

# NATIONAL INTEGRITY AGENCY

## I. ORGANIZATION AND OPERATION

The National Integrity Agency (NIA) was established under Law no. 144/2007, as amended and supplemented, as an autonomous administrative authority, with legal personality, operating at national level, a unique structure, with headquarters in Bucharest.

Its main task is to ensure the performance of public dignities and positions in conditions of impartiality, integrity and transparency. The institution aims at organizing in a unitary and institutionalized manner the control of assets acquired during the exercise of mandates or performance of public dignities positions, verification of conflicts of interest, and incompatibilities.

NIA is a specialized body within the central public administration, financed from the state budget.

## MISSION

The Agency operates under the principles of legality, confidentiality, impartiality, independence operational, celerity, good administration, defense, and the principle of presumption of lawful acquisition of wealth.

The Agency's mission is to contribute significantly to the establishment of standards of integrity, good practice in public administration and to discourage behaviors that generate corruption in the administrative level through active cooperation with institutions and authorities at national and European level.

## OBJECTIVES

In 2011, the Agency focused to enhance its activity by fulfilling the following main objectives:

- reaching efficiency and enhancing the evaluation activity of assets, conflicts of interests and incompatibilities;
- fulfilling the objectives set through ANI's "**Strategy for combating and preventing acquiring unjustified wealth, conflicts of interests and incompatibilities - 2011 – 2014**";
- taking measures on submitting the assets and interests disclosers in due time, as well as developing the assets evaluation cases, conflict of interests cases or incompatibilities;
- professional training of the personnel (both operative and administrative)
- improving the work procedures within the Agency's departments;
- enhancing inter-institutional cooperation;
- developing awareness and prevention events;

- informing the targeted public on the normative acts incidental to A.N.I.'s activity;

In 2011, the Agency strengthened its institutional activity by:

- improving the outcome of existing working procedures in the departments of the Agency;
- training of staff;
- improving the efficiency of evaluation of assets, conflicts of interest and incompatibilities;
- dynamic inter-institutional cooperation.

## **II. FINANCIAL RESOURCES**

- a) The final budget for 2011 of NIA, approved by Parliament by Law no. 286/2010 on the State Budget for 2011: 11.024.000 Lei, of which:
  - Staff costs: 5.635.000 Lei;
  - Goods and services: 5.356.000 Lei;
  - Capital expenditure: 33.000 Lei.
- b) Supplementary budget for NIA for 2011, approved by Decision no. 466/11.05.2011 :
  - Additional budget requested by NIA: 7.384.000 Lei (EUR 1.759.000);
  - The total amount allocated by the Government: 2.700.000 Lei (Euro 643,189) = 36.56% of the amount requested.

## **III. THE STRUCTURE OF THE POSITIONS ON 30 DECEMBER OCCUPIED AND FREE**

- Filled in: 83 positions
- Vacant: 117 positions

## **IV. STAFF PROFESSIONAL TRAINING**

Between January 4 and 15, 2011, Human Resources, in collaboration with the Department of Communication, Public Relations and Strategy, carried out a research for defining training needs and specialization of the professional staff of the institution and also to identify "risk areas" where training activities should be prioritized during 2011.

The research was carried out through a questionnaire, which included a set of 23 structured questions, in order to provide an overview of training activities attended by agency staff in 2010 and also the expectations and wishes of individuals related to their training. Following the centralization and analysis of data obtained from the research, the department of Human Resources in collaboration with the Department of Communication, Public Relations and Strategy developed:

1. The Strategy for training the staff of the National Integrity Agency for 2011;
2. The Action Plan on training civil servants in 2011;
3. The Annual Plan draft of professional civil servants in 2011.

Thus, following the training needs identified through research and invitations received from various institutions, the National Integrity Agency staff attended, during 2011, a series of activities both at national and international level.

## **V. THE INTEGRATED MANAGEMENT INFORMATION SYSTEM OF THE DECLARATIONS OF ASSETS AND INTERESTS (SIMIDAI)**

The Integrated Management Information System of the Declarations of Assets and Interests (SIMIDAI) was a strategic priority of the National Integrity Agency, in order to optimize all the operational levels of the activity of integrity inspectors.

The system is now operational with the following modules:

- Registry Office;
- Lists of institutions and functions, replicated in the Portal of Assets and Interests Statements;
- Basic module of intelligent data analysis (collection and processing of meta-data gathered from the declarations of assets and interests), completed with the search possibility within the database of the informatics application
- Files workflow (creation, documents route monitoring, statuses, etc.) - this solution manages the inspectors' workflows, from the moment a case is assigned until its conclusion; (implemented on 24.02.2011, operational from 09.03.2011):
  - the random allocation distribution module;
  - use of the investigational checklist of assessing standardized procedures;
  - early warning solution (IBM FileNet Platform) of the investigation process. Through e-mail integrity inspectors are notified upon the time frames in which the documents can be requested to/from other authorities or persons which are subjects of ANI's investigations; (implemented on 15.04.2011).
- Full integration in SIMIDAI of monitoring, control, audit, management reports and reporting active matrix modules; through these "end-to-end" processes it is fully followed the decisional process within the institutions/authorities notified by ANI in cases of unjustified wealth, conflict of interests and incompatibilities and also it is performed a management control on integrity inspectors operational activity.

Further developments of SIMIDAI:

*Project „Efficient public services by simplifying the procedure regarding the filling in, archiving and analysis of the documents within the National Integrity Agency and facilitating the electronic access to the public interest information”, approved under the National Operational Program Administrative Capacity Development (PO DCA), with a total value of more than 4.000.000 Euro, **will improve the existing Informatic System in order to enhance the work of Integrity inspectors.***

Main objectives of the project and the modules that will be implemented through this project are presented below:

OBJECTIVES	DESCRIPTION OF MODULES THAT WILL BE IMPLEMENTED
<p>Acquisition, delivery and installation of hardware products destined to simplify the procedures of filling, archiving and automatic analysis of documents</p>	<p><b><u>Data security component:</u></b>            Access to secure database;            Access to information monitored and audited;            Protection ensured against hacking at databases level;</p> <p><b><u>Network typology component:</u></b>            Internal private network;            Secure external network;            Communication between networks;</p> <p><b><u>Protection and access component:</u></b>            Accelerated encrypted SSL communication;            Application-level protection;            Uploading distribution of network traffic;            Servers and storage;</p> <p>Extending online storage capacity of the existing system;            Long-term stored statements in “near-line” type storage devices;            Hardware infrastructure which will adjust the solution proposed</p>
<p>Improving the process of filling the wealth and interests statements, simplifying the working procedures and improving the evaluation process by using advanced software technologies</p>	<p><b><u>E-Forms component - Intelligent forms</u></b>            Intelligent forms for the electronic filling of the statements implemented;            Electronic signature with qualified digital certificate used:</p> <ul style="list-style-type: none"> <li>– <i>Digital certificate to sign the statement implemented at the level of institutions</i></li> <li>– <i>Digital certificate of the institution used by every</i></li> </ul>

	<p style="text-align: center;"><i>employer</i></p> <ul style="list-style-type: none"> <li>– <i>Procedure to verify the signature at the time of processing the statement implemented</i></li> </ul> <p>The signature type timestamp for each statement archived applied (expiry of a predefined period of time - ex: 90 days)</p> <p style="text-align: center;"><b><u>Open sources monitoring component</u></b></p> <p>Procedure to search in multiple information sources with aggregation of results in a seamless interface, implemented;</p> <p style="padding-left: 40px;">Websites monitoring;</p> <p style="padding-left: 40px;">News agencies monitoring (RSS feeds, etc.)</p> <p style="text-align: center;"><b><u>Intelligent data analysis component</u></b></p> <p style="padding-left: 40px;">Automatic analysis;</p> <ul style="list-style-type: none"> <li>– <i>Reports and analysis based on data collected;</i></li> <li>– <i>Process of tracking the performance indicators established at the institutional level implemented</i></li> <li>– <i>Use of other data sources for reporting;</i></li> </ul> <p style="padding-left: 40px;">Visual analysis;</p> <p><i>Visual investigational module based on data collected and of external data sources (ANAF, ONRC etc.)</i></p>
<p>Extending the information capacity of citizens and institutions interested by the services offered by the Agency, by developing the Portal-type facilities</p>	<p style="text-align: center;"><b><u>Portal development component</u></b></p> <p>Upgrade of the platform existing portal to a Enterprise Portal type platform;</p> <p>Portal and site hosting in the same location;</p> <p>Intelligent forms for the subsequent filling, published;</p> <p>Syntheses, reports and statistic situations destined to the public</p> <p style="text-align: center;"><b><u>Digitizing services component</u></b></p> <p>Electronic conversion of statements</p>
<p>Development of the facilities of Public Portal of assets and interests disclosures</p>	<p style="text-align: center;"><b><u>Portal development component</u></b></p> <p>Existing Portal improved – ergonomics, look &amp; feel;</p>

## **VI. PORTAL OF DECLARATIONS OF ASSETS AND INTERESTS**

The portal of declarations of assets and interests (<http://declaratii.integritate.eu>) contained, at the end of December 2011, 2,585,583 declarations of assets and interests, for 2008, 2009, 2010 and 2011. This portal is constantly updated.

In 2011, 545,552 declarations of assets and interests were processed, of which 289,254 statements of assets and 286,269 statements of interest.

## **VII. INSTITUTIONAL COOPERATION**

At national level, the NIA cooperates with the National Authority for Regulating and Monitoring Public Procurement (NARMPP), National Agency for Cadastre and Land, Ministry of Regional Development and Tourism, National Association of Specialists in Procurement, Ministry of Labour, Family and Social Protection, Ministry of European Affairs, Ministry of Finance, Ministry of Transportation, Ministry of Environment and Forests, Ministry of Administration and Interior, Ministry of Economy, Trade and Business Environment, the Prosecutor's Office attached to the High Court of Cassation and Justice and the Superior Council of Magistracy by the exchange of data and information, to fulfill specific duties provided by law.

In November 2011, the NIA joined the European Partners against Corruption (EPAC), a network of European institutions involved in combating and preventing corruption and the authorities responsible for monitoring and investigating the national police. At the meeting in Luxemburg (Austria) for the 11<sup>th</sup> Annual Conference, the General Assembly of European Partners against Corruption decided unanimously to grant the membership EPAC to the National Integrity Agency.

## **VIII. OPERATIONAL ACTIVITY**

In 2011, the NIA ascertained, as a result of the evaluation activity, the following:

- significant differences between acquired wealth and income - 17 cases;
  - incompatibility - 115 cases;
  - breach of the law on administrative conflict of interest - 30 cases;
  - indications of possible conflict of interests offences, provided and punished by art. 253<sup>1</sup> of the Penal Code of Romania - 30 cases;
  - grounded indications of criminal acts (false statements, offences assimilated to corruption offenses, offenses against the financial interests of the European Communities, etc.) - 43 cases.
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- 17 assessment reports have become final, in cases where the incompatibility of the verified persons was ascertained.
  - 2 assessment reports have become final, in cases where the violation of conflicts of interest laws was ascertained.

## **IX. THE STATUS OF THE CASES SUBMITTED BY THE AGENCY TO OTHER INSTITUTIONS**

### **1. SIGNIFICANT DIFFERENCES BETWEEN THE WEALTH GAINED AND INCOMES**

The status of cases, at the end of December 2011, in which significant differences were found between wealth gained and income:

- cases pending before the Commissions for wealth investigations: 15
- cases pending before the Commissions for wealth investigations, suspended until the administrative court will solve the case: 1;
- cases closed by the Commissions for wealth investigations: 4;
- referral to the courts by the Commissions for wealth investigations: 4;
- cases pending before the courts – 5 (Court of Appeal Bucharest and Court of Appeal Bacau)
- cases pending before the High Court of Cassation and Justice – appeal: 1;
  - files sent back by HCCJ: 1;
- final cases that the court ordered the seizure: 3.

### **2. INCOMPATIBILITIES**

NIA ascertained, by the end of December 2011, a total of 188 cases of incompatibility. Out of these, 118 were challenged before the administrative court.

### **3. THE VIOLATION OF THE RULES REGARDING CONFLICTS OF INTERESTS IN ADMINISTRATIVE MATTERS**

NIA ascertained, by the end of December 2011, a violation of the law on conflict of interest in administrative matters in 39 cases. Out of these, 29 were appealed to the administrative court.

### **4. SANCTIONS**

By the end of December 2011, 1499 contraventional sanctions were challenged. Out of the 1499 complaints against the reports of violation:

- 1053 were won by the Agency, the court maintained the sanction imposed (83% of those solved by the court);
- 210 were lost (17% of those solved by the court);
- 236 are still pending before courts.