

On Approval of the Model Rules for Conducting Internal Analysis of Corruption Risks

Order of the Chairperson of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption dated 19 October 2016 No. 12. Registered with the Ministry of Justice of the Republic of Kazakhstan on 21 November 2016 under No. 14441.

In accordance with paragraph 5 of Article 8 of the Law of the Republic of Kazakhstan dated 18 November 2015 “On Combating Corruption”, I HEREBY ORDER:

1. To approve the attached Model Rules for Conducting Internal Analysis of Corruption Risks.

2. To declare invalid the Order of the Minister for Civil Service Affairs of the Republic of Kazakhstan dated 29 December 2015 No. 18 “On Approval of the Model Rules for Conducting Internal Analysis of Corruption Risks” (registered in the Register of State Registration of Regulatory Legal Acts under No. 12651 and published on 15 January 2016 in the Legal Information System “Adilet”).

3. The Department of Anti-Corruption Policy of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption shall, in accordance with the procedure established by law, ensure:

1) state registration of this Order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, referral for official publication in the information and legal system "Adilet";

3) within ten calendar days from the date of state registration, submission of a copy of this Order for official publication to the Republican State Enterprise under the right of economic management “Republican Center for Legal Information of the Ministry of Justice of the Republic of Kazakhstan” for placement in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

4) placement of this Order on the official Internet resource of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption.

4. Control over the execution of this Order shall be assigned to the Deputy Chairperson of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption responsible for anti-corruption matters.

5. This Order shall enter into force on the date of its first official publication.

Chairman of Kazakhstan’s Agency

for Civil Service Affairs and Anti-Corruption

K. Kozhamzharov

Approved
by Order of the Chairman
of Kazakhstan's Agency
for Civil Service Affairs and Anti-Corruption
и противодействию коррупции
dated 19 October 2016 No. 12

Model Rules for Conducting Internal Analysis of Corruption Risks

Footnote: The Model Rules are presented as amended by the Order of the Chairperson of the Anti-Corruption Agency of the Republic of Kazakhstan (Anti-Corruption Service) dated 16 January 2023 No. 21 (effective after ten calendar days following the date of its first official publication).

Chapter 1. General Provisions

1. These Model Rules for Conducting Internal Analysis of Corruption Risks (hereinafter referred to as the Model Rules) have been developed in accordance with paragraph 5 of Article 8 of the Law of the Republic of Kazakhstan “On Combating Corruption” and define the procedure for conducting internal analysis of corruption risks by state bodies, organizations, and entities of the quasi-public sector (hereinafter referred to as subjects of internal analysis of corruption risks).

2. Subjects of internal analysis of corruption risks conduct internal analysis of corruption risks, based on the results of which measures are taken to eliminate the causes and conditions that contribute to the commission of corruption offenses.

3. Internal analysis of corruption risks shall be conducted based on the principles of:

- 1) objectivity;
- 2) reliability;
- 3) transparency;
- 4) comprehensiveness.

Chapter 2. Procedure for Conducting Internal Analysis of Corruption Risks

4. The basis for conducting internal analysis of corruption risks is a decision of the head of the subject of internal analysis of corruption risks, or, in their absence, the person acting in that capacity or substituting the position.

For the purposes of these Model Rules, heads of subjects of internal analysis of corruption risks include heads of state bodies and their departments, organizations, as well as heads of quasi-public sector entities who exercise current management of their activities.

5. The object of internal analysis of corruption risks is the activity of a structural subdivision, department, subordinate organization, territorial or equivalent subdivision

of the subject of internal analysis of corruption risks (hereinafter referred to as the object of analysis).

6. Depending on the number of functions performed by the object of analysis and its staffing level, internal analysis of corruption risks shall be conducted by a structural subdivision, an official authorized to conduct internal analysis of corruption risks as determined by the first head of the subject of internal analysis of corruption risks, or by a working group established by their decision (hereinafter referred to as the working group).

7. By decision of the head of the subject of corruption risk analysis, members of Public Councils (where such councils exist within the subject of internal analysis of corruption risks), as well as specialists and/or experts from other anti-corruption entities, may be involved in the working group, as well as in the discussion of analysis results and monitoring of the implementation of recommendations to eliminate identified corruption risks.

8. The decision to conduct internal analysis of corruption risks shall contain the following information:

- 1) the name of the subdivision whose activities are subject to internal analysis of corruption risks;
- 2) the direction of internal analysis of corruption risks in accordance with paragraph 11 of these Model Rules;
- 3) information on the structural subdivision, official(s), or the personal composition of the working group conducting the internal analysis of corruption risks;
- 4) the period covered by the internal analysis of corruption risks;
- 5) the timeframe for conducting the internal analysis of corruption risks;
- 6) information on the official of the subject of internal analysis of corruption risks who is responsible for leadership, coordination, and accountability for conducting the internal analysis of corruption risks and for the results of the work.

9. Internal analysis of corruption risks shall be conducted within a period of up to 30 working days.

If necessary, the period specified in the first part of this paragraph may be extended for a period not exceeding 15 working days based on an order of the head of the subject of internal analysis of corruption risks.

10. Internal analysis of corruption risks shall be conducted at least once a year.

In the event that an authorized anti-corruption body conducts an external analysis of corruption risks in the activities of the object of analysis, internal analysis of

corruption risks shall be conducted one year after the completion of such external analysis.

The timeframes provided for in the first and second parts of this paragraph shall not apply to internal analyses of corruption risks conducted on specific issues established by paragraph 13 of these Model Rules.

11. Internal analysis of corruption risks shall be carried out in the following areas:

1) identification of corruption risks in regulatory legal acts affecting the activities of the object of analysis;

2) identification of corruption risks in the organizational and managerial activities of the object of analysis.

12. In regulatory legal acts affecting the activities of the subdivision, discretionary powers and provisions facilitating the commission of corruption offenses shall be identified.

13. Organizational and managerial activities of the object of analysis include the following matters:

1) personnel management, including identification of positions exposed to corruption risks;

2) regulation of conflicts of interest;

3) provision of public services;

4) implementation of permitting (licensing/authorization) functions;

5) implementation of control and audit functions;

6) utilization and allocation of budgetary and financial resources;

7) conclusion of contracts with individuals and legal entities;

8) development and operation of information systems;

9) other matters arising from the organizational and managerial activities of the object of analysis.

14. Conducting internal analysis of corruption risks includes the following stages:

1) collection and analysis of information on the object of analysis in accordance with the areas specified in paragraph 11 of these Model Rules;

2) preparation of an analytical report in accordance with paragraphs 18, 19, 20, and 21 of these Model Rules;

3) identification of positions exposed to corruption risks with the formation of a corresponding list;

4) adoption of measures to eliminate corruption risks in accordance with the approved action plan pursuant to paragraph 25 of these Model Rules.

15. Sources of information for conducting internal analysis of corruption risks include:

- 1) legal acts and internal documents regulating the activities of the object of analysis;
- 2) departmental statistical reports on the activities of the object of analysis;
- 3) data from information systems of state and law enforcement bodies regarding the activities of the object of analysis;
- 4) results of inspections previously conducted by state bodies in respect of the object of analysis;
- 5) results of control measures carried out by internal audit services;
- 6) results of anti-corruption monitoring;
- 7) publications in mass media;
- 8) appeals (complaints, applications) of individuals and legal entities concerning the object of analysis;
- 9) information on the identification of and holding employees of the object of analysis liable for corruption offenses;
- 10) results of previously conducted internal analyses of corruption risks;
- 11) results of surveys (interviews) of civil servants and employees of the object of analysis;
- 12) other information whose provision is not prohibited by the legislation of the Republic of Kazakhstan.

16. Employees of the object of analysis shall provide the person authorized to conduct internal analysis of corruption risks or the working group with the information sources specified in paragraph 15 of these Model Rules, explain the practice of applying the legislation of the Republic of Kazakhstan affecting the activities of the object of analysis, report existing corruption risks, and develop proposals for improving legislation and law enforcement practice in the field of combating corruption.

17. When conducting internal analysis of corruption risks, an analytical report shall be prepared containing:

- 1) information on identified corruption risks;
- 2) recommendations for their elimination;
- 3) a list of positions exposed to corruption risks identified based on the results of internal analysis of corruption risks in the form according to Appendix 1 to these Model Rules.

18. The analytical report shall be coordinated with the structural subdivisions of the object of analysis.

19. The analytical report shall be signed by the head of the subject of internal analysis of corruption risks no later than 10 working days from the date of completion of the internal analysis of corruption risks.

Chapter 3. Results of Internal Analysis of Corruption Risks

20. If corruption risks are identified in regulatory legal acts, the object of internal analysis of corruption risks shall submit information on their existence to the relevant authorized body (developer).

Recommendations for eliminating the causes and conditions facilitating the commission of corruption offenses identified as a result of internal analysis of corruption risks shall be applied during legal monitoring.

21. The list of positions exposed to corruption risks shall be used by ethics officers, anti-corruption compliance services, and other structural subdivisions or officials of state bodies, organizations, and quasi-public sector entities that perform functions aimed at preventing and precluding violations of the legislation of the Republic of Kazakhstan in the field of combating corruption, when organizing systematic preventive work with persons holding positions exposed to corruption risks.

22. Public discussion of the results of internal analysis of corruption risks is permitted, including at meetings of collegial, consultative, and advisory bodies on combating corruption of the subject of internal analysis of corruption risks.

23. The subject of internal analysis of corruption risks shall develop an action plan to eliminate the causes and conditions facilitating the commission of corruption offenses identified based on the results of internal analysis of corruption risks (hereinafter – the action plan) in the form according to Appendix 2 to these Model Rules.

24. The action plan shall be approved by the head of the subject of internal analysis of corruption risks no later than 10 working days from the date of signing the analytical report.

25. The analytical report and the action plan shall be posted on the Internet resource of the subject of internal analysis of corruption risks within 3 working days from the date of approval, subject to ensuring the confidentiality regime and compliance with requirements for the protection of official, commercial, or other secrets protected by the legislation of the Republic of Kazakhstan.

26. Within one year from the date of signing the analytical report, monitoring of the elimination of the causes and conditions facilitating the commission of corruption offenses shall be conducted by preparing information on the implementation of

recommendations issued following the internal analysis of corruption risks in the form according to Appendix 3 to these Model Rules.

Information on the implementation of recommendations issued following the internal analysis of corruption risks shall be posted on the Internet resource of the state body, organization, or quasi-public sector entity at least once every six months, subject to ensuring the confidentiality regime and compliance with requirements for the protection of official, commercial, or other secrets protected by the legislation of the Republic of Kazakhstan.

27. When eliminating corruption risks and implementing recommendations issued based on the results of internal analysis of corruption risks, project management approaches may be applied.

Appendix 1
to the Model Rules for Conducting
Internal Analysis of Corruption Risks
Form

**List of Positions Exposed to Corruption Risks,
Identified Based on the Results of Internal Analysis of Corruption Risks**
Name of the object of internal analysis of corruption risks:

Position exposed to corruption risk	Official powers containing corruption risks	Corruption risks	Level of corruption risk
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Appendix 2
to the Model Rules for
Conducting Internal
Analysis of Corruption Risks
Form

Approved by

(title, surname
initials of the head
of the object of analysis)

(signature of the head of the object
of analysis)

" ____ " _____ 20__

**Action Plan to Eliminate the Causes and Conditions Facilitating
the Commission of Corruption Offenses Identified Based on the
Results of Internal Analysis of Corruption Risks in**

(name of the object of analysis)

No.	Recommendation	Measure	Form of completion	Responsible party	Deadline
1.					

Appendix 3
to the Model Rules for
Conducting Internal
Analysis of Corruption Risks
Form

**Information on the Implementation of Recommendations Issued
Based on the Results of Internal Analysis of Corruption Risks**

Name of the object of internal analysis of corruption risks:

Period of internal analysis of corruption risks: _____

Date of signing the analytical report: _____

No.	Recommendation	Form of completion according to the action plan	Information on implementation
1.			