Stiftung Schweizerischer Bankenombudsman
Fondation Ombudsman des banques suisses
Fondazione Ombudsman delle banche svizzere
Swiss Banking Ombudsman Foundation

Conflict of Interest Rules for the Ombudsman's Office [Code of Conduct]

1. General

Art. 1 Subject and scope

[1] These Rules set down regulations intended to ensure the independence and integrity of the Swiss Banking Ombudsman as an institution, and in particular to specify ways of avoiding or dealing with any conflicts of interest that may arise in connection with an activity on behalf of the Swiss Banking Ombudsman Foundation.

[2] They provide appropriate provisions for the Ombudsman, his deputies and other permanent or temporary direct or indirect employees of the Ombudsman's Office (staff working for the Swiss Banking Ombudsman Foundation) and any external professionals working under mandate.

Art. 2 Principles of conduct

[1] Staff working for the Swiss Banking Ombudsman Foundation must act with integrity and refrain from any conduct that might endanger the reputation and credibility of the Foundation. They must be particularly sensitive to confidence in the independence and neutrality of the Swiss Banking Ombudsman as an institution.

[2] They must prevent any conflict of interest arising between their own interests and those of the Swiss Banking Ombudsman Foundation and/or the parties to ombudsman proceedings. Where a conflict of interest cannot be avoided they must disclose this immediately to the Officer Responsible in accordance with Article 3 of these Rules.

Art. 3 Officer Responsible

The following are responsible for applying these Rules:

a. for the Ombudsman: the President of the Foundation Board

b. for his deputies and other permanent or temporary direct or indirect employees of the Ombudsman's Office (staff working for the Ombudsman's Office) and any external professionals working under mandate: the Ombudsman

2. Activities outside the Swiss Banking Ombudsman Foundation

Art. 4 Secondary occupations and public office

[1] Secondary business occupations and federal or cantonal public office are not compatible with the position of Ombudsman except insofar as such office serves the interests of performing the duties of the Swiss Banking Ombudsman Foundation. In all other respects the same incompatibility rules apply to the Ombudsman as to the staff working for the Ombudsman's Office.

[2] For staff working for the Ombudsman's Office, secondary business occupations, public office or directorships of companies or lobbying groups are incompatible with employment at the Swiss Banking Ombudsman Foundation where:

a. this may damage the reputation or credibility of the Swiss Banking Ombudsman as an institution, especially confidence in its independence and neutrality

b. there is a conflict of interest with the activity for the Swiss Banking Ombudsman Foundation, or one can be foreseen

c. the foreseeable impact may damage the work done for the Swiss Banking Ombudsman Foundation

[3] The Ombudsman and staff working for the Ombudsman's Office must submit any planned activity outside the Swiss Banking Ombudsman Foundation to the Officer Responsible under Article 3 of these Rules so it can be reviewed for compatibility and permission granted.

Art. 5 Publications, public speeches, contacts with and appearances in the media

[1] Staff working for the Swiss Banking Ombudsman Foundation must be aware that when they publish works, make public appearances or appear at events where media representatives and contacts are likely to be present, they may be perceived as

representatives of the Swiss Banking Ombudsman as an institution. They must therefore avoid making any statements that might endanger its reputation and credibility, in particular confidence in the independence and neutrality of the Swiss Banking Ombudsman as an institution.

[2] Staff working for the Ombudsman's Office may only accept requests for publications, public speeches and contact with the media as a representative of the Swiss Banking Ombudsman Foundation or concerning issues relevant to the Swiss Banking Ombudsman as an institution after first consulting the Ombudsman. The content of publications, speeches or media contacts must be cleared with the Ombudsman in advance.

Art. 6 Remuneration from third parties

[1] Staff working for the Swiss Banking Ombudsman Foundation are entitled to remuneration for legitimate private activity outside the Foundation.

[2] Remuneration from third parties for activities carried out on behalf of the Swiss Banking Ombudsman Foundation or otherwise related to employment at the Ombudsman's Office must be surrendered to the employer. This includes fees, gifts, attendance money, payment for speeches, etc. In addition, the provisions of Article 8 (1) of these Rules apply analogously to any personal gifts received as part of such activity.

3. Duties of good faith and conduct

Art. 7 Bribery

[1] Staff working for the Swiss Banking Ombudsman Foundation may not accept or solicit gifts for themselves or other persons where such offers are made with the intention of bringing about particular behaviour in connection with their work for the Swiss Banking Ombudsman as an institution.

[2] Any indications that third parties are attempting to bribe staff working for the Swiss Banking Ombudsman Foundation must be reported to the Officer Responsible under Article 3 of these Rules.

Art. 8 Gifts and invitations

[1] Staff working for the Swiss Banking Ombudsman Foundation may accept tokens of appreciation worth up to CHF 300 for themselves or friends or relatives in connection

with their position at the Swiss Banking Ombudsman as an institution. Such gifts must be reported immediately to the Officer Responsible under Article 3 of these Rules. Gifts and other benefits that usually cost in excess of CHF 300 to buy, as well as monetary or equivalent gifts such as precious metal ingots or coins or non-specific vouchers for goods or services, regardless of value, must be returned to the giver or passed on to the Officer Responsible under Article 3 of these Rules to be used for charitable purposes.

[2] Staff working for the Swiss Banking Ombudsman Foundation may accept works such as books, magazines, CDs and similar media from publishers or authors in their capacity as an employee of the Swiss Banking Ombudsman as an institution. Such gifts must be reported immediately to the Officer Responsible under Article 3 of these Rules.

[3] Staff working for the Swiss Banking Ombudsman Foundation may cautiously accept invitations on a normal scale to meals or cultural or other events where these unambiguously relate to their function at the Swiss Banking Ombudsman as an institution. The same applies to partners where these are expressly invited and would normally be expected to attend. Invitations must be reported immediately to the Officer Responsible under Article 3 of these Rules.

Art. 9 Fringe benefits

[1] Staff working for the Swiss Banking Ombudsman Foundation may not enjoy individual fringe benefits provided by financial intermediaries that fall within the scope of the Swiss Banking Ombudsman as an institution.

[2] Fringe benefits may only be accepted where provided to staff working for the Swiss Banking Ombudsman Foundation on the basis of a characteristic or criterion that is not connected to their function at the Swiss Banking Ombudsman as an institution and which other persons with the same characteristic or meeting the same criterion are entitled to and cannot be denied arbitrarily, such as special terms for pensioners of a financial intermediary that falls within the scope of the Swiss Banking Ombudsman as an institution or for relatives of a person employed by such a financial intermediary. Such fringe benefits must be reported immediately to the Officer Responsible under Article 3 of these Rules.

Art. 10 Duty of discretion and confidentiality

[1] Staff working for the Swiss Banking Ombudsman Foundation must observe confidentiality concerning all matters and situations which they become aware of in connection with their function at the Swiss Banking Ombudsman Foundation or their

activities for the Ombudsman's Office and which must by their nature or under legal regulations or directives be kept secret.

[2] Staff working for the Ombudsman's Office must also observe confidentiality concerning all staff, organisational or business matters concerning the Ombudsman's Office.

[3] Staff working for the Ombudsman's Office may not appropriate and/or make copies of confidential business papers, files or documents, remove them from the Ombudsman's premises without the express permission of the Ombudsman, or provide information to unauthorised third parties or allow such parties to inspect files.

[4] All working documents, manuals, files, computer software and similar that employees of the Ombudsman's Office receive or create in the course of their work for the Ombudsman's Office remain the property of the Swiss Banking Ombudsman Foundation and must be surrendered intact and without being asked at the end of their employment.

[5] The duty of discretion and confidentiality continues to apply even after an employee has left the Ombudsman's Office.

[6] Any breach of the duty of discretion and confidentiality by a person holding secrets without sufficient permission may result in both disciplinary action and, depending on the specific case, criminal prosecution, e.g. for breach of banking confidentiality under Article 47 of the Swiss Banking Act, breach of business confidentiality under Article 162 of the Swiss Penal Code or breach of professional confidentiality under Article 35 of the Swiss Data Protection Act.

[7] If there are any doubts as to whether a matter is subject to the duty of discretion and confidentiality, instructions from the Officer Responsible under Article 3 of these Rules should be sought prior to disclosure.

Art. 11 Use of confidential information and insider trading

[1] Staff working for the Swiss Banking Ombudsman Foundation must not abuse confidential information or their position for their own ends.

[2] Staff working for the Swiss Banking Ombudsman Foundation who have confidential, i.e. non-public, information concerning a financial intermediary falling within the scope of the Swiss Banking Ombudsman as an institution that would be likely to affect the price of securities if it were released may not conduct any transactions in such securities. In cases of doubt, the Officer Responsible under Article 3 of these Rules must be consulted in advance.

Art. 12 Transactions in securities, share ownership

[1] Neither the Ombudsman nor staff working for the Ombudsman's Office may own shareholdings in financial intermediaries falling within the scope of the Swiss Banking Ombudsman as an institution that would have to be disclosed under Article 20 of the Swiss Stock Exchange and Securities Trading Act were they listed on the stock exchange. In addition, they may not own shareholdings in such financial intermediaries with a cumulative value in excess of 10% of their total financial investments.

[2] The Ombudsman and staff working for the Ombudsman's Office must allow the Officer Responsible under Article 3 of these Rules to examine on request all securities portfolios held in their name or of which they are the beneficial owner.

4. Recusal

Art. 13 Grounds for recusal

The Ombudsman and staff working for the Ombudsman's Office must recuse themselves in cases where:

a. parties are involved for which they worked less than one year ago
b. parties are involved in which they own an interest or which provide them with fringe benefits that might reasonably be regarded as prejudicial
c. they have another personal interest
d. persons with whom they have a close personal relationship are involved or have a personal interest
e. they were previously actively involved outside their function at the Swiss Banking Ombudsman as an institution
f. they could be regarded as partisan for other reasons, especially friendship with or hostility to one party or their representative

Art. 14 Conduct when grounds for recusal apply

[1] Staff working for the Swiss Banking Ombudsman Foundation who are affected must disclose any potential grounds for recusal to the Officer Responsible under Article 3 of these Rules in good time before dealing with a critical matter and recuse themselves on their own initiative if they regard these grounds as valid. The Officer Responsible under Article 3 of these Rules decides on exceptions and in cases of doubt.

[2] If a third person claims that grounds for recusal apply, the Officer Responsible under Article 3 of these Rules decides on recusal after questioning the employee concerned.

5. External professionals

Art. 15 General

Care must be taken when selecting and managing external professionals to ensure that their characteristics or conduct do not endanger the reputation or credibility of the Swiss Banking Ombudsman as an institution.

Art. 16 Undertaking to observe the code of conduct

When external professionals are appointed, they must undertake to observe the following provisions of these Rules or be subject to equivalent duties of behaviour:

a. Art. 7 Bribery
b. Art. 10 Duty of discretion and confidentiality
c. Art. 11 Use of confidential information and insider trading
d. Art. 13 Grounds for recusal
e. Art. 14 Conduct when grounds for recusal apply

6. Enforcement

Art. 17 Disclosure of misconduct

Any staff working for the Swiss Banking Ombudsman Foundation who become aware of a breach of the provisions of these Rules must inform the Officer Responsible under Article 3 of these Rules.

Art. 18 Disciplinary action

These Rules form an integral part of the contract of employment for staff working for the Ombudsman's Office. Any breach of the provisions of these Rules may result in disciplinary action up to and including immediate dismissal.

Art. 19 Reporting of criminal offences

Where there are sufficient grounds to suspect that a criminal offence has been committed, the Foundation Board may decide to file a report with the prosecuting authorities. This is normally done at the request of the Ombudsman.

Approved by the Foundation Board on 7 December 2012, to take effect from 1 July 2013.