**SUPPORT MEASURES**

**UNDER THE ACT ON PROTECTION OF PERSONS REPORTING OR PUBLICLY DISCLOSING INFORMATION ON BREACHES (WHISTLEBLOWER PROTECTION ACT)**

**Temporary measures**

Article 34a. (New, State Gazette (“SG”) 88/2023) (1) Where legal proceedings are initiated, the person referred to in Article 5 may file an application to the court seeking suspension of any retaliation until a court decision is rendered.

(2) Where the court finds that the retaliation against the person referred to in Article 5 is related to the report submitted, the court shall order suspension or cancellation of such retaliation and restoration of the previous situation.

(3) The court order may be appeal against under the relevant procedure.

**Support measures**

Article 35. (1) Persons referred to in Article 5 shall have the right to access to the following support measures:

1. (Am., SG 88/2023) comprehensive, independent, free and accessible information and advice, on an individual and confidential basis, regarding protection procedures and measures under Articles 34a, 36, 37, 38 and 39;

2. (Am., SG 88/2023) assistance before any authority, as needed for their protection against retaliation, including by giving proper notice of their right to protection under this Act;

3. legal aid in criminal, civil, administrative and in international disputes in civil cases related to the whistleblower protection in connection with their report or the information disclosed, in accordance with the Legal Aid Act;

4. out-of-court settlement of cross-border disputes through mediation in accordance with the Mediation Act.

(2) The measures under paragraph 1, points 1 and 2 shall be provided by the Commission, the measures under point 3 – by the National Legal Aid Office, and the measures under point 4 – by a mediator registered in the Single Register of Mediators.

**Exemption from liability**

Article 36. (1) Whistleblowers shall not be liable for acquiring or accessing the information that is reported or publicly disclosed, provided that such acquisition or access is not a crime per se.

(2) Whistleblowers shall not be liable for breaches of non-disclosure imposed by a contract, an instrument of the primary or secondary legislation, or an administrative instrument, provided that they have reasonable grounds to believe that the reporting or public disclosure of information was necessary to expose the breach.

(3) Where a person files a report or publicly discloses information on breaches falling within the scope of this Act and such information includes a trade secret, and where such person is eligible under this Act, this reporting or public disclosure shall be considered lawful within the meaning of Article 7(2) of the Trade Secret Protection Act.

**Damages caused to private parties**

Article 37. Damages caused to a whistleblower in connection with their report or publicly disclosed information shall be deemed to have been caused intentionally, unless otherwise established.

**Option to terminate legal proceedings**

Article 38. Where criminal, civil or administrative proceedings are instituted against a person in connection with their report or publicly disclosed information, such person may request termination of such proceedings, where they had reasonable grounds to believe that the reporting or public disclosure of the information was necessary to expose a breach.

**Protection of persons concerned**

Article 39. (1) A person concerned shall fully enjoy their right to protection and to a fair trial, as well as the presumption of innocence, including to be heard, and their right of access to the documents relating to them.

(2) (Am., SG 88/2023) The person concerned shall have the right to compensation for any material and non-material damages where it is established that the person referred to in Article 5 has knowingly filed a report stating false information or has publicly disclosed false information.

**The Commission for Personal Data Protection may provide assistance before any authority, as needed to protect the persons referred to in Article 5 of the Whistleblower Protection Act against retaliation, including by giving proper notice of their right to protection under the Whistleblower Protection Act.**