

## FAQ – Whistleblowing

### What is Whistleblowing?

Whistleblowing is a tool that allows the safe and confidential reporting of any illegal actions and omissions of which the reporting person (the whistleblower) has become aware of within his or her professional context, provided that they concern the personnel and/or work activities of unibz and regard areas specified by the Directive (EU) 2019/1937 and the Legislative Decree no. 24 of 10 March 2023 (e.g., violations of accounting, administrative, civil or criminal nature; public procurement, environmental protection).

### Who can submit a report?

The following persons can report violations:

- Heads of units, technical and administrative staff, academic staff with tenure and fixed-term employment contracts as well as research assistants
- Personnel transferred, delegated or seconded to unibz if the report concerns incidents that occurred at unibz
- Self-employed workers, freelancers, consultants as well as collaborators (e.g. contract lecturers, students working 120 hours)
- Personnel of suppliers, contractors, subcontractors or other service providers
- Paid or unpaid trainees as well as volunteers
- Members of the administrative bodies and delegated persons.

### Who receives the report?

The report is submitted directly to the person responsible for transparency and prevention of corruption (Managing Director) or, if the report relates to violations by the latter person, to the Head of the Legal Office.

### What kind of breaches can be reported?

The report may contain any illegal acts and omissions of which the whistleblower has become aware of in the course of his or her employment, provided that they concern the staff of unibz and/or its sphere of activity and regard areas identified by the Directive (EU) 2019/1937 and by the Legislative Decree no. 24 of 10 March 2023, such as:

- a) Violations of accounting, administrative, civil or criminal nature;
- b) Infringements falling within the scope of EU and national legal acts relating to specific sectors (including public procurement, services, products and financial markets, prevention of money laundering and financing of terrorism, product and transport safety, environmental protection, radiation and nuclear safety, food and feed safety, animal health and safety, public health, consumer protection, data protection, network and information system security)
- c) Matters having a pecuniary impact or infringements detrimental to the financial interests of the European Union;
- d) Acts or omissions prejudicial to the internal market, including infringements of EU competition rules and state aid;
- e) Acts contrary to the object or purpose of the provisions of EU legal acts in the areas referred to in points b), c) and d).

The report must be made in the public interest and must necessarily be aimed at safeguarding the integrity of unibz rather than fulfilling personal claims of the whistleblower.

### What kind of protective measures will be taken?

The whistleblower who discloses his or her identity or whose identity has been established at a later stage and who has good reasons to believe that the information regarding the reported violations is true and against whom none of the exclusions referred to in Article 7 of the Legislative Decree no. 24 of 10 March 2023 exist, shall be granted the following protection measures:

- Duty to maintain confidentiality of the identity of the whistleblower throughout the entire reporting process, including the potential disclosure of reports to other relevant authorities;
- Protection against retaliation;
- Impunity in relation to possible violation of confidentiality, author rights and data protection (Article 20, Legislative Decree n. 24 of 10 March 2023).

The reasons that prompted the whistleblower to make a report are irrelevant for the purposes of his/her protection.

Whistleblowers who become aware of unlawful acts due to their employment and subsequently report them shall not suffer any reprisals such as dismissal, suspension or equivalent measures. Additional actions that take the form of reprisals are exemplified in Article 10.3 of the guidelines and are null and void.

Whistleblowers who have experienced retaliation may report this fact to ANAC. ANAC will in turn inform the Department of Public Administration (*Dipartimento della funzione pubblica*) that will take any action that falls within their jurisdiction.

Unibz shall have the burden of proving that the measures taken against and perceived by the whistleblower as discriminatory or retaliatory were not related to the filing of the report. The measures taken by unibz of a discriminatory or retaliatory nature shall be null and void.

Whistleblowers who have been dismissed due to the reporting shall be reinstated in their jobs in accordance with Article 18 of the Italian Workers' Statute (Law n. 300 of 20 May 1970) or Article 2 of the Legislative Decree n. 23 of 4 March 2015.

However, protection is not guaranteed if the whistleblower has been held liable - even only within a first instance conviction – for the offences of defamation or slander or any other offence committed in connection with the report, or is subject to civil liability for the same reason but limited to cases of intent or gross negligence. In such cases, a disciplinary measure will be imposed on the whistleblower.

### Which reporting channels do exist?

#### Internal reporting channels at unibz

An online internal reporting channel has been established to facilitate the reporting of violations and ensure the confidentiality of the identity of the reporting person, the involved parties and the individuals mentioned in the report as well as the content of the report and its related documents. If he/she prefers, the whistleblower can ask for a personal meeting to report the facts to the person responsible for transparency and prevention of corruption.

The internal channel can be accessed via the unibz website – *Amministrazione Transparente-Whistleblowing*. The entire reporting procedure, including the information/documents provided there, will be automatically encrypted via the whistleblowing platform. The following steps are foreseen:

- The whistleblower creates the report by completing a corresponding questionnaire;
- As soon as the report has been submitted, the platform generates an identification code to be used for further access, e.g. to check the status of the report, to communicate with the person responsible for transparency and prevention of corruption, or to submit any additional documents;
- The report and any attached documents will be automatically encrypted and sent to the person responsible for transparency and prevention of corruption.

If the report is made orally in a personal meeting upon request of the whistleblower it will be recorded in writing by the person responsible for transparency and prevention of corruption, subject to the consent of the reporting party. The reporting party can review, correct and confirm the protocol by signing it.

### External channels

Notwithstanding the preference for internal reporting channels, the reporting person can submit a report to ANAC (National Italian Anti-Corruption Authority) if, at the time of reporting, one of the following condition occurs:

- The reporting person has already submitted a report through an internal channel and it has not been pursued further
- The whistleblower has good reasons to believe that, based on specific circumstances and information actually available, and not on mere suspicions, his or her report would not be effectively followed up through internal channels or that the report itself could give rise to a risk of retaliation
- The reporting person has good reasons to believe that the violation presents an immediate or obvious threat to the public interest.

### Public disclosure

Whistleblowers may also make the information on breaches publicly available if:

- the reporting person has already submitted a report through internal and/or external channels, and it was not pursued further
- the reporting person has good reasons to believe that the violation presents an immediate or obvious threat to the public interest
- the reporting person has good reasons to believe that, based on specific circumstances and information actually available, and not on mere suspicions, submitting his or her report to ANAC could risk retaliation measures or would not be effectively followed up (e.g. evidence is concealed or destroyed, reasonable cause to believe that the person who received the report may be collaborating with the perpetrator of the violation or is involved in the breach).

### To whom do the protective measures apply?

The measures of protection shall apply to:

- the reporting person;
- the facilitator, i.e. a natural person who assists a reporting person in the reporting process in a work-related context and whose assistance should be confidential
- persons who work in the same work environment as the whistleblower and are related to the latter by partnership or are related up to the fourth degree;
- colleagues who work for the same employer as the whistleblower and with whom the whistleblower usually and continuously works;
- legal entities that the reporting person owns, works for or is otherwise connected with in a work-related context.

### Retention period for reports and their documentation

The report and its documentation will be retained for as long as is necessary to handle the report. In any case, the notification and the associated documentation may not be kept for longer than five years from the notification of the completion of the procedure (Article 12 of Legislative Decree no. 24 of 10 March 2023, Article 5, paragraph 1, letter e) of the GDPR, and Article 3, paragraph 1, letter e) of Legislative Decree no. 51 of 2018).

Personal data that is clearly not necessary for processing the report will not be collected, or if inadvertently collected, will be promptly deleted.

Are anonymous reports processed? Is it possible to make a report anonymously?

Anonymous reports will not be taken into account under the whistleblowing procedure unless the anonymous whistleblower is subsequently identified.

Anonymous whistleblowers cannot be granted any protective measures.