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RULES

on establishing internal channels for reporting breaches of regulations

Posted on the Institute's intranet:

19 May 2023

Effective date:

20 May 2023

CONTENTS

I. RECITALS	2
II. WHISTLEBLOWER PROTECTION OFFICER AND MANNER OF ACCEPTING REPORTS	2
IV. EXTERNAL REPORT IN CASE OF THE INTERNAL REPORTING CHANNEL BEING INEFFECTIVE	7
V. FINAL PROVISIONS	7



Pursuant to the fourteenth paragraph of Article 9 of the Whistleblowers Protection Act (Official Gazette of the Republic of Slovenia, No 16/23; hereinafter: the ZZPri) and Article 17 of the Articles of Association of the National Institute of Chemistry of 10 January 2023 (hereinafter: Articles of Association), the Board of Governors of the National Institute of Chemistry, at its 12th regular meeting held on 18 May 2023, adopted the following

RULES **on establishing internal channels for reporting breaches of regulations**

I. RECITALS

Article 1 (scope of regulation)

These rules shall govern the manner in which the whistleblower protection officer is appointed and determine the contact details for the acceptance of reports. The rules shall also set out the procedure for the receipt and handling/processing of internal reports, and for the external reporting of breaches when reporting internally is ineffective.

Article 2 (definition of terms)

The terms used in these rules shall have the following meaning:

- 'public disclosure' means the making of information on breaches at the workplace of the National Institute of Chemistry available to the public;
- 'perpetrator' means the natural or legal person indicated in the report as being the person accused of the breach by the reporting person or is linked to that person.
- 'internal organisational unit' means any independent unit of the National Institute of Chemistry (e.g. research sector, infrastructure centre, research laboratory, department, organisational unit of common services);
- 'report' or 'to report' means, the oral or written communication of information on breaches at the workplace of the National Institute of Chemistry;
- 'internal reporting/reports' means the reporting of breaches at the workplace of the National Institute of Chemistry to its whistleblower protection officer;
- 'external reporting/reports' means the reporting of breaches at the workplace of the National Institute of Chemistry, submitting these reports to the authorities responsible for external reporting;
- 'retaliation' means any direct or indirect act or omission that occurs at the workplace of the National Institute of Chemistry, is prompted by internal or external reporting or by public disclosure, and which causes or may cause unjustified detriment to the reporting person;
- 'whistleblower protection officer' is one or more persons entrusted to receive and handle (follow up on) internal reports.

II. WHISTLEBLOWER PROTECTION OFFICER AND MANNER OF ACCEPTING REPORTS

Article 3 (appointment of whistleblower protection officer and administrative staff)



The director shall appoint the whistleblower protection officer to accept reports by way of a decision. The telephone number under Article 4 of these rules must also be indicated in the decision. The decision on appointment shall be posted on the intranet.

Where a large number of protection officers are appointed, they shall organise their work in such a way as to ensure that their duties are carried out in a timely manner and that they are substituted in the event of absence.

The protection officer shall accept reports and handle/process them in accordance with Articles 11 and 12 of the ZZPri and these rules.

The director may also, by way of decision, appoint administrative staff to accept and record reports.

Article 4 (manner of accepting reports)

Reports shall normally be submitted on a form (Annex 1) and shall be accepted in writing or orally by the following methods and at the following addresses:

- via email at: zaupnik@ki.si;
- via the telephone number of the appointed whistleblower protection officer;
- addressed to the “National Institute of Chemistry, Hajdrihova 19, 1001 Ljubljana” with the designation ‘Deliver to the internal reporting officer’;
- in person by the whistleblower protection officer.

Where the reporting person reports a breach in person or by telephone, the statement may be recorded by the whistleblower protection officer. The consent of the reporting person shall be acquired before making the recording.

In the case of an oral report which is not recorded, the whistleblower protection officer shall make a detailed record of the report and send it to the reporting person for review and signature, if he/she so wishes and specifies where it should be forwarded to him/her.

III. HANDLING/PROCESSING OF REPORTS

Article 5 (recording of reports)

The whistleblower protection officer or authorised administrative staff member shall record the report in a folder on the Institute's server, to which only the whistleblower protection officer and the administrative staff referred to in the fourth paragraph of Article 3 of these rules shall have access.

The reports record contains the following data: details about the reporting person, intermediary, related parties, perpetrator, the persons who may assist in the investigation of the reported breach (full name or pseudonym, postal address, email address, telephone number and other contact addresses), the material submitted by those persons and the material produced in the course of the investigation/processing of the report, including any recorded statement concerning the report, the case number, the date on which the report was received, the field of work covering the breach, the date on which the receipt of the report was acknowledged, the date on which the reporting person



(whistleblower) was given feedback, the date on which the report was communicated to the management.

The details about the reporting person and perpetrator shall be recorded in a way to facilitate their deletion or destruction at a later date.

The electronic report and its annexes shall be kept in the folder referred to in the first paragraph of this Article, and the physical report shall be kept in a separate locked cabinet in the office of the whistleblower protection officer. The physical report shall be physically and technically treated as if it were classified information at the level of an internal or business secret with regard to storage and handling.

After five years, the details about the reporting person (whistleblower) and the perpetrator and the content of the report shall be deleted from the record, while the management report and the recorded data shall be kept for ten years.

Article 6

(duties of the whistleblower protection officer and the protection of the reporting person)

The whistleblower protection officer shall handle the report with care, confidentiality and independence and shall not be bound by instructions in any specific case.

The whistleblower protection officer may not disclose the identity of the reporting person, except under the conditions set out in the ZZPri (explicit consent of the reporting person, a request by the state prosecutor if this is strictly necessary for the investigation of criminal offences, or a request by a court if this is necessary for court proceedings, including court proceedings to protect the right of the person affected by the report). No one may disclose the identity of the reporting person if disclosure would endanger life or seriously jeopardise public interest, safety or national defence.

In the case of disclosure of identity at the request of the state prosecutor or at the request of a court, prior written notice of the intended disclosure, stating the reasons for the disclosure, shall be given to the reporting person, unless the state prosecutor or the court considers that such notice would jeopardise the related investigations or court proceedings.

The whistleblower protection officer shall have access during his/her work to material relevant to the handling/processing of the report, while employees undertake to provide assistance to the protection officer, as well as information necessary for her/his work. The whistleblower protection officer shall only use the information of which he/she becomes aware for the purposes of handling the report and remedying the breach.

The whistleblower protection officer shall carry out the tasks set out in these rules and in Article 10 of the ZZPri, in particular the examining and handling of the reported breach; informing the non-anonymous reporting person about the protection under the ZZPri and about the procedures for external reporting; providing information on legal options to the reporting person who is subject to retaliation and assist him/her in administrative and judicial proceedings due to retaliation by issuing a certificate confirming the report was filed, providing evidence from the reporting procedure that the reporting person needs for further proceedings associated with retaliation, and so forth.



The whistleblower protection officer shall cooperate with the external reporting authority where necessary for the purpose of the processing of the report before the whistleblower protection officer or external reporting authority.

The whistleblower protection officer shall provide simple and transparent access to information on how to use internal channels for reporting and on external reporting procedures on its website and the intranet, and shall update them as required.

The reporting person may ask the whistleblower protection officer for clarification regarding protection in the event of prohibited retaliation, as set out in Section 7 of the ZZPri, which regulates the prohibition of retaliation, protection measures and measures of support, the exclusion of liability for disclosure (disclosure disclaimer), judicial protection, free legal aid, unemployment benefits and psychological support.

Article 7 (procedure for handling internal reports)

The whistleblower protection officer shall handle reports in the order in which they are received.

Within seven days of receipt, the whistleblower protection officer shall examine the report to verify whether the following conditions for its processing have been met: whether the report was submitted by a natural person; whether the breach relates to information about a breach of regulations in force in the Republic of Slovenia and the reporting person obtained this information at the workplace; whether the information about the breach reported is not manifestly false; and whether the reporting person filed the report before the expiry of two years after the cessation of the breach. In so doing, the whistleblower protection officer shall complete the checklist set out in Annex 2 to this act.

Where the assumptions/conditions referred to in the second paragraph of this article are not met, or where the whistleblower protection officer believes the consideration/processing of the report would not be expedient because the breach has had no consequences, because the consequences are no longer present or because they are insignificant, the whistleblower protection officer shall not proceed with the consideration and shall, within seven days of the date of receipt of the report, inform the reporting person that they will not accept the report for consideration. Where all the conditions have been met, the whistleblower protection officer shall notify the reporting person within seven days of the date of receipt that the report has been accepted for consideration. The notification shall be sent to the reporting person's address or by the means indicated by the reporting person, even if it is an anonymous report.

Where it is already apparent at the time of receipt of an oral report that the report cannot be processed under the internal report handling procedure, the whistleblower protection officer may direct/refer the reporting person to the relevant external reporting channel or to another appropriate procedure. In such a case, neither reporting nor the consideration procedure take place.

The whistleblower protection officer must inform the reporting person of the possibility of internal or external reporting and public disclosure, and of protection against and in case of retaliation.

The whistleblower protection officer shall examine the report and obtain from the reporting person, the perpetrator and any other employees, if deemed necessary, the information required to propose



measures aimed at ending the breach, remedying the consequences of the breach and preventing future breaches.

The whistleblower protection officer shall do what is necessary to ensure the breach comes to an end. On the basis of all the information collected, the whistleblower protection officer shall determine which person or internal organisational unit is responsible for eliminating the breach to which the report relates. The officer shall inform the head of the responsible unit/department of the description of the reported breach and of the proposed measures they propose. The notification shall indicate that the report is being considered under the ZZPri and shall set a time limit for feedback regarding the measures taken or proposed to be taken to remedy the breach and the measures imposed on the perpetrator.

The whistleblower protection officer may, on the proposal of the head of the unit, interview the reporting person in order to establish the circumstances relevant to the identification and remedying of the breach.

The whistleblower protection officer may propose to management that the breach be considered, in whole or in part, by an external contractor or organisation.

The whistleblower protection officer shall complete the consideration of the reported breach within three months of its receipt with a report stating whether and on what grounds the reported breach is unfounded. If the reported breach is substantiated, the resulting report shall indicate in particular the measures proposed and implemented to cease the breach, to remedy the consequences of the breach and to prevent future breaches, his/her findings on the effectiveness of the proposed measures and any measures proposed and implemented to protect the reporting person.

At the end of the consideration of the reported breach, and by no later than three months after receipt of the reported breach, the whistleblower protection officer shall inform the reporting person of the merits of the reported breach, the measures proposed and implemented, the outcome of the procedure, and the status/progress of the internal reporting procedure, if the procedures to remedy the breach have not yet been completed after three months. The verbal notification shall be recorded by a note entered in the reports record. The whistleblower protection officer shall do the same in the case of an anonymous report, if the reporting person has specified where the notification should be sent.

Article 8 (notification to management)

After giving feedback to the reporting person or within one month at the latest, the whistleblower protection officer shall compile a report for the management. This report shall describe the reported breach, the measures proposed and implemented to remedy it and assess the risk of future breaches. This report must not include any information about the reporting person or the perpetrator.

The whistleblower protection officer shall, if requested in writing by the director, draft a report on the reported breach before the expiry of the time limit referred to in the preceding paragraph.

The whistleblower protection officer shall also report regularly to the Board of Governors on the reported breaches.



Article 9
(annual report)

The whistleblower protection officer shall, as a general rule, prepare a draft statistical report by 1 February of the current year for the previous year, including content in accordance with the sixteenth paragraph of Article 9 of the ZZPri.

By 1 February of the current year, the whistleblower protection officer shall compile an annual report to the management, giving a brief description of the breaches reported during the previous year, the grounds for the reported breaches, and the measures taken and recommendations given to prevent future breaches.

IV. EXTERNAL REPORT IN CASE OF THE INTERNAL REPORTING CHANNEL BEING INEFFECTIVE

Article 10
(external report in case of the internal reporting channel being ineffective)

The reporting person who submitted a report but did not receive acknowledgement of receipt within seven days or feedback within three months, or who is dissatisfied with the work of the whistleblower protection officer, shall inform the head of human resources, who shall invite the whistleblower protection officer to provide an explanation in that regard.

The reporting person may submit an external report to the authority responsible for external reporting under Article 14 of the ZZPri if he/she believes that the internal report could not be handled/processed effectively or that there is a risk of retaliation in the case of the internal reporting of breaches.

The reporting person may publicly disclose the breach under the conditions set out in the ZZPri, i.e. if it first submitted an internal or external report and no appropriate measures were taken to remedy the breach within three months of the report, or if the reporting person has reasonable grounds to believe that the breach may constitute an imminent or apparent danger to public interest, in particular danger to life, public health and safety, or where there is a risk of irreparable harm, or, in the case of an external report, a risk of retaliation, or where the specific circumstances of the case mean that there is little prospect of the breach being adequately addressed, in particular where evidence may be concealed or destroyed, or where the external reporting authority may collude with the perpetrator, or is involved in the breach.

The provision of the preceding paragraph shall not apply to cases where the protection of the reporting person as a source of information for journalists is specifically regulated by the law governing the media, unless the provisions of the ZZPri are more favourable for the reporting person.

V. FINAL PROVISIONS

Article 11
(informing of employees and other persons at the workplace of the National Institute of Chemistry)



Information on how to use internal reporting channels and information on the external reporting procedures shall be published on the website and the intranet within three months of the adoption of these rules.

Article 12
(amendments to the rules)

Amendments and additions to these rules shall be adopted in the same manner as the rules themselves.

Article 13
(entry into force)

These rules shall enter into force on the day following their publication on the intranet.

Dr Aleš Mihelič
President of the Board of Governors



Annex 1 – Sample form for

Details about the reporting person ¹	
First name and surname or pseudonym:	
Relation to the National Institute of Chemistry: ²	
Postal address:	
Email:	
Telephone number:	
Other potential contact addresses:	
Anonymous report ³	YES

The whistleblower protection officer must not disclose your identity. The disclosure of your identity without your consent is a minor offence under the ZZPri.

The whistleblower protection officer who will be handling your report may contact you at a later date in order to process the breach effectively.

If you wish, you can report the breach anonymously, without revealing your personal data. To receive feedback on the handling of an anonymous report, please indicate in the “Information on the method of notification” section at which address or how you would like to receive the information.

Information about the alleged breach		
A description of the breach (what, when, where) and a reference to the regulation breached, as well as any witnesses and documents or other evidence supporting your claims, e.g. email communication or documentary evidence:		
The breach relates to the workplace at your organisation (National Institute of Chemistry):	YES	NO
The reported breach is still ongoing or ceased less than two years ago:	YES	NO
The timing of the breach (start, duration and end of the breach):		
First name and surname of the perpetrator(s):		

¹The reporting person(s)/whistleblower(s) is/are the natural person(s) who report(s) information about the breach obtained at his/her workplace (National Institute of Chemistry).

²The reporting person is an employee of the National Institute of Chemistry or is a volunteer, trainee, apprentice, contractor, student, participates in the call for tender procedures as a candidate, holds office, is a member of the Board of Governors, or otherwise participates in the activities of a legal or natural person carried out by self-employed persons under contract, or works under the supervision and guidance of external contractors, subcontractors or suppliers, irrespective of the remuneration and whether the relationship has already ended or is being established through a recruitment procedure or negotiation prior to the signing of the contract.

³ Please mark YES if you are filing an anonymous report.



The reporting person is not entitled to protection under the ZZPri if he or she has filed the report two or more years after the breach ceased.

Information about the method of notification	
All notifications connected with this report should be sent to: ⁴	

Protection against retaliation ⁵	
Is there a risk of retaliation as a result of the report filed (Article 19 of the ZZPri)? YES / NO If yes, please specify which acts of retaliation you are exposed to:	Do you need help and protection against retaliation (Article 10 of the ZZPri)? <ul style="list-style-type: none">– information regarding legal options (remedies);– confirmation of the report being filed;– supporting documents/evidence from the breach reporting procedure;– other: _____.

Retaliation is usually the result of an internal (or external) report being filed. It can include dismissal, transfer, pay cuts, as well as disciplinary action, exertion of pressure or intimidation. Threatening or attempting to retaliate is also considered retaliation.

Information regarding the handling of reports
Your report shall be handled by the whistleblower protection officer. Other persons who may be made aware of the content of your report shall only be involved in the report handling process as required, but your identity will not be disclosed to them. The whistleblower protection officer shall inform you in accordance with the ZZPri: <ul style="list-style-type: none">– within seven days of accepting the report whether he/she will process it;– within three months on the status/progress of the report procedure;– at the end of the handling/consideration process, of the measures taken and the outcome of the procedure. If you think a criminal offence has been committed, we suggest you report it to the police or the public prosecutor's office. If the report indicates a suspicion that the perpetrator has committed an offence for which he or she is prosecuted <i>ex officio</i> , the external reporting authority is obliged to report the offence to the public prosecutor's office or the police in accordance with Article 145 of the Criminal Procedure Act.

Confirmation of veracity

⁴ List the address and method of notification connected with the report you filed. This section must be completed even if the report is anonymous. Otherwise, the report shall not be processed/handled.

⁵Some reporting persons also risk retaliation and reprisals from management or colleagues. If this risk is also present in your case, please complete this section.



I confirm that the information in this report is true, that I am filing this report in good faith and that I am aware that an untrue/false report may constitute a minor offence under Article 28 of the ZZPri, punishable by a fine of between EUR 400 and EUR 1,200.

Signature of reporting person⁶: _____

Information about acceptance ⁷	
First name and surname of whistleblower protection officer who received the report:	
Date and time of receipt:	
The internal organisational unit responsible for addressing the breach, and the first name and surname of its head: ⁸	
Deadline for issuing an acknowledgement of receipt of the report or deadline for informing the reporting person of the reasons why the report will not be considered/processed: ⁹	
Deadline for completion of the processing/handling procedure, drafting of the report and notification of the reporting person: ¹⁰	
Deadline for reporting to management: ¹¹	
Store/keep the report until:	

⁶If the reporting person does not wish to submit the report anonymously.

⁷To be completed by the whistleblower protection officer.

⁸ Insert the information about the internal organisational unit that is authorised to address the alleged breach, and data on the head of that internal organisational unit.

⁹ Seven days from the receipt of the report.

¹⁰Three months from the receipt of the report.

¹¹After giving feedback to the reporting person or within one month at the latest.



Annex 2 - Checklist for the preliminary examination of the report

	YES	NO
The reporting person is a natural person.		
The reporting person is an employee of the National Institute of Chemistry or is a volunteer, trainee, apprentice, contractor, student, participates in the call for tender procedures as a candidate, holds office, is a member of the Board of Governors, or otherwise participates in the activities of a legal or natural person carried out by self-employed persons under contract, or works under the supervision and guidance of external contractors, subcontractors or suppliers, irrespective of the remuneration and whether the relationship has already ended or is being established through a recruitment procedure or negotiation prior to the signing of the contract.		
The reporting person has reported a breach or suspected an actual or potential breach of regulations in force in the Republic of Slovenia that has occurred or is likely to occur at the National Institute of Chemistry.		
The alleged breach took place at or in connection with the operation of the National Institute of Chemistry.		
The report is not manifestly unfounded or does not include manifestly untrue information about the breach.		
The reported breach is still ongoing or has ceased less than two years ago.		

	The presumptions (conditions) are met and the report will be considered/processed. The reporting person will be issued with an acknowledgement of receipt of the report, including the date and time of receipt.
	The presumptions are met but the report will not be considered, as it makes no sense to consider it because the breach had no consequences, the consequences no longer exist or the consequences are insignificant.
	The presumptions are not met and thus the report cannot be considered.

Date:

First name and surname, and signature of whistleblower protection officer: