

IRAP Conflict of Interest Declaration

Please complete your answers in block letters.

IRAP Assessor Registration Number:

I, (Insert full name)

Of (address)

Confirm that I have read the IRAP Guidelines for Conflicts of Interest

And declare that, other than those conflicts identified below, to the best of my knowledge and belief:

- Neither myself nor members of my immediate family stand to gain an advantage from the advice I will provide or am providing (other than through the salary, fee, or other remuneration being paid to me or my employer for the provision of IRAP assessment), and
- No other circumstances exist which could prevent me from providing IRAP assessments in an objective manner.

I hereby declare the following Conflict of Interest:

NO CONFLICT

(Please check all that apply)

ACTUAL

PERCEIVED

Please provide a brief outline of the nature of the conflict(s) and how they will be managed.

(Please attach a separate sheet if space is insufficient)

Signed:

.....

Date:

.....

Hereby agree to:

Update this disclosure through the period of my IRAP endorsement; and

Comply with any conditions or restrictions imposed by ASD to manage, mitigate or eliminate any perceived conflict of interest.

Please return signed form to:
asd.irap@defence.gov.au

IRAP Conflict of Interest Policy

1. IRAP assessors are often entrusted to sensitive information. Additionally, they may be responsible for contributing toward the information security of a Government entity. It is therefore critical that ASD is aware of any potential conflicts of interest to maintain a high level of confidence and trust in IRAP assessors.
2. The following requirements exist in relation to declaring potential conflicts of interest:
 - a. Prior to endorsement by ASD, IRAP applicants must complete an IRAP conflict of interest declaration.
 - b. Upon engagement, IRAP assessors must send an IRAP conflict of interest declaration before undertaking each IRAP assessment, or as soon as they become apparent.
 - c. An IRAP assessment may not proceed if a related conflict of interest is under review by ASD.
3. ASD will respond to all conflict of interest declarations within 5 business days with either an acceptance of declaration or, a notification that further review and/or information is required relating to a declared conflict.
4. The conflict of interest declaration can be obtained from cyber.gov.au and declared to asd.irap@defence.gov.au.
5. Conflict of interest circumstances are those which affect an IRAP assessor's ability to perform their work or fulfil their responsibilities with impartiality. Circumstances that might influence the IRAP assessor's provision of services includes:
 - a. personal relationships
 - b. interests, or
 - c. corporate affiliations.
6. It is also considered a conflict of interest, should an IRAP assessment be performed on a system where the IRAP assessor, or another party (with a personal relationship, interest or corporate affiliation to the IRAP assessor) has direct influence over the system. This influence includes but is not limited to the development, ownership or update of system components, documentation, mitigation advice, or implementation guidance they may have taken upon the system. This applies even if the work was completed through a separate reporting structure, difference in physical locations, or point in time in which those activities were undertaken.
7. This includes situations involving two parties that are related by corporate mergers, takeovers, subsidiaries or any other affiliation where they are ultimately owned by the same parent organisation, or where staff are employed by both parties. Customers should consider potential conflicts of interest before engaging an IRAP assessor, particularly if they will be assessing a system that has been outsourced or shaped by an external party.
8. ASD takes any perceived or actual conflicts of interest seriously and will handle all declarations with sensitivity. ASD will review a sample of declarations to provide assurance that conflicts of interest are being managed appropriately, ethically and that the independence of the program is being maintained. No further action may be undertaken by the IRAP Assessor until the conflict of interest has been discussed and resolved with ASD.
9. The non-declaration of a conflict of interest reflects a poor compliance culture and is a breach of the conditions of IRAP membership, and may result in removal from the program. Conflicts of interest may also be declared by other parties involved with an IRAP assessment.

Conflict of Interest Guidance

The following are not exhaustive examples of conflict of interest, they are provided to demonstrate some typical conflicts that should be reported to ASD. Where there is any doubt, IRAP Assessors should declare all disclosure events to the IRAP Administrator (via asd.irap@defence.gov.au) and the organisation or agency that has engaged the IRAP Assessor.

Conflict of Interest	Actual or Perceived	Mitigation(s)
IRAP assessor is employed by Company A that has merged/acquired Company B. Company B designed or developed the system.	Perceived	Restrict: No staff that developed the system are involved in the assessment. Any documentation or functionality developed by acquired company is out of scope.
IRAP assessor or employer has previously provided advice on the system.	Perceived	Restrict: IRAP assessor has not provided advice on this system or, dependent systems within the last 12 months. Any documentation created by the IRAP assessor or functionality that the IRAP assessor advised on has been scoped out of the assessment. OR Oversight: Client may employ a non-conflicted IRAP assessor to provide assurance of assessment independence.
IRAP assessor has interests in technology used in the system or alternative technology that is not used in the system.	Actual	Relinquish: The parent company sells all interests in the technology.
IRAP assessor is directly employed by the system owner.	Actual	Unable to mitigate
IRAP assessor has relationships with employees of the system's owner.	Perceived	Remove: Identified employees are not involved in the IRAP assessment through either the provision of information or any functionality or documentation developed by the identified employee was not included in the assessment or was assessed by an alternate IRAP assessor. OR Relationships identified by the assessor were agreed with the client and ASD as being insignificant or immaterial to the assessment of the system.

Conflict of Interest Declaration handling procedure

Once a Conflict of Interest Declaration is received by ASD the following procedure will be followed:

ASD Conflict of Interest Declaration Handling:

- A) Obtain all relevant facts to ensure that the decision maker completely understands the situation:
 - a. If the Conflict of Interest has been reported by a third party, seek information in writing from the person alleged to have a conflict.
- B) Review the situation to determine the nature and scope of any alleged Conflict of Interest giving consideration to:
 - a. the person's position, duties and the level of their decision making responsibilities;
 - b. the person's decision making authority;
 - c. the levels of review to which the person's decisions are subject;
 - d. the proximity and significance of the matter causing the conflict;
 - e. the potential public perception of the alleged Conflict of Interest and its management; and
 - f. the operational or administrative impact of the conflict.
- C) Determine if an actual, potential or perceived Conflict of Interest exists:
 - a. If there is no Conflict of Interest, notify parties of the decision and ensure that the justification for the decision is recorded and stored for future reference.
 - b. If there is a Conflict of Interest, proceed to next step.
- D) The decision maker will consult with the affected person(s) to determine an appropriate strategy to address the Conflict of Interest. There are a number of options available for managing Conflicts of Interest. These range from simply disclosing relevant details to relinquishing the private interest. The appropriate option or combination of options used in any situation will depend on the circumstances. Commonly accepted strategies include:
 - a. Restrict—restrictions are placed on the individual's involvement in the matter. An example would be restricting a delegate from exercising a financial delegation that relates to a business they have financial interests in. Individuals can also be reminded of their confidentiality obligations to Defence by Managers ensuring a Statutory Declaration is signed. There is a Statutory Declaration template with suggested wording available on the Audit and Fraud Control policy intranet page.
 - b. Oversight—a non-conflicted third party can be appointed to oversee part or all of the process that deals with the matter. An example would be having an unbiased individual from a different firm processing specific elements that could relate to a Conflict of Interest.
 - c. Remove—the individual so that they do not participate in the matter at all. This may be achieved by a temporary or permanent transfer of the conflicted individual to another position.
 - d. Relinquish—the individual voluntarily relinquishes the private interest giving rise to the Conflict of Interest. An example might be the revoking their position as a director in a company where a Conflict of Interest exists.
- E) Inform the person with the Conflict of Interest and any other relevant persons of the management strategy to be adopted to address the Conflict of Interest.
- F) Ensure appropriate records of the matter, including details of the circumstances, the nature of the conflict and the steps taken or strategies adopted to manage it, are recorded on the Conflict of Interest Declaration and stored for future reference.
- G) Monitor and review the matter to ensure that the strategy is working effectively and the circumstances have not changed.

Notes:

In conducting this evaluation procedure, decision makers should be mindful of the need to ensure that adversely affected persons are afforded procedural fairness. This includes engagement in consultation and providing an opportunity for affected persons to comment on or make their position known with respect to an intended management strategy.

The decision maker should also take into account the effect that the selected strategy could have on the affected individual. For example, decisions may impact the individual, and/or the client.

Conflicts of Interest often involve situations that give rise to confidentiality and privacy obligations. It is important to maintain confidentiality on sensitive and private Conflict of Interest issues consistent with statutory requirements, in compliance with contractual arrangements and in keeping with the 'need to know' principle. When reporting sensitive Conflict of Interest issues, the reporting should be confidential and based on evidence, and the issues must not be discussed in an open area or with any person who is not required to know of the issue.

If a suspected Conflict of Interest has been reported from a third party, the decision maker will advise the affected individual as soon as practicable that a report has been made. The affected individual should be given an opportunity to respond and is expected to provide all reasonable assistance to the decision maker.

The Commonwealth will not accept liability for any losses suffered as a result of voluntary relinquishment. It is a matter of personal choice whether an IRAP assessor decides to relinquish personal assets that might give rise to a Conflict of Interest.

IRAP assessors are responsible for the day-to-day management of any actual, potential or perceived conflicts of interest.

Complaints Resolution:

If at any stage of this procedure a stakeholder disapproves of the handling or outcome of a Conflict of Interest Declaration they may file a complaint with the ASD (via asd.irap@defence.gov.au or through the [IRAP Community Feedback Form](#)).

All complaints will be handled in line with the IRAP conflict resolution section of the [IRAP policy](#). If an individual is unsatisfied with the outcome of the complaint, they may escalate their complaint to the First Assistant Director General Cyber Security Services.