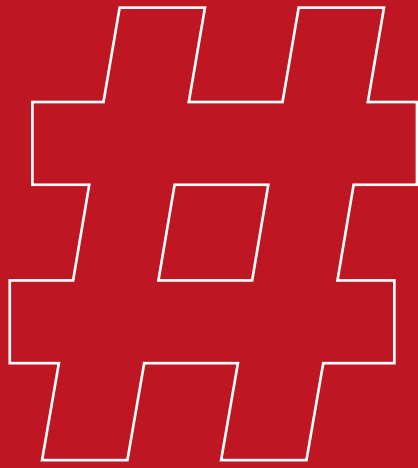


A PRACTICAL
GUIDE

TO PROFESSIONAL INTERACTIONS WITH PRIVATE PARTIES





Integrity Builds

Secretariat of State
for Infrastructure
and Mobility



A MESSAGE TO #SEINFRA'S TEAM

The professional interactions with private parties are fundamental to develop government activities that may present opportunities to enhance Infrastructure and Mobility public policies. On the other hand, it may represent risks if conducted improperly, reflecting on our image and reputation.

With the edition of this Practical Guide to Professional Interactions with Private Parties, we hope to help you interact with our private partners in an increasingly safe manner. To do this, read carefully the guidelines here compiled and always remember: when in doubt, ask compliance!



**Secretary of State for
Infrastructure and Mobility**

▶▶ APPLICATION AND SCOPE

This Practical Guide to Professional Interactions with Private Parties – Guide or Practical Guide – applies to government officials, interns, and anyone acting on behalf of the Secretariat of State for Infrastructure and Mobility – Seinfra.

▶▶ LEADERSHIP RESPONSIBILITY

Seinfra's managers must ensure the practical application of the guidelines contained in this Guide.

▶▶ IMPORTANT CONCEPTS

GOVERNMENT OFFICIAL OR PUBLIC OFFICIAL: anyone who exercises, even temporarily or without remuneration, by election, appointment, designation, hiring, or any other form of investiture or bond, mandate, position, employment or function in public agencies and departments.

PRIVATE PARTY: anyone who is not a government official, including individuals, service users, suppliers, service providers, companies in general or non-governmental organizations.

REVIEW

This Guide will be periodically reviewed and updated, at least every two years.

REVISION TABLE

**Practical Guide to Professional Interactions
with Private Parties**

Content | Version 01/2021

▶▶▶ **GUIDELINES FOR
COMMUNICATION WITH
PRIVATE PARTIES**



“ Be objective when communicating. ”

▶▶▶ GENERAL GUIDELINES.

1. In exchanging electronic messages, objectivity is essential to the clarity of what to be transmitted. It is crucial that the message's content be succinct and covered with formality, avoiding dubious interpretations.
2. Therefore, when communicating with private parties, whether by email, SMS, WhatsApp, Telegram, or any other message exchange device, it is necessary that the wording be formal and explicit to avoid distorted interpretations in decontextualized situations.
3. The same rule applies to other written expedients, such as the recording of agendas and personal notes.

PRATICAL TIP!

To assess whether your communication is within the expected standards of clarity, answer the following question:

If the message sent were made public, how would third parties and control agencies interpret it? Would they be in doubt about the intention of your communication?

If the answer is yes, reflect better and reshape it.

ALWAYS REMEMBER: what cannot be shown, probably cannot be done.

Give context to your communication

4. Do not forget that it is very challenging to explain some facts years after the event. For this reason, always give context to the message conveyed. Doing this makes it possible for anyone who has access to the statement, even after a long time, to fit it in the real context easily, avoiding misinterpretations.

PRATICAL TIP!

Think of how an external agent or control agency would interpret the following message:

Dear,
I appreciate the contributions received. I owe you one!
We will soon decide on that process.
Regards,
Government Official

Even if you referred to technical inputs that contributed to a legitimate and entirely legal administrative decision, reflect on how someone who does not know the context or a control agency would interpret your communication.

Not well, right? Contextualize your message!



ANOTHER IMPORTANT TIP: if your communication with a particular private party is supported by specific legislation, it may be a good idea to mention it. It helps to clarify the context and purpose of the communication.

▶▶▶ **GUIDELINES FOR
THE USE OF
COMMUNICATION TOOLS!**



“

Institutional e-mail is the rule!

”

5. As a general rule, e-mail communication involving private parties must be made from the institutional e-mail account, avoiding the use of personal ones as much as possible.
6. In case a particular government official receives an e-mail from a private party in his personal e-mail account, he must forward it to his institutional account, answering the e-mail from it.
7. In exceptional situations in which the use of personal e-mail is essential, the government official must mention in the signature, at least:
 - the first and last name
 - full name of the secretariat.

Is the conversation via WhatsApp? Redoubled attention!

8. Official communication with private parties through SMS and messaging applications – such as WhatsApp, Telegram, and related ones – is permitted, but, when possible, should be avoided.
9. If they occur, the public official must be even more cautious in contextualizing his message, always using formal language compatible with the communication's institutional nature.

Avoid audio messages.

- 10.** When using messaging applications – such as WhatsApp, Telegram, and related ones – it's important to avoid using audios. Written communication visually records the message and avoids decontextualizing information and exposing the public official.

PRATICAL TIP!

Imagine the isolated sharing of audio sent by you to a private party. In addition to exposing your voice, the message will be entirely out of context, making room for misinterpretations.



PROTECT YOURSELF AND PROTECT SEINFRA: avoid audios in institutional conversations!



▶▶▶ GUIDELINES FOR MEETINGS AND APPOINTMENTS

In-Person or Virtual

Participants

11. Public officials should avoid individual meetings with private parties since they can generate future questions, especially when relevant decisions arise.
12. For this reason, as a general rule, meetings and appointments involving the presence of private parties must have the participation of at least two public officials.

Not possible. What should I do?

13. If at least two officials are unable to participate, the one participating must copy the meeting invitation to the e-mail:

integridade@infraestrutura.mg.gov.br



BUT REMEMBER: it is only necessary to copy the meeting invitation to the e-mail above, in the agendas with private parties where the participation of at least two public officials is not possible.

SEE MORE GUIDANCE ON SCHEDULING MEETINGS BELOW.



▶▶▶ MEETING SCHEDULING

14. The scheduling/invitation of the meeting must be formalized in writing, preferably using the Calendar tool, available at Seinfra's institutional e-mail, and containing at least:

- Meeting's agenda
- Meeting Location or Tools [Google Meet or Zoom, for example]
- Date and Time
- Participants

PRATICAL TIP!

To facilitate compliance with this guidance, the message contained in the meeting invitation may adopt the following structure:

Dear [name of the private party],

Please find below the meeting's invitation.

In line with Seinfra's integrity guidelines, [name of the public official who will attend it with you], will accompany us at the respective meeting.

Details of the schedule are as follows:

- Meeting's agenda
- Meeting's Location or Tools
- Date and Time
- Participants

If you want to find out about Seinfra's institutional guidelines for interacting with private parties, feel free to consult our Practical Guide to Professional Interactions with Private Parties, available on the internet.

Regards,
[name of the government official responsible for scheduling]

PRATICAL

TIP!

If the private party sends the invitation, already containing the schedule, location/tools, date and time, the answer model below may be a good option:

Dear [name of the private party],

Thank you for sending the invitation.

In line with Seinfra's integrity guidelines, [name of the public official who will attend it with you], will accompany us at the respective meeting.

If you want to find out about Seinfra's institutional guidelines for interacting with private parties, feel free to consult our Practical Guide to Professional Interactions with Private Parties, available on the internet.

Regards,
[name of the government official responsible for scheduling the meeting]



The models above are suggestions to facilitate compliance with the guidelines for scheduling meetings and appointments, having the possibility to be adapted by the public official.

Regardless of the text used, be careful that the meetings and appointments are appropriately scheduled, containing the information mentioned in item 14.

▶▶▶ MEETING RECORD

15. After its conclusion, it is recommended that the topics discussed and the meeting's central deliberations are adequately recorded.
16. For virtual meetings, it is suggested that registration be done by e-mail, preferably as a response to the invitation e-mail. For in-person meetings, it is recommended to use the Form contained in the Single Annex of this Guide.

PRATICAL TIP!

To facilitate compliance with this guidance, the public official can reply the invitation e-mail to the virtual meeting with the following message:

Dear,

Here is a summary of the meeting:
[insert treated topics and central deliberations]

Regards,
[name of the official responsible for registering]

Be objective to record the topics covered and the central deliberations of the meeting. It is suggested to define in advance which of the participants will make a summary of the meeting.

After all, a deal is a deal!

17. Once prepared, the government official should file the records of meetings and appointments to be easily identified and accessed in the future.



EXPECTED BEHAVIOR AT MEETINGS AND APPOINTMENTS

- 18.** Government officials who meet with private interlocutors must adhere to the highest ethical standards and observe the following guidelines:

- ▶ Do not provide information or documents classified as confidential, as provided in the Access to Information Law¹.
- ▶ Do not provide or allow access to information that favors companies or groups to the detriment of others equally interested.
- ▶ Clarify that any suggestion, idea, or information offered or made available by the private interlocutor may not be decisive in the decision-making process within the Public Administration's scope.
- ▶ Act in the Public Administration's interest, without agreeing to a political or personal favor.
- ▶ Do not use office, function, and administrative influence to obtain advantages for yourself or others.
- ▶ Do not offer or accept gifts, privileges, payments, loans, donations, services, or other forms of benefits, gratuities, or advantages, even in the form of preferential treatment, for you or others.
- ▶ Do not participate in negotiations that may result in personal advantages or benefits that characterize conflict of real or apparent interests for those involved.
- ▶ Report any form of corruption, or attempted corruption, bribery, kickbacks, and influence peddling to the appropriate channels.

¹Law 12.527 of November 18, 2011.

▶▶ AND PAY ATTENTION!

- 19.** Interactions that may create the appearance of illegality should be avoided, that is, any interaction that, although lawful, may seem suspicious or suggest the practice of any irregularity.

**PRATICAL
TIP!**

Avoid encounters in parking lots of malls and restaurants, for example. Any meetings with private parties in these conditions bring an appearance of illegality and put your reputation and that of the secretariat at risk.



STILL IN DOUBT? REFLECT, OR ASK.

20.

All interactions with private parties must observe the guidelines in this Practical Guide. However, you may find yourself in a situation in which the procedures compiled here are not sufficient. In these cases, your talent and public spirit will be able to assist you in decision making, always seeking to assess the risks involved.

In these situations, make the following reflections beforehand:

► **Is my conduct compatible with the principles of Public Administration?**

Some constitutional principles of Public Administration:

- Legality
- Impersonality
- Morality
- Publicity
- Efficiency

► **Is my conduct an example for my co-workers?**

► **Have I evaluated all available information?**

► **Have I assessed the risks, and is the decision to be made the best one for Seinfra?**

21. If you still have questions regarding the use of this Guide, get in contact with compliance office.

Send an e-mail to integridade@infraestrutura.mg.gov.br reporting your question clearly and objectively.

Want to suggest improvements?

22. It is always possible to improve! If you want to suggest improvements to this Practical Guide, send an e-mail to integridade@infraestrutura.mg.gov.br with your suggestions.



▶▶▶ **SOME FREQUENT
QUESTIONS**

► **Is it mandatory to record all meetings and appointments?**

The registration of all meetings is not yet mandatory but strongly recommended. For meetings that result in deliberations or decisions, it is even more important to do so.

After all, do not forget: the proper record of interactions with private parties helps to preserve you and Seinfra!

► **Why do I need to send the meeting invitation to the compliance office?**

The invitation will only need to be copied to integridade@infraestrutura.mg.gov.br in situations when at least two officials cannot participate in the meeting or appointment with private parties.

Sending a copy of the invitation to the e-mail above does not mean that a compliance representative will attend the meeting.

With the information provided, the Compliance Officer or any representative of the compliance team can evaluate if a single official's participation may bring disproportionate risks to the secretariat and, if needed, demand the responsible manager to designate a second participant.


► **If the private party insists on holding meetings that do not comply with this Guide's guidelines, what do I do?**

In these cases, you must mention this Guide and inform the private interlocutor that Seinfra has express guidelines for interaction with private parties.

► **Should the guidelines in this Guide be observed in interactions with government officials from other public agencies and departments?**

Not necessarily. The guidelines compiled in this Guide are specifically designed to guide interactions with private parties.

However, nothing prevents – having made the necessary adaptations – that they are used as a reference for the interaction with government officials from other public agencies and departments.

 <p>FORM REGISTRATION OF MEETINGS AND APPOINTMENTS WITH PRIVATE PARTIES</p>			
Date:	Time:		
Location:			
Participantes:			
Name	Position	Organization	Signatures
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOPICS AND MAIN DELIBERATIONS			

It is suggested that this annex be printed and available in meeting rooms and offices.



REFERENCES:

- ABCON, SINDCON e IBDEE. *Compliance e Relacionamento entre Concessionárias, Poder Concedente e Agentes Públicos*.
- ABCR – Associação Brasileira de Concessionárias de Rodovias. *Política de Interação com Agentes Públicos*. 2019.
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- PETROBRÁS. *Código de Conduta Ética*. Versão aprovada pelo Conselho de Administração em 24 de junho de 2020.
- MINAS GERAIS. *Resolução CGE nº 15, de 02 de maio de 2019*. Dispõe sobre a uniformização de procedimentos institucionais da Controladoria-Geral do Estado e estabelece regras para a realização de reuniões entre agentes públicos e privados. Belo Horizonte – MG. 2019.
- BRASIL. *Lei nº 8.429, de 02 de junho de 1992*. Dispõe sobre as sanções aplicáveis aos agentes públicos nos casos de enriquecimento ilícito no exercício de mandato, cargo, emprego ou função na administração pública direta, indireta ou fundacional e dá outras providências. Brasília, Distrito Federal. 1992.



Translation to English Version:

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