

Regulations for the whistleblowing at the Institute of Organic Chemistry of the Polish Academy of Sciences

Chapter 1

General regulations

§ 1

The Regulations set forth the internal procedure for reporting violations of the law used at the Institute of Organic Chemistry of the Polish Academy of Sciences (hereinafter also "IOC PAS") and taking follow-up action.

§ 2

1. All employees and doctoral students of the Institute of Organic Chemistry PAS are obliged to obey these Regulations.
2. Before a newly recruited employee is admitted to work, he/she shall be acquainted with the contents of these Regulations.

§ 3

Terms used in the Regulation shall mean:

- 1) Follow-up action - shall mean an action taken by a legal entity or a public authority in order to assess the truthfulness of the information contained in a notification and to prevent a reported infringement of the law, in particular through an investigation, initiation of control or administrative proceedings, prosecution, action taken for the recovery of funds or the conclusion of a procedure carried out within the framework of an internal infringement notification and follow-up procedure or an external notification and follow-up procedure;
- 2) retaliatory action - is to be understood as a direct or indirect act or omission in a work-related context that is caused by a report or public disclosure and that violates or is likely to violate the whistleblower's rights or causes or is likely to cause unwarranted harm to the whistleblower, including the unwarranted initiation of proceedings against the whistleblower;
- 3) information on legal violations - it should be understood as information, including a justified suspicion, about an actual or potential breach of law which has taken place or may take place in the legal entity with which the whistleblower participated in the recruitment process or other pre-contractual negotiations, works or worked, or in another legal entity with which the whistleblower maintains or has maintained contact in a work-related context, or information concerning an attempt to conceal such a violation of the law;
- 4) feedback - means the information given to the whistleblower on the follow-up actions planned or taken and the reasons for such actions;
- 5) work-related context - is to be understood as past, present or future work-related activities under an employment or other legal relationship resulting in the provision of work or services, or the performance of functions in or for a legal entity, or the performance of service in a legal entity, in the course of which information about a breach of the law is obtained and the possibility of experiencing retaliation exists;
- 6) public authority - means the chief and central government administration bodies, field government administration bodies, bodies of local government units, other state bodies and other entities performing public administration tasks by virtue of the law, competent to undertake follow-up actions in the areas indicated in Article 3 item 1;
- 7) person concerned by the notification - means a natural person, a legal person or an organisational unit without legal personality, to which the law confers legal capacity, identified in the notification or publicly disclosed as a person who has committed the infringement or as a person with whom the person who has committed the infringement is associated;
- 8) whistleblower helper - means an individual who assists a whistleblower with a report or public disclosure in a work-related context and whose assistance should not be disclosed;
- 9) a person related to the whistleblower - it shall mean a natural person who may experience retaliatory actions, including a co-worker or a person close to the whistleblower within the meaning of Article 115 § 11 of the Act of 6 June 1997. - Penal Code (Journal of Laws of 2024, item 17);
- 10) internal report - means the oral or written communication of an infringement to a legal entity;

- 11) whistleblowing team - employees authorised by the employer to receive whistleblowing reports, follow up, including verification of the report and further communication with the whistleblower.

§ 4

1. The subject of whistleblowing can be any act or omission that violates the law or is intended to circumvent the law, concerning:
 - 1) corruption;
 - 2) public procurement
 - 3) financial services, products and markets
 - 4) anti-money laundering and anti-terrorist financing;
 - 5) product safety and regulatory compliance
 - 6) transport safety
 - 7) environmental protection
 - 8) radiological and nuclear safety
 - 9) food and feed safety
 - 10) animal health and welfare
 - 11) public health
 - 12) consumer protection
 - 13) protection of privacy and personal data
 - 14) security of information and communication networks and systems
 - 15) financial interests of the State Treasury of the Republic of Poland, local government unit and the European Union;
 - 16) the internal market of the European Union, including public law principles of competition and state aid as well as corporate taxation;
 - 17) constitutional freedoms and rights of a human being and a citizen - occurring in relations of an individual with public authorities and not related to the areas indicated in items 1-16.

§ 5

Internal whistleblowing is received from whistleblowers, who are persons reporting information of a violation of the law obtained in a work-related context, including employees of the IPC PAS, as well as former employees, persons providing work for the employer on a basis other than employment relationship, student and professional trainees, interns, volunteers.

§ 6

The provisions of the Rules shall not apply if the infringement is directed solely against the rights of the whistleblower or the notification of the infringement is solely in the individual interest of the whistleblower or the notification is knowingly false.

Chapter 2

Internal reports

§ 7

1. The Whistleblowing Team consists of Dr Aleksandra Butkiewicz and Prof Zbigniew Pakulski.
2. The Whistleblowing Team is obliged to maintain confidentiality.
3. In the case of the notification concerns the activities of a member of the Whistleblowing Team, then the notification should be made directly to the Director of the IPC PAS and all follow-up actions are at his/her discretion.

§ 8

1. The whistleblowing team shall maintain the report registry on behalf of the employer.
2. An entry in the report registry shall be made on the basis of an internal notification.
3. The report registry shall collect data including:
 - 1) sequential case number;
 - 2) date of internal notification;
 - 3) a brief description of the subject of the infringement;
 - 4) personal data of the whistleblower and the person to whom the report relates, necessary for the identification of these individuals.
 - 5) information on the follow-up action taken;

- 6) date of case closure.
4. The personal data and other information in the internal reports register are stored for a period of 3 years after the end of the calendar year in which the follow-up actions were completed or after the conclusion of proceedings initiated by these actions.
5. A model internal report register is attached as Annex 1 to the Regulations.
6. The processing of the internal report shall be carried out once the IOC PAS has complied with its obligations under the data protection legislation and the rules on the protection of personal data at the IOC PAS have been complied with.

§ 9

1. The submission of internal reports shall be on a confidential basis:
 - 1) in writing in hard copy to the mailing address: Zespół ds. zgłoszeń, Instytut Chemii Organicznej PAN, Kasprzaka 44/52, 01-224 Warszawa;
 - 2) by e-mail to - **sygnal.icho@gmail.com**
 - 3) orally.
2. The regulations do not cover the acceptance of anonymous reports.
3. The applicant will receive an acknowledgement of the application within 7 days of receipt, unless the applicant has not provided an address to which the acknowledgement should be sent;
4. Adopted means of communication for internal reports:
 - 1) are independent of the modes of communication used in the normal activities of the IOC PAS;
 - 2) ensure the confidentiality and integrity of the data, including protection against unauthorised reading.

§ 10

1. The whistleblowing team carries out an initial review of the internal report to determine whether an investigation is warranted.
2. During the course of the investigation, the whistleblowing team shall take action by:
 - 1) anonymisation of the whistleblowers data;
 - 2) verification of the internal report and assessment of the veracity of the allegations contained in that report;
 - 3) summoning, if necessary, any person performing work for the IOC PAS to provide explanations. Persons summoned shall be obliged to appear and present all information and documents in their possession that may enable the team to establish the circumstances of the violation indicated in the internal report.
3. The whistleblowing team undertakes follow-up action with due diligence and with full confidentiality of the whistleblower's identity, in particular:
 - 1) transmits information on the report and the results of the investigation to the Directorate of the IOC PAS in order to take measures to remedy the deficiencies indicated in the report or, in the case of a violation of the law which cannot be remedied within the IOC PAS, in order to notify law enforcement authorities or initiate other proceedings as prescribed by law.
 - 2) shall inform the whistleblower and the person concerned of the outcome of the investigation within a maximum of three months from the date of acknowledgement of the report,
4. The feedback referred to in para. 3(4) shall include, in particular, information on whether or not legal violations have been identified and on the measures, if any, that have been or will be taken in response to the identified legal violations .
5. The whistleblowing team does not take follow up actions when a notification concerning a matter already the subject of an earlier report does not contain significant new information on violations compared to the earlier internal report. The notification team shall record this fact and the reasons for it in the notification register.
6. If the report proves to be unfounded, the whistleblowing team dismisses the report and closes the investigation.

§ 11

1. The employer shall take technical and organisational measures to ensure that the whistleblower's personal data are kept separate from the document or other medium containing the report, including, where appropriate, removing all personal data of the whistleblower from the content of the document or other medium immediately upon receipt.
2. The whistleblower's personal data and other identifiable information shall not be disclosed, except with the express consent of the whistleblower.

3. The employer, upon receipt of the report, may, for the purpose of verifying the report and taking follow up actions, collect and process the personal data of the reported person, even without his/her consent.
4. The employer is the controller of the data collected in the report registry.

§ 12

1. Retaliatory action may not be taken against a whistleblower.
2. The prohibition on retaliatory action also extends to a person assisting in making a report, a person associated with the whistleblower, and a legal person or other organisational entity assisting or associated with the whistleblower.
3. The making of a report shall not be grounds for disciplinary liability provided that the whistleblower had reasonable grounds to believe that the report or public disclosure was necessary to disclose a legal violation.
4. The making of a report or public disclosure shall not give rise to liability, including liability for damages, for breach of the rights of others or of obligations laid down by law, in particular on the subject of defamation, infringement of personal rights, copyright, data protection legislation and the obligation to maintain secrecy, including business secrets, provided that the reporter had reasonable grounds to believe that the report or public disclosure was necessary to disclose the legal violation.

§ 13

1. The detailed procedure for the acceptance of external reports is regulated in the provisions of the Law on the Protection of Whistleblowers.
2. A whistleblower may make an external report without first making an internal report.
3. An external report may take place in particular if:
 - 1) the whistleblower fails to take follow up action or provide feedback to the whistleblower within the time limit for feedback set out in the Regulations,
 - 2) The whistleblower has reasonable grounds to believe that the legal violation may pose a direct or obvious threat to the public interest, in particular there is a risk of irreparable harm.
4. A report made to a public authority or a central authority without following the procedure set out in the Regulations shall not have the effect of depriving the whistleblower of protection.

§ 14

1. The Deputy Director shall be responsible for the correct and effective operation of these Regulations.
2. The whistleblowing team shall inform all persons performing work for the IOC PAS of the adoption and content of these Regulations, as well as its amendments, by e-mail.
3. A person applying for a job based on an employment or other legal relationship providing the basis for the provision of work or services shall be informed by the relevant Department of the Regulations together with the commencement of recruitment or negotiations preceding the conclusion of a contract other than an employment relationship.
4. The Regulations shall enter into force 7 days after they have been communicated to all persons performing work at the IOC PAS via e-mail.