

**Information on legal matters for whistleblowers**

1. **Who is protected by the whistleblower act (insert name of the relevant whistleblower act)?**

You are protected by the Whistleblower Act if you belong to one of the following groups of people: Employees – both current, former and future – self-employed, shareholders and members of the board of directors, management and supervisory board, volunteers, trainees, employees of suppliers and business partners.

It applies to all mentioned groups of people that you are only protected by the law if the information that is reported has come to your knowledge through your work-related activities.

1. **What information does the whistleblower act protect from reporting?**

Violations of EU law, serious violations of [*insert relevant country*] law and other serious matters can be reported. A report may relate to a justified suspicion of or actual knowledge of violations within, for example, the following areas:

* Public bidding/tendering
* Money laundering and terrorist financing
* Protection of privacy and security of network and information systems
* Consumer protection
* Economic crime such as embezzlement, theft, bribery, fraud and forgery
* Hacking, eavesdropping, recording conversations between others, etc.
* Violations of the bookkeeping and tax legislation, etc.
* Violations of confidentiality
* Disregard of statutory duty to act
* Violation of rules on the use of force
* Gross and repeated violations of public administration legislation and public disclosure legislation
* Gross and repeated violations of principles of administrative law, including the principle of investigation, requirements for objectivity, the principle of abuse of power and proportionality
* Deliberate misleading of citizens and business partners
* Physical and psychological violence and sexual abuse or serious harassment, e.g., because of race, sex, language, wealth, national or social origin, political or religious affiliation
* Disregarding professional standards, which e.g., could cause a risk to the safety and health of persons
* Failure to care
* More serious or repeated violations of the workplace's internal guidelines on e.g., business trips, gifts, and accounting
* Serious errors and serious irregularities associated with IT operations or IT system management

The above is a non-exhaustive list of examples.

The Whistleblower Act does not apply to information of a trivial nature, or information about e.g., violation of internal guidelines on sick leave, smoking, alcohol, clothing, private use of office supplies, or non-compliance with documentation obligations. The Whistleblower Act does not protect against reports about your own employment, including conflicts between employees or difficulties in working together (however, serious harassment and sexual harassment are covered).

1. **What are the conditions for protection?**

You are only protected by the Whistleblower Act if, at the time you make a report, you have reasonable grounds to assume that the information is correct. You must therefore at least have a suspicion that is based on factual information, and therefore you are not protected if you simply pass on loose rumors.

If you knowingly report false information, you may be fined.

1. **How are you protected by the whistleblower act?**

If you belong to one of those in section 1 mentioned person groups, if you report information as mentioned in section 2, and if your report complies with the conditions in section 3, you are protected by the whistleblower act in the following ways:

Firstly, you are protected against dismissal, transfer, salary reduction, harassment etc. (retaliation), as a result of you making a report. If you are subjected to retaliation or threats of retaliation, you are entitled to compensation. To ensure your protection, a special rule of evidence applies in such cases. The rule means that if you can prove that you have made a whistleblower report that complies with the conditions in section 1, 2 and 3, and that you have been met with retaliation, it is your employer who must prove that the retaliation is not a consequence of your whistleblower report.

In addition, you will not be liable for having breached a statutory duty of confidentiality if your report is necessary to reveal a matter which is covered by section 2.

Finally, you will not be responsible for obtaining access to the information that you report, unless you obtained the information through an illegal act.

1. **The whistleblower act requires your employer to implement a whistleblower scheme**

Your employer is – if the company employs 50 or more employees – obliged to establish an internal whistleblower scheme. The scheme must ensure your anonymity, and any whistleblower report must be received and processed by an impartial person or department at your employer or by an external company. Information about your identity or information from which your identity can be deduced must not be disclosed to anyone other than the authorized and impartial employees without your express consent, unless it is to a competent public authority to avoid violations of law or to protect the rights of an affected person for defense in legal proceedings.

You are entitled to receive confirmation of receipt of your whistleblower report within 7 days, and you are entitled to be notified of how your employer will handle the reported information within 3 months.

Your employer must inform all employees in a clear and easily accessible way about the procedures for reporting information to your employer's whistleblower scheme and procedures for reporting to external whistleblower schemes, e.g. The Data Protection Authority.

If your employer does not comply with the above requirements, your employer will be fined.

1. **Personal data – GDPR**

Your employer must comply with all the requirements of the GDPR and the [*insert name of relevant local Data Protection Act*] in the internal whistleblower scheme, and you therefore have, among other things, the following rights:

* Right of access to personal data we process about you
* Right to have incorrect information corrected
* Right to delete information that is no longer relevant
* Right to object to unjustified processing
* Right to receive the information you have provided yourself in a structured, commonly used and machine-readable format (data portability)
* Right to complain to the Data Protection Authority [*insert link to website of relevant local Data Protection Authority*].