
	<b>ENAS Policy</b> <b>Impartiality, Conflict of Interest, Confidentiality, No  Discrimination, Intellectual Property, Duty of Loyalty, Hold  Harmless</b>		<b>ID. No. : EP 01</b>
	<b>Revision No: 02</b>	<b>Revision Date: 16-09-2018</b>	<b>Page 1 of 5</b>

## Contents

1.	Purpose .....	2
2.	Scope .....	2
3.	Responsibilities .....	2
4.	ENAS Policy on Impartiality and Conflict of Interest .....	2
5.	ENAS Policy on Confidentiality.....	3
6.	ENAS Policy on Non-Discriminatory Accreditation .....	4
7.	ENAS Policy on Protection of ENAS Intellectual Property .....	4
8.	ENAS Policy on Duty of Loyalty .....	4
9.	ENAS Policy on Hold Harmless.....	4
10.	Related Documents.....	5

	<b>ENAS Policy</b> Impartiality, Conflict of Interest, Confidentiality, No Discrimination, Intellectual Property, Duty of Loyalty, Hold Harmless		<b>ID. No. : EP 01</b>
	<b>Revision No: 02</b>	<b>Revision Date: 16-09-2018</b>	<b>Page 2 of 5</b>

## 1. Purpose

1.1 This document outlines ENAS policies regarding impartiality, conflict of interest, confidentiality, intellectual property and duty of loyalty for employees, assessors, experts and committee members of ENAS, who are involved in the process of accreditation.

## 2. Scope


2.1 This document rules the performance of all the activities developed by the National Accreditation Department managing the Emirates National Accreditation System (ENAS), the activities carried out to ENAS by external (contracted) assessors or experts, and the terms ruling the performance of ENAS Technical Advisory committees (TAC).

## 3. Responsibilities

3.1 All individuals involved in the accreditation process have responsibility for ensuring that this policy is maintained at all times.

## 4. ENAS Policy on Impartiality and Conflict of Interest

- 4.1 ENAS considers Impartiality as presence of objectivity (ISO/IEC 17011). Objectivity means that conflicts of interest do not exist, or are resolved so as not to adversely influence subsequent activities of ENAS.
- 4.2 ENAS strongly adheres to the requirement that accreditation shall be undertaken impartially, and is responsible for the impartiality of its accreditation activities. It is organized in such a way as to ensure that this impartiality is not compromised by conflict of interest, commercial, financial or other pressures.
- 4.3 ENAS does not engage in any activities which could compromise its impartiality; it does not provide consultancy to conformity assessment bodies, nor does it undertake any conformity assessment activities itself or have links with bodies providing consultancy to the conformity assessment sector, and it does not promote the services of any such body.
- 4.4 ENAS evaluates and monitors potential risks to its impartiality. Where any such risks are identified, ENAS shall put appropriate measures in place to eliminate or minimize them. These measures are monitored for effectiveness.

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	<b>Revision No: 02</b>	<b>Revision Date: 16-09-2018</b>	<b>Page 3 of 5</b>

4.5 Should any ENAS staff/member, assessor, TAC member, be asked to undertake any ENAS activity which is or could be interpreted to create a conflict of interest, the person is obliged by this policy to declare any potential conflict of interest to appropriate staff of ENAS. Any person acting as part or on behalf of ENAS who undertakes any ENAS activity when an actual or potential conflict of interest exists and which was not declared in advance, is in violation of this policy.

4.6 Should ENAS provide training to external parties, those courses shall be confined to the provision of generic information and is not provided to specific conformity assessment body.

## 5. ENAS Policy on Confidentiality

5.1 All information provided by CAB (applicant or accredited) to ENAS is confidential and it is understood the misuse or disclosure of Confidential Information may be detrimental to the CAB. Such information shall not be released unless the CAB provides ENAS permission in writing to do so, or as required by law.


5.2 Whenever ENAS is required by law or authorized by contractual arrangements to release confidential information, the parties involved shall, unless prohibited by law, be notified of the information provided.

5.3 At the termination of the Contract between ENAS and Assessor/Expert, the assessor/expert shall promptly return to ENAS at its request all copies of Confidential Information and return or destroy, and document the destruction of, all summaries, abstracts, extracts, or other documents, which contain any Confidential Information in any form.

5.4 Unauthorized or inappropriate disclosure of confidential information is prohibited.

5.5 Information about a CAB obtained from sources other than the CAB (e.g. complainant, regulators) shall be considered confidential between the CAB and ENAS. The provider (source) of this information shall be confidential to ENAS and shall not be shared with the CAB, unless agreed by the source.

5.6 Documents necessary to convey information about accredited CABs and their scopes of accreditation are not confidential.

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	<b>Revision No: 02</b>	<b>Revision Date: 16-09-2018</b>	<b>Page 4 of 5</b>

## **6. ENAS Policy on Non-Discriminatory Accreditation**

- 6.1 ENAS accreditation services shall be non-discriminatory. ENAS applies its policies and procedures in a non-discriminatory way.
- 6.2 ENAS accreditation services shall be accessible to any conformity assessment body that is interested in accreditation services and whose accreditation applications fall within ENAS defined scope of activities, irrespective of their size or the number of CABs already accredited in that particular scope or area.
- 6.3 The acceptance of an accreditation application shall not depend on the importance or nature of the activity, nor on the legal identity of the applicant.
- 6.4 ENAS shall not provide its accreditation services to CABs, and it would not be discrimination, when there is proven evidence of their fraudulent behavior, falsification of information or deliberate violation of ENAS accreditation requirements.

## **7. ENAS Policy on Protection of ENAS Intellectual Property**


- 7.1 Violation of copyright law is theft of intellectual material. Unless otherwise specified, any intellectual materials created by ENAS become the property of ENAS. Permission to copy ENAS intellectual property must be received in advance of such activity.

## **8. ENAS Policy on Duty of Loyalty**

- 8.1 All employees, independent contractors, committee members and Board members are required to perform all activities, at all times, under common 'Duty of Loyalty' expectations. 'Duty of Loyalty' is based on, but not limited to, excluding both actions and omissions that may harm or compromise past, current and future status of the ENAS.

## **9. ENAS Policy on Hold Harmless**

- 9.1 ENAS shall indemnify and hold harmless its employees, assessors, committee members and all other representatives of ENAS from any and all claims for loss, liability or damage, including costs, fees and expenses that arise out of or in connection with the acts or omissions of such person committed in the performance of the accreditation program activities provided that such person acted in good faith and in a commercially reasonable manner that was consistent with the best interests of ENAS.

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	<b>Revision No: 02</b>	<b>Revision Date: 16-09-2018</b>	<b>Page 5 of 5</b>

9.2 Assessor/Expert, an independent contractor, agrees to indemnify, defend and hold harmless ENAS from any and all claims and losses accruing or arising from their willful negligence or intentionally wrongful acts in connection with the performance of the Contract between ENAS and Assessor/Expert/ contractor.

## 10. Related Documents

- ACP 24 Confidentiality and Conflict of Interest Procedure
  - ACF 24-01 ENAS Employee Confidentiality Agreement.
  - ACF 06-03 Contract between ENAS and Assessor/Expert.
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