' offices and financial interests' (in Norwegian only) reads as follows:

*'A specific assessment must be made, and it is therefore not possible to impose a general duty of registration on all employees.'*

*The positions for which a duty of registration may be imposed must be determined on the basis of a specific assessment of the enterprise's areas of responsibilities and tasks, and the function or role of the position.*

*The assessment must place particular emphasis on:*

- a. *the position's placement in the enterprise's hierarchy, including whether the position requires special trust because it is a managerial or a particularly independent position. It is particularly relevant to impose a duty of registration on employees in senior positions.*
- b. *whether the position's duties and responsibilities mean that objectivity and neutrality are particularly important, and whether the employee is regularly involved in such matters*
- c. *whether the enterprise has supervisory or control tasks*
- d. *whether the enterprise has an overriding role in the government administration and may instruct other state-owned institutions*
- e. *whether the enterprise has responsibilities involving the distribution of goods between or to private individuals, the exercise of regulatory authority, the management of state ownership or if it regularly carries out procurements in specific areas.'*

Based on this, NHH has concluded that the following job categories will automatically be subject to a duty of registration for external work:

<b>POSITION</b>	<b>LEGAL BASIS IN THE GUIDE</b>	<b>COMMENT</b>
Employees in teaching and research positions	Section b.	By virtue of their duties relating to teaching and research, these employees will be identified with NHH to such an extent that it will affect NHH's reputation as an objective educational and research institution and a participant in public debate.
Managers in the Rector's management team, including vice rectors and directors	Point a.	By virtue of their placement in NHH's organisational hierarchy, these managers are likely to be identified with NHH, and their external work may affect NHH's reputation.
Heads of departments	Sections a and b.	
Heads of section in the administration	Point a.	

For the other job categories at NHH, an assessment will be made once the external work has been reported of whether the individual position meets the requirements for registration of external work mentioned in this section.

### **3. ACTIVITIES THAT ARE CONSIDERED EXTERNAL WORK**

All members of staff must report:

- offices or work involving a financial objective or interests

In particular, it must be assessed whether the following offices/work are compatible with a position at NHH:

- external work that involves use of the school's resources
- external work that is wholly or partly required to be carried out during normal working hours
- external work that may come into competition with the school's own activities
- external work of a long-term or extensive nature
- external work that may give rise to doubt about the employee's ability to perform their work at the school
- external work that may give rise to partiality in matters the employee is responsible for at NHH

Employees are not required to report offices or work relating to:

- a person's racial or ethnic origin
- political opinions
- religion
- philosophical beliefs
- trade union membership
- health information
- sexual orientation

## **4. HOW TO REPORT EXTERNAL WORK**

NHH has a registration system for external work at NHH. Employees register their external work on this form on NHH's website. This must be done when the employee takes up their positions and continuously during the employment relationship whenever there are any changes in the employee's external work. In addition, an email will be sent out every six months informing employees that they must update their external work in the registration system.

## **5. PROCESSING OF REGISTERED EXTERNAL WORK**

The Vice Rector for Faculty Affairs and the Director of Organisation and Governance have the authority to assess whether the external work is compatible with the individual employee's position. Once the external work has been registered in the registration system, the Vice Rector for Faculty Affairs and the Director of Organisation and Governance will assess whether the activity is compatible with the employee's position at NHH, and whether it is possible to register the external work on a public list, cf. section 2 of these guidelines.

External work that may be in a grey area as far as the guidelines are concerned is likely to require longer processing.

If the external work is not compatible with the employee's position at NHH, they will be notified of this in writing and will then be required to terminate the activity in question.

If the requirement for registering the external work is not deemed to be met, cf. section 2 of these guidelines, the information will be deleted.

Any cases of doubt must be submitted to the Rector for a decision.

Employees are responsible for, without undue delay, reporting relevant changes relating to reportable external work.

## **6. PUBLICATION AND APPLICATION FOR EXEMPTION FROM PUBLICATION**

Registered external work and ownership interests will be published on NHH's website. If the employee wishes to be exempt from publication, they must submit an application to that effect to the Vice Rector for Faculty Affairs and the Director of Organisation and Governance.

Applications for exemption shall be considered without undue delay. NHH shall not make the information public until NHH has decided the application and notified the employee of the result.

## **7. PROCESSING OF PERSONAL DATA**

From a data protection perspective, the purpose of collecting data about external work is to give employers the information they need to allocate tasks in a way that avoids conflicts of interest. This means that the data should not contain more information, or be stored for a longer period, than is necessary to fulfil this purpose.

It also means that information about offices shall be deleted if:

- the employee terminates the office
- the employee resigns
- the employee is assigned other duties, which means that they no longer qualify for the duty of registration

The employee is entitled to access the registered data and to request correction or deletion of the data.

## **8. BREACH OF THE GUIDELINES**

If an employee has not registered external work, NHH will assume that they do not engage in any external work that should be registered or approved in accordance with NHH's guidelines for external work.

Breach of the guidelines for external work may have consequences for the employment relationship.