



METHODOLOGICAL GUIDELINES No. 1

ON RECEIVING, REGISTERING AND HANDLING REPORTS RECEIVED AT THE OBLIGED SUBJECTS UNDER THE ACT ON PROTECTION OF PERSONS, REPORTING INFORMATION, OR PUBLICLY DISCLOSING INFORMATION ABOUT BREACHES

(adopted by a decision of the CPDP under protocol No. 28/27.07.2023)

INTRODUCTION

Pursuant to Article 19, paragraph 2, item 3 of the Act on Protection of Persons, Reporting Information, or Publicly Disclosing Information about Breaches (the APPRIDIB, the Act) and within the period referred to in § 9 of the Final Provisions of the same Act, in its capacity as the Central Authority for external reporting and for protection of the persons to whom such protection is granted under the conditions and in accordance with the procedure of the APPRIDIB, the Commission for Personal Data Protection (CPDP, the Commission) issues these methodological guidelines to the obliged subjects under Article 12, paragraph 1 of the Act regarding the receipt, registration and handling of reports received through an internal reporting channel.

These guidelines are subject to additions and updates, with a view to providing a timely response to all current questions that have arisen, accompanying the functions of receiving, registering and handling reports. Subsequent guidelines shall not supersede those issued to date, unless expressly stated therein. The methodological guidelines shall apply from the date of their publication on the CPDP website.

The Commission for Personal Data Protection may issue methodological guidelines on particular thematic areas in relation to the application of the APPRIDIB, including on specific issues of public interest and/or to a specifically defined range of obliged subjects from the public and/or private sector.

PURPOSE

These methodological guidelines are intended to:

1. **Support the activity** of the obliged subjects under the APPRIDIB, including of the employees/units designated by them, who are in charge of receiving, registering and handling reports under this Act.

2. **Establish uniform rules and criteria** for the performance of the functions of receiving, registering and handling reports received through a channel for internal reporting of information at the obliged subject.

3. **Not allow contradictory practices and establish predictability** in the application of the regulatory framework for protection of the persons reporting or publicly disclosing information about breaches.

STRUCTURE

This document is structured in thematically separated sections, containing reasoned guidelines on the application of specific provisions of the APPRIDIB and the ordinance under Article 19, paragraph 2, item 3 of the same Act.

The organization of receiving, registering and handling reports shall be created by the obliged subject, taking into account the following organizational and explanatory guidelines:

I. Obligations of a principled nature

1. Designation of persons for receiving, registering and handling reports

Every obliged subject under Article 12, paragraph 1 of the APPRIDIB should designate an employee/s for receiving, registering and handling reports. When designating two or more employees, they may be set either in one unit or may be employees from different structural units of the obliged subject. For the purpose of being accountable and liable under the APPRIDIB, the persons in question should be named in advance in a special act of the obliged subject (order/s, internal rules, etc.).

2. Performance of the functions of receiving, registering and handling reports

The functions of receiving, registering and handling reports may be assigned for simultaneous performance to one person/several persons or may be distributed as follows: one

person/several persons should be in charge of receiving and registering reports, and another person/other persons – of handling reports only. In the event that the obliged subject resorts to such a division of functions, this should be clearly defined in the act (order/s, internal rules, etc.), by the list of persons who are in charge of the respective functions and their specific tasks shall be determined. Taking into account the requirements of the Act, the obliged subject must implement an internal organization (system) in order to facilitate the timely communication and exchange of documents between these employees and guarantee their real interaction.

Regardless of the choice of approach (simultaneous performance of the functions of receiving, registering and handling reports or separation of functions), the internal organization created by the obliged subject must comply with the following sequence of factual and legal actions when dealing with each report:

1. receiving the report in the methods announced by the obliged subject in accordance with Article 15, paragraph 1 of the APPRIDIB: by mail, fax, e-mail in accordance with the procedure set out in the Electronic Document and Electronic Trust Services Act, on-site at the obliged subject.

2. entering the report with an incoming number from the document flow information system of the obliged subject or with another similar registration number (i.e. with another identifier containing a serial number and date of submission of the report).

3. initial formal review of whether the report falls within the scope of Article 3 of the APPRIDIB and whether it has been submitted by a person who has any of the qualities referred to in Article 5 of the Act.

4. generation of a unique identification number (UIN) through the CPDP website, if the initial formal one indicates that the report falls within the scope of Article 3 of the APPRIDIB.

5. entering the UIN in the report registration form, which falls within the scope of Article 3 of the APPRIDIB.

6. filling in the report registration form with the information available at the time of its submission.

7. identifying missing information in the requisites of the report registration form.

8. communicating with the whistleblower for completion of the missing information in all requisites of the form.

9. carrying out verification of the statements of breaches presented in the report – if necessary, carrying out internal communication with other employees or units of the obliged subject that are functionally competent to carry out this inspection.

10. maintaining communication with the whistleblower and the affected person and clarifying all issues – subject to the report.

11. drawing up an individual report with information on the action taken and the final results of the verification.

When separating the functions of receiving, registering and handling reports, the actions under items 1 and 2 shall be performed by the employee in charge of receiving and registering the report, and the actions under items 3 - 11 by the employee in charge of handling the report.

When simultaneously performing the functions of receiving, registering and handling reports, the designated employee shall perform all the abovementioned actions (items 1 - 11).

The functions of receiving, registering and handling reports may not be performed by the obliged subject, respectively by the person representing the the obliged subject.

Simultaneous assignment of all three functions (reception, registration and handling of reports) to the same person is permissible only if he/she is an employee in the structure of the obliged subject.

The obliged subjects from the private sector may assign the functions of receiving and registering written reports to a natural or legal person, external to their structure. In this case, the external contractor may only receive and register reports, but the handling of the reports shall necessarily be done by a person designated for this purpose, who is internal to the obliged subject (an employee of the obliged subject). In contrast, the obliged subjects from the public sector may not assign any of the functions of receiving, registering and handling reports under the APPRIDIB to a person external to their organizational structure.

Regardless of the specific organization for receiving, recording and handling reports, every report received through an internal channel, regardless of whether it is written or oral, shall be registered through:

- filling in the form under Article 15, paragraph 2 of the APPRIDIB, approved in accordance with the CPDP sample and available on its website in the section “Samples approved by the CPDP under the APPRIDIB” ([Report Registration Form under the APPRIDIB](#)); and

- entering in it the UIN provided by the CPDP. A UIN is a mandatory requisite of the sample of the report registration form that is approved by the CPDP.

There are no formal legal requirements or restrictions on the person to whom the function of receiving and recording reports is assigned. However, when designating a person in charge of handling reports, the obliged subject has to comply with the following basic provisions:

The provision of Article 14, paragraph 2 of the APPRIDIB envisages the legal possibility that employees in charge of handling reports may be the data protection officials in the structure of the respective obliged subject. There is no obstacle, in accordance with the structure and organizational features of the obliged subject, to assign the function of an employee in charge of handling reports under the APPRIDIB to an employee other than the data protection officer, e.g. to an inspector/s or other employee/s from the inspectorates under the Administration Act. The only limitation in the selection of a specific employee is the requirement that the functions and tasks performed by him/her, including those in terms of handling under the APPRIDIB, should not lead to the emergence of a conflict of interest and should guarantee his/her independence in the consideration of reports. In this regard, every obliged subject should create an internal organization in advance also in the hypothesis of receiving, registering and handling reports filed against the employee in charge of handling reports (holder), e.g. by designating a reserve employee/s or by creating a specialized unit of employees for handling reports under the APPRIDIB, or by assigning the function of handling reports to a group of employees (two or more persons), regardless of whether these employees are from the same structural/administrative unit.

In the performance of whistleblowing tasks, the employee(s) should be functionally independent and may not receive instructions or orders in relation to the whistleblowing. Coordination of the actions and the acts of this person/s by another employee of the obliged subject is inadmissible due to the impairment of their independence, violation of the obligation of confidentiality and the resulting danger of disclosure of the whistleblower's identity.

Where functions of handling reports are assigned to more than one person, each of those employees may perform the report handling functions in a particular subject area in accordance with their respective expertise, or one employee may perform these functions with all others assisting him/her in the report handling activity.

The choice and the decision on the specific organization of the activities of the employees in charge of handling reports rely on the obliged subject, and it should not lead to violations of obligations under the APPRIDIB or the right to protection of the persons under Article 5 of the Act.

A subsidiary based in Bulgaria, as an independent obliged subject under the Act, should designate its own employee/unit in charge of handling reports. The good practices and experience of the parent company may be used only if they do not contradict the APPRIDIB. In such cases, the employee in charge of handling reports should guarantee the rights of whistleblowers and compliance with the obliged subject's obligations, regardless of the selected technical and organizational means for their implementation (including the language of communication).

3. Protection of the whistleblower

Protection is due to the whistleblower who reports breaches falling within the scope of Article 3 of the APPRIDIB from the very submission of the report. Persons who have publicly disclosed information about breaches shall be guaranteed protection following the CPDP's notification in writing of the obliged subject or the person against whom the publicly disclosed information is directed that protection under the Act has been granted to the whistleblower.

4. Confidentiality obligation

Building an internal whistleblowing channel is a system of appropriate technical and organizational measures. The choice of measures is the responsibility of the obliged subject, and the specific measures must in no way lead to a violation of the confidentiality of information, disclosure of the identity of the whistleblower and any other person specified in the report, and/or non-fulfilment of the obligations of the obliged subject or of the persons to whom functions for the implementation of the APPRIDIB are assigned.

Any actions that may result in the disclosure, directly or indirectly, of the identity of the whistleblower and of the affected persons and/or create an assumption about their identity shall be inadmissible.

The obligation to protect the identity of the whistleblower and of any other person specified in the report applies to any employee of the obliged subject who has access to the information report, regardless of the grounds or reason for such access.

The obliged subject and the employee/employees in charge of handling reports shall ensure confidentiality of the information entered in the reports register under Article 18 of the

APPRIPIB. Confidentiality of the information regarding the whistleblower and the affected person is also due at the stage of drawing up of an individual report on the actions taken to handle the information report (Article 17, paragraph 1, item 4 of the APPRIPIB) by the employee/employees in charge of handling the report.

The obliged subject should determine premises/places where all reports shall be received and oral reports shall be registered (being submitted through a personal meeting within the meaning of Article 15, paragraph 1 of the APPRIPIB) by the employee/employees in charge of handling reports. The place designated as a place for submission of an oral report should be physically separated from the general registry and/or from the general reception of the obliged subject. Video surveillance is not permitted in the premises designated for this purpose, including video and/or sound recording. Information on the terms and conditions and the procedure for submission of a report through an internal channel should be made public on the obliged subject's website (if available) and in a prominent place in the offices and workplaces designated for customer contact and service.

If the reports received through an internal channel are intended to be received and registered by the registry services unit with an incoming number from the document flow information system (general registry), the obliged subject shall designate a specific employee/employees who should be trained for the purposes of registering reports under the APPRIPIB. In these cases, the obliged subject shall take appropriate technical and organizational measures to ensure that access to the report in the document flow system is carried out in strict compliance with the "need to know" principle and the obligation of confidentiality, and full access to the identity of the whistleblower and any other natural person specified in the report and in the completed report registration form, is available only to the employee in charge of handling the report and the employees who need these data in order to perform their official duties for the verification of the report (Article 31, paragraph 1 of the APPRIPIB). If it is impossible to ensure confidentiality through the document flow system (general registry), the registration of reports with an identification number should be done in a document flow database which is separate from the general document flow system by an employee trained for this purpose. In these cases, registration shall be done by means of an identifier containing a serial number and date of submission of the report.

5. Report status

A report which does not meet the requirements or for which all the requirements under item III.2.1 are not clarified is irregular. Upon such a report, the employee in charge of handling reports shall give instructions to the whistleblower to remove the irregularities within a period of up to 7 days. In the register under Article 18 of the APPRIDIB, the employee in charge of handling reports shall mark the status “in a process of removing irregularities”.

A report for which it is found that it concerns breaches committed more than two years prior to the date of submission is inadmissible. In the register under Article 18 of the APPRIDIB, the employee in charge of handling reports shall mark the status “not subject to consideration”.

A report, in respect of which all the circumstances are known and a form for its registration has been filled in, shall be considered on its merits. In the register under Article 18 of the APPRIDIB, the employee in charge of handling reports shall mark the status “in a process of handling”.

A report, pursuant to which an individual report has been drawn up under Article 17, paragraph 1, item 4 of the APPRIDIB, shall be closed. In the register under Article 18 of the APPRIDIB, the employee in charge of handling reports shall mark the status “closed”.

With the act on keeping the register under Article 18 of the APPRIDIB, the obliged subject may insert other statuses to assist him/her in the organization of the work on reception, registration and handling of reports under this Act.

6. Maintaining and providing statistical information

The employee/employees in charge of handling reports shall keep information and shall submit it annually to the CPDP (by 31 January) regarding the number of the reports received in the previous year, their UINs, subject matter, number of verifications carried out and their results.

7. Anonymous reports

Anonymous reports shall not be considered under the terms and conditions and according to the procedure of the APPRIDIB (Article 9, item 1). No UIN is generated for such reports. The reports shall not be registered in the register under the APPRIDIB and no proceedings shall be instituted under this Act. An anonymous report may be considered in accordance with a procedure and pursuant to terms and conditions other than those laid down in the APPRIDIB, if it is required or allowed by the legal framework applicable to the activity

of the respective obliged subject or by its internal acts. In these cases, the anonymous report may be considered for purposes other than the purposes of the APPRIDIB and shall be kept in a separate register.

Where a person has submitted an anonymous report not in accordance with the procedure of the APPRIDIB or publicly, but anonymously, has disclosed information about breaches, but has subsequently been identified and has been subjected to repressive retaliatory actions, such person has the right to protection, when the conditions under Article 6, paragraph 1 and Article 7 of the APPRIDIB are present. In such cases, the employee in charge of handling reports shall check whether the anonymous report or publicly disclosed information meets the requirements of Article 6, paragraph 1 and Article 7 of the APPRIDIB, by examining:

1. whether the person who submitted an anonymous report or publicly disclosed information had a good reason to believe that the submitted information about the breach in the report was correct at the time of its submission and that this information falls within the scope of Article 3 of the Act;

and

2. whether the person disclosing information publicly submitted a report under the terms and conditions and according to the procedure of the APPRIDIB, but no relevant actions were taken on the report within the time limits provided for in Sections I and II of Chapter Two of the Act;

and

whether the person disclosing information had reasons to think that:

- (a) the breach might constitute an immediate or clear danger to the public interest or there was a risk of damage that could not be remedied;

- (b) in case of external reporting, there was a risk of retaliatory actions or there was a possibility that the breach would not be effectively handled as due to danger of concealment or destruction of evidence, suspicion of collusion between the competent authority and the perpetrator of the violation, or of complicity of the authority in the breach, as well as due to other specific circumstances of the case.

In the presence of the abovementioned circumstances under Article 6, paragraph 1 and Article 7 of the Act, the employee in charge of handling reports shall fill in a report registration

form, shall generate a UIN and shall enter it in the form, filing the report so disclosed or the information publicly disclosed with its own incoming number from the document flow information system or with another identifier, containing the serial number and date of submission of the anonymous report/date of public disclosure of information about breaches.

II. Receiving and registering reports

The establishing of the internal procedure of receiving and registering reports should take into account whether the report is written or oral.

1. Written reports: written reports may be received and registered by an employee of the obliged subject or by a natural or legal person, external to its structure (with the exception of employers in the public sector, pursuant to Article 14, paragraph 5 of the Act).

2. Oral reports: oral reports shall be received and registered only by an employee/s in the structure of the obliged subject (Article 15, paragraph 3 of the APPRIDIB).

If the functions of receiving, registering and handling reports are separated, the employee in charge of receiving and registering the report shall receive and file it with an incoming number from the document flow information system of the obliged subject or with another identifier containing a serial number and date of submission of the report, immediately after receiving the report. After filing the report, the subject shall immediately send it to the employee in charge of handling reports in accordance with the internal organization of the obliged subject. After receiving the report, the employee in charge of handling reports shall immediately make a formal review of whether the submitted report of braches falls within the scope of Article 3 of the APPRIDIB, namely whether it affects actions or omissions that are:

(a) unlawful and are related to the Bulgarian legislation or the acts of the European Union in the areas specified in Article 3 of the Act; or

(b) contrary to the subject matter or the purpose of the rules in the acts of the European Union and the areas specified in Article 3 of the Act.

Where the functions of receiving, registering and handling reports are assigned to the same person, the assessment of whether the report falls within the scope of Article 3 of the APPRIDIB shall be made by this person immediately after the filing the report with an incoming number from the document flow information system of the obliged subject or with another identifier containing a serial number and date of submission of the report.

Immediately¹ after making an assessment that the report falls within the scope of Article 3 of the APPRIDIB, the employee in charge of this activity shall take actions to generate a UIN. For reports received after the end of the business hours of the obliged subject, the request to obtain a UIN shall be made on the first business day following the receipt of the report.

When the functions are separated, the employee in charge of handling reports shall take action on generating a UIN immediately after the receipt of the report by the employee in charge of receiving and registering the report in accordance with the internal organization created by the obliged subject.

In order to obtain a UIN, the employee who performs all the functions or the employee who is in charge of handling the report (in case of separation of functions) shall enter in the functionality for UIN generation, which is provided on the CPDP website and is generally available (Receiving of a UIN for a report under the APPRIDIB) the following data:

- Name and UIC/BULSTAT of the employer at whom the report was filed;
- Identification data of the employee in charge of handling the report;
- Subject matter of the report (the relevant areas provided for in Article 3, paragraph 1 and paragraph 2 of the Act);
- Method of receiving the report (written or oral).

The generated UIN must be entered in the report registration form by the person in charge of the function of handling reports (including the case of simultaneous performance of functions).

The form approved by the CPDP is a mandatory for the obliged subject. The form is not mandatory for whistleblowers – however, they may use it if they wish or if they find that it makes the submission of the report easier to them.

If a whistleblower submits a report in a form other than the form approved by the CPDP, the employee in charge of handling reports/the employee in charge of receiving, registering and handling reports shall attach this report to the form and shall enter in it the UIN generated by the CPDP, his/her data and shall complete the form with the information available in the report without copying, transcribing, retelling or in any other way reproducing the content of the report. Entering the data available from the report in the form is important for assessing the

¹ Within the working time determined by the obliged object.

circumstances under item III. The lack of information in the report with regard to any of the requisites of the form may not be a reason for not registering the report. Completing all the information is an element of the handling of the report and may be done gradually (see item III).

The UIN shall be generated and entered in the form for all reports of breaches falling within the scope of Article 3 of the APPRIDIB, including:

- reports relating to breaches committed more than two years before (Article 9, item 2 of the Act);
- reports of breaches, the content of which does not provide grounds to be considered credible (Article 15, paragraph 6, proposition 2 of the Act); reports containing obviously false or misleading statements of fact (Article 15, paragraph 6, proposition 3 of the Act);
- reports of breaches subject to reporting under special regulations;
- reports of breaches that have already been detected by an internal unit of the obliged subject (e.g. internal audit or inspectorate), regardless of whether actions have been taken to remove them;
- reports of breaches that have been anonymously submitted or information about breaches has been anonymously disclosed, but their perpetrators have been subsequently identified and subjected to repressive retaliation.

Reports in respect of which it is obvious from the initial review that they concern a complaint (complaints or reports) about irregularities or dissatisfaction of customers/users of the relevant professional or administrative services of the obliged subject shall not be registered with a UIN. Such reports do not fall within the scope of the APPRIDIB and shall not be handled in accordance with its terms and conditions.

III. Report handling

1. General requirements

Only reports that fall within the scope of Article 3 of the Act; two years have not passed since the alleged breach/breaches was/were committed (Article 9, item 2 of the APPRIDIB) and have been submitted by any of the persons under Article 5 of the Act shall be handled under the terms and conditions and according to the procedure of the APPRIDIB. If a report

submitted in accordance with the general procedure of the APC is received by an obliged subject from the public sector, unless it is subject to consideration under the terms and conditions and according to the procedure of the APPRIDIB, it shall be handled according to this procedure.

In the event that, when handling a report submitted to the obliged subject pursuant to another procedure (e.g. pursuant to the APC), it becomes clear that the report falls within the scope of the APPRIDIB and has been submitted by a person under Article 5 of this Act, it shall be redirected to the employee/employees in charge of handling reports. This employee(s) shall complete the report registration form and shall take action to obtain a UIN through the CPDP's UIN generation system; protection for the persons under Article 5 of the APPRIDIB shall be mandatorily provided, and the consideration of the report shall continue in accordance with the procedure of the APPRIDIB. In such cases, the persons who have had access to the report up to that time, not having been authorized to handle it under the APPRIDIB, shall comply with the obligation of confidentiality (e.g. by filling in a special declaration) and shall be prohibited from disclosing any information through which the identity of the whistleblower or the affected person could be established.

If, in the course of handling a received report, it is established that it does not fall within the scope of the APPRIDIB and/or has not been submitted by a person under Article 5 of the Act, such a report cannot be handled according to the procedure of the APPRIDIB, respectively no protection is due under this Act. In this case, the actions for handling the report shall be carried out in accordance with a different procedure (e.g., according to the APC).

The simultaneous submission of a report by the whistleblower through an external channel, to the CPDP, shall not be a reason to suspend the proceedings for handling the report submitted through the internal channel of the obliged subject (regardless of whether this circumstance is known to him/her or not).

2. Actions for considering the report on the merits

The following actions for considering the report on the merits shall be undertaken by the employee in charge of handling reports (in cases where this duty is assigned to an employee other than the employee in charge of receiving and registering reports) or by the employee to whom all functions are simultaneously assigned: receiving, registering and handling reports.

2.1. After the receipt of a report, which has been received and registered with an incoming number from the document flow information system of the obliged subject or with another identifier containing a serial number and date of submission of the report, a UIN has been generated and it has been entered in the report registration form, the employee in charge of handling reports shall check for the presence or absence of the following requisites:

1. Individualizing data for the whistleblower – forenames and surname and contact details;

2. Data regarding the person against whom the report is submitted and his/her workplace (if the report is submitted against a specific person and the person is known) in order to identify and/or verify the obliged subject in the structure of which the alleged breach has been committed (argumentation from Article 15, paragraph 2, item 2 of the Act) or data regarding the legal person against which the report has been submitted (§ 1, item 5 of the AP of the Act);

3. Signature, unless the report has been orally made and the person has refused to sign it when invited by the employee;

4. Data on the date/period of committing the breach ²;

5. Data regarding the absence of a breach that falls within the scope of Article 4 of the Act, i.e. the breach alleged in the report:

- does not refer to the rules for awarding public contracts in the field of defence and national security, when they fall within the scope of Article 346 of the Treaty on the Functioning of the European Union;

- does not refer to the protection of classified information within the meaning of Article 1, paragraph 3 of the Protection of Classified Information Act;

- has not become known to persons exercising a legal profession and in respect of whom there is no legal obligation to protect professional secrecy;

² The lateness of the report (report submitted two years after the breach was committed) shall not be a reason for not registering the report with a UIN, but a reason for not instituting proceedings (arg. Article 9, item 2 of the APPRIDIB).

- does not refer to the confidentiality of health information within the meaning of Article 27 of the Health Act, of the secrecy of judicial conference, of the rules of criminal proceedings.

6. Data regarding the credibility/plausibility of the report (Article 15, paragraph 6 of the Act): quantity and type of data available for the report which, analyzed in their totality, will lead to the conclusion that the alleged breach may have been committed within the subject scope under Article 3 of the APPRIDIB.

6.1. Data that the report concerns a breach that falls within the subject scope of Article 3 of the APPRIDIB.

Important information about the performing of the analysis under item 6.1!

Reports that meet simultaneously the following conditions fall within the scope of the Act:

1. are submitted by a person having any of the qualities under Article 5 of the Act;
2. a work context is available within the meaning of § 1, item 4 of the Additional Provisions of the Act; and
3. concern acts or omissions which are:
 - (a) unlawful and are related to the Bulgarian legislation or the acts of the European Union in the areas specified in Article 3 of the Act; or
 - (b) contradict the subject matter or the purpose of the rules in the acts of the European Union and the areas specified in Article 3 of the Act.

Only reports or publicly disclosed information about violations of Bulgarian legislation or acts of the European Union, which threaten or damage *the public interest, as well as the law of the European Union*, fall within the subject scope of the APPRIDIB (arg. Article 1, paragraph 1 of the APPRIDIB). Only reports that fall within the scope of Article 3 of the APPRIDIB and have been submitted under the terms and conditions and in accordance with the procedute of this Act may be handled pursuant to this procedure.

The APPRIDIB shall not be applied to handling complaints, reports or other requests, regardless of how they are titled, through which only the protection of personal rights is sought, to which by definition the existence of a personal and direct legal interest is attributed, without any indication of affected public interest. Moreover, according to the procedure and the terms and conditions of the APPRIDIB, *complaints titled as a report concerning interpersonal*

relations, regardless of the presence or absence of a work context, may not be considered.

A complaint is a legal means by which a person seeks protection of own violated rights. In contrast, *through the report, protection of the public interest is sought, regardless of whether the personal rights and interests of the whistleblower are also affected.*

6.2. Data regarding the absence of obviously false or misleading statements of fact within the meaning of Article 16, paragraph 5, proposition two of the Act (the clarification of this issue necessarily requires or implies communication with the affected person for clarification of the statements made in the report) – argumentation from Article 16, items 8-10 of the Act; in the presence of obviously false or misleading statements of fact, instructions shall be returned to the whistleblower to clarify the statements, notifying him/her of his/her responsibility in case of false accusation.

Examples of manifestly false or misleading statements of fact: the alleged event did not occur or could not have objectively occurred (e.g., a report of a breach of the rules for public procurement, provided that a public procurement with the specified subject matter has not been conducted; the report is against a specific employee who participated in a commission for conducting a public procurement procedure, and such an employee does not work in the structure of the respective obliged subject or such an employee did not participate in the public procurement procedure).

6.3. Quality of the whistleblower – a person within the scope of Article 5, paragraph 2 and paragraph 3 of the Act:

- worker, employee, civil servant or other person who performs wage labour, regardless of the nature of the work, the method of payment and the source of financing;
- a person who works without an employment relationship and/or exercises a free profession and/or craft activity;
- volunteer or intern;
- partner, shareholder, sole owner of the capital, member of the management or control body of a commercial company, member of the audit committee of an enterprise;

- a person who works for a natural or legal person, its subcontractors or suppliers;
- a job applicant who participated in a competition or other form of selection for employment and in this capacity received information about a violation;
- worker or an employee, when the information was obtained within the framework of an employment or service relationship, that was terminated at the time of the filing of the report or of the public disclosure;
- any other whistleblower who reports a violation that became known to him/her in a work context.

6.4. Identification and/or verification of the quality of the affected person within the meaning of § 1, item 5 of the Act;

6.5. Clarification of the existence of a work context within the meaning of § 1, item 4 of the APPRIDIB;

6. 6. Availability of specific data of a breach or real danger that such a breach may be committed within the subject scope under Article 3 of the APPRIDIB, as well as a description of the act or the situation and other circumstances, as far as they are known to the whistleblower (argumentation from Article 15, paragraph 2, item 3 of the Act) – the clarification of the issue whether the alleged breach was committed using the method specified in the report requires communication with the affected person.

2.2. The absence of any of the specified indicators under item 2.1. shall result in an irregularity of the report. In such cases, the employee in charge of handling the report shall notify the whistleblower and give him/her a 7-day period to remedy the irregularities (argumentation from Article 15, paragraph 5 of the APPRIDIB), specifying the irregularities.

2.3. Regardless of the presence or absence of indicator/s under item 2.1, the employee in charge of handling reports shall, immediately after registering the report, enter in the register under Article 18 of the APPRIDIB the data referred to in Article 6 of Ordinance No. 1 of 27 July 2023 on Keeping the Register of Reports under Article 18 of the Act on Protection of Persons, Reporting Information, or Publicly Disclosing Information about Breaches and on

Forwarding Internal Reports to the Commission for Personal Data Protection (the Ordinance), that are available as at the date of submission of the report.

2.4. If, in the course of verification of all indicators specified in item 2.1., the employee in charge of handling the report finds irregularities, depending on their nature, he/she shall take the following actions:

1) Clarification in communication with the whistleblower of the circumstances pursuant to item 1, item 2, item 3, item 4, item 6.2 and item 6.5.

2) Gradual entering in the register under Article 18 of the APPRIDIB of the information and circumstances that have been clarified in communication with the whistleblower in the process of removing the irregularities.

3) The consideration of the report on the merits will start if it complies with all the indicators under item 2.1 or after their irregularities have been removed. Depending on the specific organization created in the structure of the obliged subject, the employee, if necessary, shall forward the report to the respective structural unit or to another employee within the obliged subject, in the functional competence of which the breach alleged in the report falls or shall himself/herself undertake the actions of its investigation. In such cases, the report shall be forwarded after technical and organizational measures have been taken to protect the identity of the whistleblower and any other person specified in the report.

4) If, in the course of handling the report, it is established that the person who is alleged to have submitted it is not its author, but the authorship of the report has apparently been attributed to him/her, the report should be treated as an anonymous report (a report from the content of which the actual identity of its author cannot be established either directly or indirectly). In this case, the report handling proceedings shall be terminated on the grounds of Article 9, item 1 of the Act.

5) Shall forward the report to the CPDP in the cases under Article 11, paragraph 1 of the Ordinance.

6) Shall draw up an individual report with the content referred to in Article 17, paragraph 1, item 4 of the APPRIDIB: a brief description of the information from the report, the actions taken and the final results of the verification of the report.

7) Shall notify the whistleblower of all actions taken (the receipt of the report, actions taken, etc.).

8) Shall take action to store the reports within the time limits referred to in Article 8 of the Ordinance.