

Checklist for an Organizational Code of Conduct

Use the checklist below to help shape and review your organization's code of conduct around ethical data practices.

- 1) Does your code of conduct cover emerging risks?
Given the speed of change and the large number of new technologies currently coming into maturity, have you allowed scope in your organization for new challenges?
- 2) If your organization works across national boundaries, have you considered the legal situation in each country that you operate in?
There are some jurisdictions where the law on data use and processing have been agreed upon, such as GDPR, which is in force across member countries of the European Union and some others. In other areas, such as the use of children's data in the USA, there will be regional laws set by individual states, and so data legislation may be complex.
- 3) Have you kept up in developments in the law?
Given that it is not possible to anticipate every new use of data, few countries determine the terms of fair data processing in the form of clear guidelines that are available a priori to any novel process. Instead, many countries use judgements made within the existing laws through the practice of Case Law. This means that an action may be deemed unlawful after the technology has been deployed, resulting in fines, deletion of the data and increasingly deletion of any technology that uses unlawfully acquired data, such as the deletion not just of the data, but the algorithm trained on that data.
- 4) How will employees raise questions about practices that they are concerned about?
Given that many of the issues with the application of novel data analytical processes to new scenarios have revolved around unanticipated consequences, it is essential that the right to contest be granted in principle, and a process is put in place to facilitate reporting issues at the moment that they are discovered. In addition, a pipeline for investigating and if necessary, escalating, concerns to the correct decision makers.
- 5) Who wrote the code of conduct? Has everyone been given the chance to review and certify it?
Studies have shown that staff may feel greater ownership of a code of conduct if they were involved in drafting the code. In addition, the contents will be communicated clearly to stakeholders through the drafting process.



- 6) Is the code of conduct easy to search?
Both the code of conduct and an efficient and thorough index or searchable database process need to be made available to all stakeholders to make sure that the contents can be found quickly and easily.
- 7) Is the code of conduct easy to understand?
The wording should be such that a person with non-specific knowledge of the law, ethics or data processes would be able to quickly and easily reach the same information. Where the code may be obscure or subject to multiple interpretations, examples should be given to help clarify the intention.
- 8) Would stakeholders be surprised by any of the contents of the code?
A good code of conduct should fulfil the minimum expectations of stakeholders and not contain elements that might reasonably be considered deceitful or mal intended.
- 9) Is the code shared with third parties or has been subject to external review?
While this may not always be possible, the gold standard of a code of conduct is to share the contents with those not familiar with the organization in question. Practices that have been taken for granted in one organization may be considered to fall below expectations in other, and for those wishing to operate to the highest standards, external validation may be required.
- 10) What is the review period on the code?
Societies evolve and behaviours that were once acceptable in the workplace have since become subject to any number of sanctions. A reasonable review period should be put in place and a review process be laid out.

