

RULES
ON RECEIVING, REGISTERING AND HANDLING REPORTS
SUBMITTED TO THE COMMISSION FOR PERSONAL DATA PROTECTION
THROUGH AN EXTERNAL REPORTING CHANNEL AND THEIR FOLLOW-UP
UNDER THE ACT ON PROTECTION OF PERSONS REPORTING OR PUBLICLY
DISCLOSING INFORMATION ON BREACHES

I. GENERAL

Article 1. These Rules shall govern the conditions and procedures for receiving, registering and handling reports received by the Commission for Personal Data Protection (“CPDP” or “the Commission”) through an external reporting channel and their follow-up under the Act on Protection of Persons Reporting or Publicly Disclosing Information on Breaches (“Whistleblower Protection Act”).

Article 2. (1) On the basis of Article 19 (1) of the Whistleblower Protection Act, the Commission for Personal Data Protection is the central body for external reporting and for protection of persons to whom such protection is granted within the meaning of the Act.

(2) The External Reporting Channel Directorate (ERC Directorate) is a specialised unit set up within the Commission to assist the Commission in carrying out the powers of the central authority referred to in paragraph 1.

(3) In carrying out their duties, the ERC Directorate staff shall be guided by:

1. Whistleblower Protection Act;
2. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law;
3. Rules of Procedure of the Commission for Personal Data Protection and its Administration (CPDP Rules);
4. Instruction on the practical implementation of the supervisory activity of the Commission for Personal Data Protection;
5. European Convention for the Protection of Human Rights and Fundamental Freedoms;
6. Charter of Fundamental Rights of the European Union and the applicable Bulgarian legislation.

II. PROTECTION OF THE EXTERNAL REPORTING CHANNEL

Physical security

Article 3. (1) The ERC Directorate is an independent structural unit of the CPDP for which a separate sector is available in the Commission’s building where the necessary working premises for the Directorate’s staff are equipped.

(2) With regard to the need to create conditions for whistleblower protection, an access system has been set up limiting access to the ERC Directorate premises only to its staff and to certain officials designated by an order issued by the CPDP’s Chair.

Article 4. In order to comply with the increased requirements for external reporting channel deployment, the following physical and security measures have been taken for the AIS (Automated Information System) and networks:

1. The ERC Directorate is provided with a separate sector on the first floor of the CPDP's building;
2. A video surveillance system is in place;
3. An access system is in place which limits access to the ERC Directorate premises only to the Directorate's staff and to designated officials having access to the premises based on a specific order issued by the CPDP's Chair;
4. An officer responsible for case management of incoming and outgoing correspondence concerning reports under the Whistleblower Protection Act is appointed.

Article 5. (1) Reports shall be assigned to the unit's staff on a random basis through the REPORT system.

(2) The unit's staff shall not be allowed to provide information on reports and, in particular, on whistleblowers, to staff members other than the Chair and other Commission members.

(3) Personal data contained in reports of breaches shall be accessible only to the relevant CPDP's official(s) responsible for handling such report on a need-to-know basis for performance of the functional duties and/or a specifically assigned task.

(4) Reports regarding unlawful processing of personal data within the meaning of Regulation (EU) 2016/679, the Personal Data Protection Act and other special laws or acts of the European Union shall be dealt with by the Commission in accordance with the general procedure laid down in those laws and acts.

Personal security

Article 6. (1) The specific functional duties of the ERC Directorate are laid down in the Whistleblower Protection Act and Article 25a of the CPDP Rules.

(2) The rules governing the procedure for handling reports of breaches under the Whistleblower Protection Act, as laid down in a special chapter in the CPDP Rules, shall also be applicable to the work of the ERC Directorate.

Article 7. (1) Access to information and documents relating to reports shall be granted only to the staff designated for their examination and to an official from the Resource Management & Administrative and Legal Directorate designated to manage incoming and outgoing correspondence on reports under the Whistleblower Protection Act. Access to information and documents on reports shall be granted to CPDP's staff whose duties require such access in a specific case.

(2) All CPDP's officials who have in any way obtained access to information or data on a specific report shall have a duty of confidentiality, protection of personal information and impartiality.

(3) Where a complaint has been lodged with the Ombudsman against the CPDP under Article 30 (3) of the Whistleblower Protection Act, the Ombudsman or his/her designee shall, upon request, have access to a specific report and any related documentation.

Article 8. The staff designated to handle the report shall have a duty of confidentiality and impartiality, in particular:

1. not to disclose the identity of the whistleblower and of any other person referred to in the report, taking the necessary measures to restrict access to the report by unauthorised persons;

2. not to disclose the whistleblower's personal data that have become known during the performance of their duties in the course of those activities;
3. not to disclose the circumstances and allegations set out in the report;
4. not to disclose personal data and circumstances mentioned in the report but concerning persons other than the whistleblower;
5. to examine each specific report objectively and impartially;
6. to ensure the security of all written documents provided/produced during and/or on the occasion of the movement/examination/forwarding of the report, as well as not to disclose the information, findings and proposals contained therein;
7. the duty of confidentiality shall also extend to persons who know details of the report, irrespective of such details' nature and the circumstances in which they have become known.
8. to avoid conflict of interest in the light of the Anti-Corruption Act.

Article 9. The ERC Directorate staff and the staff assigned to the case management of reports under the Whistleblower Protection Act shall be required to regularly undergo training on:

1. Matters concerning whistleblower protection under the Whistleblower Protection Act, and Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law;
2. Personal data protection.

Document security

Article 10. (1) For the purposes of its functions as the Central External Reporting Authority, the CPDP shall develop and put into operation the Commission's specialised information system for registering and handling reports on breaches ('REPORT').

(2) The specialised information system shall be based on a separate server in an isolated environment, accessible only by an official from the Resource Management & Administrative and Legal Directorate, whose duties include the case management of incoming reports under the Whistleblower Protection Act and related correspondence.

(3) A separate room is provided in the CPDP's building where incoming and outgoing correspondence on reports under the Whistleblower Protection Act is managed.

(4) The processing of personal data concerning whistleblowers and individuals whose information is available in reports on breaches shall be carried out in accordance with Regulation (EU) 2016/679, the Personal Data Protection Act and the specific requirements of the Personal Data Protection Act.

(5) Personal data that are clearly not relevant for the examination of a specific report shall not be collected and, if collected accidentally, shall be deleted.

(6) A specific Confidentiality Policy applicable to the examination of reports under the Whistleblower Protection Act has been adopted, available at: https://www.cpdp.bg/?p=sub_rubric&aid=298.

Article 11. To ensure the confidentiality of the information processed, the following functionalities are introduced in the Commission's REPORT specialised information system:

1. The categories of personal data collected in the information system by law are name, address and qualified electronic signature (QES) as well as the other data, according to Art. 15 (2) of the Whistleblower Protection Act.

2. The system is developed on the need-to-know principle in accordance with Article 25 of Regulation (EU) 2016/679.

3. The system masks whistleblowers' names for unauthorised staff (those whose duties do not require access to a specific report).

4. The case management registers do not show whistleblowers' addresses. QES data are kept in the database, but are not displayed anywhere in the system, except in the form submitted by the whistleblower.

Article 12. (1) In order to ensure document security, a separate storage and archiving room has been set up with special access arrangements (access to the room by means of a code).

(2) The report storage room is equipped with metal lockers (each with its own locking) and each official is provided with such locker.

(3) Reports and any materials thereto, including subsequent documentation relating to their examination, shall be kept on paper in metal lockers, in the dedicated room in the ERC Directorate under paragraph 1.

(4) Reports shall be arranged in separate files in such a way as to ensure their confidentiality and security.

Information Security

Article 13. (1) Monitors used by the ERC Directorate staff shall have an integrated Privacy Mode system (the content on the monitor is accessible only to the official who uses it from his/her workplace);

(2) PCs used by the ERC Directorate staff shall not have access to the Internet and shall have a restriction on USB ports (there is no possibility to download and upload information on/from external hardware devices).

Time limits for storage of personal data

Article 14. Reports and any materials thereto, including subsequent documentation relating to their examination, shall be kept by the ERC Directorate for five years after the end of the examination of the report, except in the cases of criminal, civil, labour and/or administrative proceedings initiated in connection with the report (Article 8 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 or Publicly Disclosing Information on Breaches, and on referral of internal reports to the Commission for Personal Data Protection, in force as of 4 August 2023).

III. PROTECTION OF PERSONS UNDER ARTICLE 5 OF THE WHISTLEBLOWER PROTECTION ACT AND SUPPORT MEASURES

Article 15. (1) Where a request for protection is made in connection with a report to the Commission for Personal Data Protection ("CPDP" or "the Commission") in its capacity as the central external reporting authority, the ERC Directorate staff shall verify the following details with regard to such report:

1. whether the report contains the details specified in the report registration form.
2. whether the request is filed by a person falling within the categories of persons referred to in Article 5(2) of the Whistleblower Protection Act;

3. whether the report in respect of which the request for protection is made falls within the scope (*ratione materiae*) of Article 3 of the Whistleblower Protection Act, and whether the report is credible in the light of Article 15(6) of the same Act;
4. whether the whistleblower consents in writing to disclosing his or her identity to his or her employer, in case he or she has requested the CPDP protection within the meaning of the Whistleblower Protection Act for the specific report.

(2) Within 7 days of submission, the whistleblower is notified by letter of the incoming registration number and UIN of the report. The letter states the following text: "The CPDP informs the sender of the report that all the rights and obligations in Whistleblower Protection Act are ensured."

(3) In the event that the whistleblower does not consent to disclosing his or her identity, the protection consists of non-disclosure of his or her identity and such person shall be informed that he or she may benefit from legal aid (information on protection measures and on support measures, and that legal aid is provided by the National Legal Aid Office, should also be included, in accordance with the provisions of the Whistleblower Protection Act).

(4) In the event that the whistleblower consents to disclosing his or her identity, the Commission considers that such person has made his or her identity public and he or she is immediately subject to protection, without having to explicitly seek protection. Giving consent to identity disclosure is equivalent to a request for protection. In this case, full protection is required, as allowed by law, by sending a notification to:

1. the whistleblower shall be informed of the protection granted in respect of his or her employer and, additionally, of protection measures and support measures and the possibility to receive legal aid from the National Legal Aid Office;
2. the employer specifying the protection pursuant to the Whistleblower Protection Act;
3. the relevant administrative and judicial authorities, *where specifically requested*.
4. In regard to ensuring protection under the Whistleblower Protection Act, when it is made clear that the report is lodged by a natural person, who has the capacity of a partner, shareholder, sole owner of the capital, member of the management or control body of a trade company, member of the audit committee of an enterprise – as shown in Art. 5, Par. 2, Item 4 of the Whistleblower Protection Act, who specifically has expressed his agreement for revealing his identity, a letter is sent to the management body of the legal entity in question, by stating that protection is provided according to the Whistleblower Protection Act to the reporting person. The reporting person is informed of the provided protection.

Article 16. (1) The following authorities shall be competent to apply protection measures:

1. Where the report is not submitted through the external channel, the internal channel is required to implement such protection measures;

2. Where the external channel is notified, the following three options exist to grant protection:

(A) In the event that protection is requested from the CPDP, the CPDP shall grant such protection. Where details of a criminal offence are available, the report shall be referred by the CPDP to the relevant public prosecutor's office. The measures shall be provided by the competent public prosecutor's office under the Whistleblower Protection Act, where legal basis for doing so exists. The assessment shall be carried out by the relevant public prosecutor's office.

(B) In the event that protection is requested in the course of the investigation before a competent authority under Article 20(1) of the Whistleblower Protection Act, such authority shall grant the protection by notifying the CPDP thereof;

(C) As regards the person referred to in Article 6 of the Anti-Corruption Act (“ACA”), such reports shall be registered with the CPDP and then referred to the Anti-Corruption Commission (“ACC”). The ACC shall be the authority responsible for handling and admitting the report, verifying its admissibility and credibility and the public interest, and handling the issue of whistleblower protection. The ACC shall be required to ensure such protection, and where a decision of protection is taken, the ACC shall notify the CPDP accordingly in compliance with Article 67(2) of the ACA.

(2) Where protection is requested following retaliation pursuant to Article 33 (1) of the Whistleblower Protection Act, with the consequence that the whistleblower contests it before a court – protection before a court is granted, provided that the requirements of the Whistleblower Protection Act, and of the Legal Aid Act accordingly, are met. The CPDP informs the whistleblower accordingly.

(3) After checking and establishing that the report meets the requirements for admissibility and credibility pursuant to the Whistleblower Protection Act, protection is granted from the time of reporting, in accordance with Article 5(1) of the Whistleblower Protection Act. Where the report fails to meet the requirements of the Whistleblower Protection Act, no protection shall be granted to the whistleblower, the report case file shall be closed and the relevant person shall be notified accordingly.

Article 17. Where the report fails to contain the details referred to in Article 15 (1), point 1, a notification to remedy such deficiencies shall be sent to the whistleblower within 7 days of receipt of the report.

Article 18. Where the deficiencies are not remedied within the abovementioned period, the report, together with the request for protection and any attachments thereto, shall be returned to the whistleblower.

Article 19. The checks referred to in Article 15 (1), points 2 to 4 shall be carried out within the time limit referred to in Article 17.

Article 20. In the notification by which the CPDP informs the whistleblower of registering the report, the Commission shall, within 7 days of receiving the report, request the whistleblower to consent to disclosing his or her identity to the employer or the person concerned against whom the report is filed.

Article 21. The request for protection, together with the report, shall be dealt with by the CPDP as a matter of priority in a non-public session, on the basis of a report by the Director of the ERC Directorate, which shall contain proposals for follow-up to the report. The CPDP shall decide on the request for protection.

Article 22. The CPDP Chair shall inform the whistleblower’s employer, and the person concerned accordingly, of the prohibition of retaliation against the whistleblower.

Article 23. The information referred to in Article 22 on the protection granted shall also be sent to the whistleblower.

Article 24. In the event of a request for protection in connection with publicly disclosed information on breaches, the staff of the ERC Directorate shall check the details referred to in Article 15 (1), points 1 to 3 on the basis of the information provided in the request for protection.

Article 25. (1) Where the report fails to contain the details referred to in Article 15 (1), point 1, a notification to remedy such deficiencies shall be sent to the whistleblower within 7 days of receipt of the report.

(2) Where the deficiencies are not remedied within the abovementioned period, the report, together with the request for protection and any attachments thereto, shall be returned to the whistleblower.

(3) The check under Article 15 (1), points 2 and 3 shall be carried out within the time limit referred to in paragraph 1. After carrying out a check and establishing that the publicly disclosed information meets the requirements of admissibility and credibility pursuant to the Whistleblower Protection Act, protection is granted from the time of reporting, in accordance with Article 5(1) of the Whistleblower Protection Act.

(4) Provided that the report fails to meet the requirements of the Whistleblower Protection Act, no protection shall be granted to the whistleblower and he or she shall be notified thereof.

Article 26.

(1) The CPDP Chair shall inform the whistleblower's employer, and the person concerned accordingly, of the prohibition of retaliation against the whistleblower.

(2) Information on the protection granted shall also be sent to the whistleblower.

Article 27. The Commission for Personal Data Protection provides support measures to the persons referred to in Article 5 of the Whistleblower Protection Act, consisting of:

1. On the CPDP website, in the Whistleblower Protection Act section, Support Measures subsection is inserted, which includes comprehensive and easily accessible information and advice for persons referred to in Article 5 of the Whistleblower Protection Act on:

- 1.1. Temporary measures: Article 34a of the Whistleblower Protection Act;
- 1.2. Exemption from liability: Article 36 of the Whistleblower Protection Act;
- 1.3. Damages caused to private parties: Article 37 of the Whistleblower Protection Act;
- 1.4. Option to terminate legal proceedings: Article 38 of the Whistleblower Protection Act;
- 1.5. Protection of persons concerned: Article 39 of the Whistleblower Protection Act;
- 1.6. The possibility to 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.

2. The notification to the whistleblower, which contains the details of the registration number and the unique identification number (UIN) of the report, informs also of the protection measures, the support measures and the means of receiving legal aid from the National Legal Aid Office; this information is in the form of three appendices constituting integral parts of the notification.

3. During the working hours, any person referred to in Article 5 of the Whistleblower Protection Act and any citizen may receive – on an individual and confidential basis in a face-to-face meeting with an official from the ERC Directorate – comprehensive, independent, free and accessible information and advice on the procedures and the protection measures referred to in point 1. For the communication of information and advice, an info note will be drawn up

by the ERC Directorate expert(s), present at a meeting, describing the purpose of the meeting and the consultation given, and it is recorded in the “Signal” system. The info note shall not contain personal data or information about the person consulted.

4. On the Commission’s website, in the Whistleblower Protection Act section, National Legal Aid Office subsection is inserted, which includes the conditions and means of receiving support under the Whistleblower Protection Act.

IV. SCOPE

Article 28. Subject to examination within the meaning of these Rules shall be reports submitted through an external reporting channel by persons referred to in Article 5 of the Whistleblower Protection Act and containing information on breaches of the Bulgarian law or the European Union instruments, where such breaches threaten or harm the public interest and fall within the scope of Article 3 of the Whistleblower Protection Act.

V. REPORTING VIA AN EXTERNAL CHANNEL

Article 29. A report to the CPDP may be submitted in writing or orally by any of the means set out in Articles 30 and 31 of these Rules.

Article 30. (1) A written report may be submitted:

1. In person on paper, at the dedicated CPDP registry at: 1592 Sofia, 2 Prof. Tsvetan Lazarov Blvd.;

2. By a letter addressed to: 1592 Sofia, 2 Prof. Tsvetan Lazarov Blvd., Commission for Personal Data Protection;

3. By fax at: 02/915 35 25;

4. By email to whistleblowing@cpdp.bg as an electronic document signed with a Qualified Electronic Signature (QES);

5. Through the secure electronic service system supported by the Ministry of Electronic Governance.

(3) A written report shall be submitted by completing a CPDP-approved form published on the Commission’s website <https://www.cdpd.bg>, which should contain at least the following information:

1. The whistleblower’s full name, address and telephone number, and his or her e-mail address, if any;

2. The names and the place of employment of the person subject to the report, if the report is made against specific persons and they are known;

3. Specific details of a breach or of a real risk thereof, the place and period of occurrence of the breach, if it has already been committed, a description of the breach or situation, and other circumstances to the extent known to the whistleblower;

4. The date of submission of the report;

5. The signature, electronic signature or other identifiers of the whistleblower.

(4) Where a written report is received at the CPDP in a form other than the approved one, the officer responsible for handling reports shall attach such report to the required form, shall enter his or her details into the form and shall fill in the information available in the report without copying, re-writing, retelling or reproducing the report’s content in any other way.

Article 31. (1) Oral reporting may be made by telephone or, at the whistleblower's request, in a face-to-face meeting at a mutually agreed time between the parties within CPDP's standard working hours.

(2) Oral reporting in a face-to-face meeting shall take place in a CPDP's dedicated room on the first floor called "Reception", which shall be separated from the general registry. Video surveillance, including video and/or audio recording, shall not be permitted in the room designated for this purpose.

(3) The oral report shall be documented by an ERC Directorate official who shall fill in the form referred to in Article 30 (3) of these Rules and shall propose to the whistleblower to sign it if he or she so wishes. If the whistleblower refuses to sign the report, the official who has received the report shall sign the it and shall note the refusal in the appropriate space on the form.

Article 32. The report may be accompanied by any source of information supporting the statements therein and/or may contain a reference to documents, including details of persons who could confirm the information reported or provide additional information.

VI. ACCEPTANCE AND REGISTRATION OF REPORTS

Article 33. (1) A written report shall be accepted as follows:

1. where a report is submitted personally on paper at the CPDP's registry or by a letter at the CPDP's address, it shall be accepted by a registry official operating the CPDP's dedicated Report information system which is used to record and handle reports of breaches;

2. where a report is submitted through the Secure Electronic Service System (SESS), it shall be accepted by officials serving the SESS;

3. where a report is sent by fax, it shall be accepted by a registry official operating the CPDP's dedicated Report information system;

4. where a report is sent by email to whistleblowing@cpdp.bg, it shall be accepted by the staff designated to have access to the email.

(2) An oral report shall be accepted by the ERC Directorate staff.

Article 34. Written reports submitted to another authority through an external channel and then referred to the CPDP as per its competence, shall be accepted in accordance with the procedure laid down in Article 33 (1).

Article 35. (1) The incoming report via an external reporting channel shall be registered with an identifier – an ERC marking, a serial number and the date of submission – into a dedicated register outside CPDP's case management system.

(2) All incoming and outgoing documents concerning a registered report shall be registered in the case management register under the same entry number with a sequential index and the relevant date.

(3) The special registry referred to in paragraph 1 shall be managed by a designated official from the Resource Management & Administrative and Legal Directorate (RM&AL Directorate) of the Commission for Personal Data Protection.

(4) The duty of refraining from disclosing the identity of the whistleblower or the person concerned shall be documented in a completed privacy statement completed and signed by the expert receiving and processing the report. The fact referred to in the first sentence shall

be the case where a report issued on the basis of the Whistleblower Protection Act is obtained by any means other than those referred to in Article 33(1) or by experts other than those designated as responsible for the processing of the alert.

(5) The statement referred to in paragraph 4 shall be an integral part of the report file.

Article 36. (1) When UIN is generated, the following details shall be entered:

- The name CPDP and BULSTAT 130961721;
- The identification details of the official responsible for handling the report;
- The subject matter of the report (the relevant areas referred to in Article 3 (1) and (2) of the Whistleblower Protection Act);
- The means of receiving the report (in writing or orally).

(2) The generated UIN shall be entered in the report registration form and the entire case file shall be submitted to the Director of the ERC Directorate.

(3) The official from the RM&AL Directorate designated for this purpose shall acknowledge the receipt of the report in writing to the whistleblower and shall provide information about its registration with UIN.

Article 37. (1) Following the start of the dedicated Report information system, the reports received via CPDP's external channel shall be automatically assigned to the ERC Directorate experts on a random basis.

(2) In the event that a staff member leaves the ERC Directorate, his or her case files shall be reassigned on a random basis by drawing lots in the presence of the Directorate staff, for which a protocol shall be made in the form set out in Annex No. 1 which is an integral part of these Rules.

The protocol shall be made in duplicate and signed by the officials involved in the random reassignment. One copy of the protocol shall be attached to the report case file and the other one shall be classified in a dedicated register referred to in paragraph 3.

(3) The Director of the ERC Directorate shall keep a paper register (in the form of a binder) in which all protocols on random report reassignment under paragraph 2 shall be arranged on a chronological basis.

Article 38. (1) Once the case file under Article 37 is assigned, the Director of the ERC Directorate shall make it available in person to the official designated for handling the report.

(2) The official shall read the report and shall assess the existence of a conflict of interest within the meaning of the Anti-Corruption Act. If, during the examination of the ad hoc report, a conflict of interest within the meaning of the Anti-Corruption Act arises, the expert concerned shall inform his immediate superior and recuse him or herself pursuant to paragraph 3.

(3) In the event of a conflict of interest or any other circumstances under paragraph 4 liable to affect the impartial and objective performance of the duties relating to the handling of the report, the official shall be required to immediately withdraw by completing and signing a Withdrawal Notice in the form set out in Annex 2 to these Rules.

(4) Whether a report/information is entered or if it is established ex officio that the expert concerned is in a situation of conflict of interest when examining a specific report, the provisions of paragraph 2 of the Supplementary Rules to the Anti-Corruption Act shall apply.

(5) In the event of withdrawal, the Director of the ERC Directorate shall reassign the case in accordance with Article 37 of these Rules.

(6) The rules in paragraph 3 shall also apply to the Director of the ERC Directorate, who, in the event of a conflict of interest or other circumstances liable to affect the impartial and objective performance of the duties relating to the handling of the report, shall be required to immediately withdraw by completing and signing a Withdrawal Notice in the form set out in Annex 2 to these Rules. In this case, a report on behalf of the Director of the Directorate shall be made to the CPDP's Chair, who is the appointing authority and who shall appoint the CPDP's Secretary-General to replace the Director of the ERC Directorate with respect to the specific case. In case the CPDP's Secretary-General is also in a situation of conflict of interest, having regard to this provision, the CPDP Chairman shall appoint another employee to replace the Secretary-General.

Article 39. (1) The official assigned to handle the report shall keep the information on the report in the register referred to in Article 66 by completing the information available at the time of submission of the report.

(2) The official shall regularly update the information in the register by completing the circumstances not known on the date of submission of the report and other additional circumstances according to the information received in the course of the examination of the report.

V. VERIFICATION OF REGULARITY, ELIGIBILITY, CREDIBILITY AND PLAUSIBILITY

Article 40. (1) Within 7 days of the receipt of the report, the official responsible for handling the report (hereinafter referred to as the "ORHR") shall check the report as to its regularity, eligibility, credibility and plausibility.

(2) In the regularity check, the ORHR shall verify the availability of:

1. The minimum identifying data of the whistleblower, namely: the whistleblower's full name, address and telephone number (*Article 15 (2), point 1 of the Whistleblower Protection Act*);
2. The minimum identifying data of the person subject to the report, namely: his or her names and place of employment, in order to identify the obliged entity within whose structure the alleged breach was committed (*per argumentum from Article 15 (2), point 2 of the Whistleblower Protection Act*) or details of the legal entity against which the report was made (*§ 1, point 5 of the Whistleblower Protection Act*);
3. Signature, unless the report has been submitted orally and the person has refused to sign it upon invitation by the CPDP official (*per argumentum from Article 9, point 1 of the Whistleblower Protection Act*);
4. A completed form for registering a report, as approved by a CPDP's decision. Where a written report is made without completing a form, Article 30 (4) of these Rules shall apply.

(3) In the eligibility check, the ORHR shall verify:

1. whether the report relates to a breach falling within the material scope of Article 3 of the Whistleblower Protection Act;
2. whether the report does not relate to a breach falling within the exceptions under Article 4 of the Whistleblower Protection Act;
3. the capacity of the whistleblower, i.e. whether the person falls within the scope of Article 5 (2) of the Whistleblower Protection Act. In regard to ensuring protection

under the Whistleblower Protection Act, when a breach is reported by a natural person, who is representing a legal entity, the following should be investigated – in what capacity the natural person reports the breach – in the capacity of a partner, shareholder, sole owner of the capital, member of the management or control body of a trade company, member of the audit committee of an enterprise – as shown in Art. 5, Par. 2, Item 4 of the Whistleblower Protection Act or as a representative of the legal entity (manager, chief executive officer or other kind of trade representative).

4. the capacity of the person concerned within the meaning of § 1, point 5 of the Whistleblower Protection Act, in view of the material scope of Article 3 of the Whistleblower Protection Act (public registers shall be consulted to clarify this issue);
5. the existence of a working context within the meaning of § 1, point 4 of the Whistleblower Protection Act;
6. the existence of specific indications of a breach or of a real risk of occurrence of such breach, as well as the date or period in which the alleged breach occurred (*per argumentum from Article 15 (2), point 3 of the Whistleblower Protection Act*).

(4) In the credibility and plausibility check, the ORHR shall verify the existence of manifestly false or misleading allegations of facts within the meaning of the second sentence of Article 15 (6) of the Whistleblower Protection Act. If doubts exist as to the credibility and plausibility of the report, the ORHR may contact the person concerned to clarify the allegations made in the report (*per argumentum from Article 23 (2) in conjunction with Article 16, points 8 to 10 of the Whistleblower Protection Act*).

(5) The ORHR shall consider the report to be credible and plausible, where such report contains so much and such data which, when analysed as a whole, lead to the conclusion that the alleged breach within the material scope of Article 3 of the Whistleblower Protection Act is likely to have occurred.

Article 41. (1) After the checks under Article 40, however no later than 7 days after the receipt of the report, the ORHR shall send a written confirmation to the whistleblower informing him or her of the report's UIN and requesting information whether a check on the same report has been made by another authority and, if necessary, shall request the information referred to in paragraphs 2 and/or 3 from such other authority.

(2) Where a report fails to meet the requirements of Article 40 (2), the ORHR shall send a written request to the whistleblower to remedy the irregularities and/or to provide additional information within 7 days (*Article 15 (5) of the Act*).

(3) Where a report fails to meet the requirements of Article 40 (4), the ORHR shall send a written notice to the whistleblower instructing him or her to rectify the allegations within 7 days and providing him or her with information on whistleblower's liability for false accusations (*Article 15 (6) of the Act*).

(4) Where a report fails to fall within the scope of the Whistleblower Protection Act and/or its content fails to give grounds to consider it plausible, it shall not be examined. In this case, the ORHR shall make a report to the Director of the ERC Directorate. On the basis of the findings of such report, the Director of the ERC Directorate shall make a report to the CPDP describing the information contained in the report, the grounds for its inadmissibility and/or implausibility, and a proposal to the CPDP to leave the report unaddressed.

(5) Where the irregularities and/or false or misleading allegations found are not remedied within the time limits referred to in paragraphs 2 and 3, the report, together with any appended materials thereto, shall be returned to the whistleblower (*Article 15 (5) of the Act*). In this case, the ORHR shall make a report to the Director of the ERC Directorate. On the basis of the findings of such report, the Director of the ERC Directorate shall make a report to the CPDP describing the information contained in the report, the irregularities found and/or false or misleading allegations found, the actions taken by the CPDP to remedy the deficiencies, and a proposal to the CPDP to return the report to the whistleblower.

(6) Throughout the verification of the report, when a contact (a telephone call or in a face-to-face meeting at the CPDP) is made with the whistleblower, the ORHR shall draw up minutes of such conversation, specifying its content. The conversation shall take place in the presence of the Director of the ERC Directorate or the person replacing him or her (in the event of absence), and the minutes shall be signed by the ORHR and the Director of the ERC Directorate or his or her replacement.

(7) Minutes under paragraph 6 shall also be drawn up in the event of findings of facts and circumstances – such as Internet information – and a printout of the relevant information shall also be attached to the report.

Article 42. (1) Within 7 days of the receipt of the report, the ORHR shall assess the need to disclose the whistleblower's identity and/or information in the report that may directly or indirectly identify him or her.

(2) The Commission shall inform the whistleblower in writing when it considers it necessary to disclose his or her identity in connection with the examination of the report, and shall request his or her explicit written consent within 7 days.

(3) The written notification referred to in paragraph 2 shall be made at the same time as the written confirmation of the report referred to in Article 41 (1).

VI. REFERRAL OF THE REPORT TO THE AUTHORITIES HAVING COMPETENCE TO EXAMINE IT

Article 43. (1) The Commission shall refer the report without delay, however no later than 7 days from the receipt of whistleblower's explicit written consent and/or additional information requested from the whistleblower, to the authority competent for the subject matter of the report, in accordance with Article 20 (1) of the Whistleblower Protection Act.

(2) Where the whistleblower has given explicit written consent to disclose his or her identity, the CPDP shall refer a certified true copy of the report to the competent authority without deleting whistleblower's details and other information in the report that may directly or indirectly identify him or her.

(3) Where the whistleblower has not given explicit written consent to disclose his or her identity, the CPDP shall refer a certified true copy of the report to the competent authority, deleting whistleblower's details and any information in the report that may directly or indirectly identify him or her.

(4) When referring the report, the CPDP shall instruct the competent authority to inform the Commission within one month of the actions taken on the report and whether it is necessary to extend the deadline pursuant to Article 26 (1) of the Whistleblower Protection Act.

(5) Within 7 days the CPDP shall notify the whistleblower in writing of referring the report to the competent authorities for examination.

(6) If the authority under paragraph 4 considers that it has no competence with respect to the report referred, the latter shall be returned to the CPDP and referred to another competent authority under Article 20 of the Whistleblower Protection Act without delay, however no later than 7 days from the receipt of the report.

(7) The whistleblower shall be notified of the referral within the time limit under paragraph 6.

(8) The CPDP shall adopt rules to ensure the effectiveness of interaction with the control bodies in order to properly identify the competent authority and to comply with the time limits laid down in the Whistleblower Protection Act.

Article 44. (1) Where a report notifies of breaches by public officials within the meaning of Article 6 of the Anti-Corruption Act, the ERC Directorate shall inform the CPDP without delay and shall refer the report to the Anti-Corruption Commission for examination.

(2) In the cases under paragraph 1, the ERC Directorate shall send the report in original to the Anti-Corruption Commission without requesting whistleblower's express written consent to disclose his or her identity and without deleting any data or information in the report that may be directly or indirectly identify the whistleblower. The ERC Directorate shall keep a certified true copy of the report in the report case file.

(3) Within 7 days the CPDP shall notify the whistleblower in writing of referring the report to the Anti-Corruption Commission for examination.

Article 45. (1) Where a report contains data of breaches by the CPDP's Chair, the Director of the ERC Directorate shall immediately refer it to the Anti-Corruption Commission in the light of Article 3 (20) of the Whistleblower Protection Act. The report case file at the CPDP shall be closed. Reports of breaches by other CPDP members shall be dealt with under the general procedure.

(2) Where a report contains data of alleged criminal offences by the CPDP's Chair or other CPDP member, the Director of the ERC Directorate shall immediately inform the CPDP accordingly and then shall refer the report to the competent public prosecutor's office for examination. The report case file at the CPDP shall be closed.

Article 46. (1) Where a report relates only to breaches which do not fall within the material scope of Article 3 of the Whistleblower Protection Act, it shall be referred to the competent authority under Article 112 of the Code of Administrative Procedure without deleting the whistleblower's details (*per argumentum a contrario* from Article 6 (1), point 2 of the Whistleblower Protection Act).

(2) Where a report relates only to breaches falling within the material scope of Article 19 (3) of the Whistleblower Protection Act, it shall be referred to the Legal Proceedings and Supervision Directorate of the CPDP without deleting the whistleblower's details.

(3) Where a report concerns both breaches falling within the material scope of Article 3 of the Whistleblower Protection Act and breaches under paragraphs 1 and 2, it shall be referred to the competent authority under Article 112 of the Code of Administrative Procedure or to the Legal Proceedings and Supervision Directorate of the CPDP only in so far as it relates to the breach concerned, after deleting whistleblower's identifiable data, except in the case of consent

to disclose his or her identity under Article 20 (2), the second hypothesis of the Whistleblower Protection Act.

(4) In the event of examination of a report or part of a report under Article 19 (3) of the Whistleblower Protection Act, Section IX of these Rules shall apply.

Article 47. (1) All facts and circumstances concerning a report shall be verified by the ORHR within 2 months of the registration of such report.

(2) If, within the one-month period granted, the competent authority under Article 20 (1) of the Whistleblower Protection Act to which a report has been referred, fails to provide the Commission with information on the actions taken in response to the report, the Commission shall send a reminder to the competent authority requesting immediate provision of information.

Article 48. (1) If, despite the actions taken by the ORHR and the CPDP, the 2-month period under Article 47 (1), but not later than the expiry of the three-month period referred to in Article 26(1) of the Whistleblower Protection Act, proves insufficient to clarify all the facts and circumstances of the report, the Director of the ERC Directorate shall make a report to the Commission justifying the need to extend the period for examining the report to 5 months from its receipt.

(2) Upon approval by the CPDP of the proposal in the report, the time limit for examining the whistleblower's report shall be extended in accordance with the decision taken and the whistleblower shall be notified within 10 days.

VII. SPECIAL RULES APPLICABLE TO A REPORT EXAMINED BY THE COMPETENT AUTHORITY

Article 49. (1) Where a person has previously submitted the same report to another authority and has notified the CPDP of such circumstance, the Commission shall require the information and documents relating to the examination carried out by the relevant authority, including information on the actions taken to limit the breach and the results of such actions.

(2) Provided that the competent authority under paragraph 1 has imposed administrative measures in connection with the examination of the report submitted to it, and the CPDP has been notified of such measures, the CPDP shall request from such authority information on the implementation of such measures and an opinion on the rectification of the breach by means of the measures implemented.

(3) In the event that the implementation of the administrative measures fails to result in remedying the breach, the CPDP shall issue instructions for follow-up actions that are binding on the relevant authority.

Article 50. The documents submitted to the CPDP under Article 49 (1) shall be included in the report case file.

VIII. FOLLOW-UP

Article 51. (1) Once all the facts, circumstances and information concerning a report are clarified, however no later than 2 months from the registration of the report, or 5 months in duly justified cases, the official responsible for the examination of the report shall make a report to the Director of the External Reporting Channel Directorate.

(2) The report referred to in paragraph 1 shall contain a description of the information in the report, any actions taken on the report, and the final results of the investigation of the report.

Article 52. (1) On the basis of the findings in the report under Article 51, the Director of the External Reporting Channel Directorate shall make a report to the CPDP, in which he or she shall propose to the Commission:

1. taking specific measures to discontinue the breach in cases where such breach has been identified;
2. referring the information contained in the report to the competent institutions, authorities, offices or agencies of the European Union for subsequent investigation, where this is provided for in the European Union instruments; in this case the whistleblower shall be informed of the referral within 7 days;
3. referral to the Public Prosecutor's Office in cases of data of a criminal offence;
4. taking measures to protect the whistleblower;
5. closure of the inspection:

(a) where the breach reported is clearly of minor importance and requires no follow-up; where, in respect of the breach, the time limits laid down in the relevant law for initiating penal administrative or criminal proceedings have expired, or the penal administrative or criminal liability is extinguished as a result of the expiry of the limitation period laid down in the relevant law; the closure shall be without prejudice to any other obligations or applicable procedures in relation to the reported breach or to the protection under this Act with regard to internal or external reporting;

(b) in the event of a repetitive report containing no new significant information of a breach in respect of which an investigation has already been completed, unless new legal or factual circumstances warrant follow-up;

(c) by taking the actions referred to in points 1 to 4.

(2) The report to the Commission shall contain a description of the information in the report, any actions taken on the report, the final results of the investigation of the report, and a proposal to take one or more of the follow-up actions referred to in paragraph 1. If the report proposes to close the investigation on the report on any of the grounds referred to in paragraph 1, point 5, letters (a) and (b), it must state the factual reasons justifying the existence of the relevant grounds.

(3) The report under paragraph 1 shall be accompanied by a draft CPDP's decision and a draft Commission's report on the actions taken, in the light of Articles 25 (2) and 26 of the Whistleblower Protection Act.

Article 53. (1) The Commission shall review the report under Article 52 in a closed session and shall issue a decision approving or rejecting the follow-up actions proposed in the report. If the follow-up actions proposed in the report are rejected, the Commission shall decide on the specific follow-up actions to be taken under Article 25 (1) of the Whistleblower Protection Act.

(2) In the event of the situation referred to in the second sentence of paragraph 1, the Director of the ERC Directorate, together with the official examining the report, shall make an appropriate adjustment to the draft CPDP's decision and the draft Commission's report on the actions taken within a period specified by the CPDP.

(3) The Commission's decision under paragraph 1 shall be communicated to the persons concerned within 7 days of its adoption by the Commission and may be appealed against in accordance with the Code of Administrative Procedure. The decision shall be made in triplicate: one copy to be included in the report case file, one copy to be communicated to the whistleblower, and one copy to be communicated to the person concerned. The decision shall be communicated to the whistleblower by the ORHR, and to the person concerned by the CPDP's Chair.

(4) Where the investigation is closed on the basis of Article 25 (1), point 5, letters (a) and (b) of the Whistleblower Protection Act, the Commission shall send a reasoned decision to the whistleblower. The decision shall be made in triplicate, one copy of which shall be sent to the whistleblower and one copy to the person concerned.

(5) Where the check of a report is closed due to inadmissibility of such report, the Commission shall send a reasoned decision to the whistleblower. The decision shall be made in triplicate, one copy of which shall be sent to the whistleblower and one copy to the person concerned.

Article 54. (1) The CPDP's report on the actions taken on the report shall include:

1. a description of the information contained in the report without indicating the name of the whistleblower or other personal data identifying the individual;
2. the actions taken;
3. the final results of the check on the report, and
4. the decision taken on follow-up actions under Article 25 (1) of the Whistleblower Protection Act.

(3) The Commission's report shall be communicated without delay to the whistleblower and to the person concerned through the official responsible for examining the report within the time limits under Article 26 (1) of the Whistleblower Protection Act, i.e. within a period not exceeding three months, which may be extended to six months in duly justified cases requiring a thorough investigation. The report shall be made in triplicate: one copy to be included in the report case file, one copy to be communicated to the whistleblower, and one copy to be communicated to the person concerned. The report shall be communicated to the whistleblower by the ORHR, and to the person concerned by the CPDP's Chair.

IX. INSPECTIONS ON REPORTS RECEIVED VIA AN EXTERNAL CHANNEL AND ALLEGING BREACHES UNDER CHAPTER FOUR "PENAL ADMINISTRATIVE PROVISIONS" OF THE WHISTLEBLOWER PROTECTION ACT

Article 55. (1) In the event of a report of breaches under Chapter Four of the Whistleblower Protection Act, the Director of the ERC Directorate shall prepare a draft order of the CPDP's Chair to carry out an inspection.

(2) The order under paragraph 1 shall contain at least the legal grounds, the subject matter, the scope and the tasks of the inspection, and the members of the inspection team, including any involvement of an external expert (if necessary).

(3) The order under paragraph 1 shall be entered in the dedicated case management Report system.

Article 56. (1) The planning of an inspection shall include:

1. issuance of an order for an inspection: three originals;
2. specifying the functions and responsibilities of the inspection team members;
3. a review of the legal framework applicable to the case and of the existing rules in the relevant legal entity being inspected;
4. a review of the case law applicable to the case: case law of the CPDP, other institutions;
5. checks on websites;
6. telephone calls, the transcript of which shall be recorded in a protocol;
7. electronic messages;
8. requesting an opinion/s;
9. sending notifications to the inspected legal entity, including by electronic means.

(2) The actions carried out under paragraph 1 shall be described in the report under Article 60 on the conclusion of the inspection.

Article 57. The following shall be carried out during an on-site inspection:

1. the inspection team members shall legitimise themselves with their official badges;
2. the representative of the inspected legal entity shall legitimise himself or herself;
3. the order of the CPDP's Chair to carry out the inspection shall be served – the original of the order is served, and the representative of the inspected legal entity or his or her authorised designee shall note in handwriting on the copy of the inspection team that he/she has received a copy of the inspection order and shall indicate the date, his/her full name and signature (a stamp for legal entities, if possible); clarification of facts and circumstances regarding the report received, depending on the allegations made therein;
4. collecting evidence of any established fact: paper, electronic or other documents;
5. drawing up a protocol of findings at the time of the inspection, a copy of which shall be delivered to the inspected legal entity;
6. drawing up a Delivery & Acceptance protocol with certified copies of documents and evidence provided by the inspected legal entity; a copy of the protocol shall be delivered to the inspected legal entity;
7. indication of the time limit to provide additional documents (if necessary).

Article 58. Non-cooperation during the inspection

1. the inspecting officials should not breach any professional secrecy obligation of the inspected entity or any other obligation of secrecy arising from a law; in such cases, the inspected legal entity may only refuse to provide, or refuse access to, information covered by secrecy;
2. where the information contains classified information, the access procedure under the Classified Information Protection Act shall apply and officials with the appropriate level of access shall be involved in the inspection;
3. in all cases of non-cooperation (failure to provide evidence, documents, opinions within a specified period, refusal to provide access to premises and/or to information relating to the internal reporting channel construction and/or to other durable data carriers, to an on-site inspection team, etc.), this circumstance shall be indicated in a protocol of findings signed by witnesses: the inspection team members and, where possible, third parties, describing the specific facts and circumstances: failure to appear, failure to allow to collect evidence, etc.;

4. Any non-cooperation shall be reported to the CPDP in its capacity of the Central External Reporting Authority.

Article 59. Completion of an on-site inspection

1. analysis of the documents collected in the course of the inspection;
2. analysis of the current rules relevant to the case at issue.

Article 60. Completion of an inspection

(1) Preparation of a report to the CPDP by the designated inspection team on the findings of the inspection, which shall be entered into the dedicated Report system, together with the documents and evidence attached in original.

(2) The Director of the ERC Directorate shall present the report under paragraph 1 at a CPDP meeting. The Commission shall get acquainted with the inspection results in its capacity as the Central External Reporting Authority, which ensures the protection of persons reporting or publicly disclosing information on breaches, including through the application of the administrative measures provided for in the Whistleblower Protection Act, and which gives instructions on the application of the Act to all obliged entities and oversees their compliance with its provisions. CPDP members may express an opinion(s) to assist the administrative sanctioning authority in the exercise of its powers under Article 46 of the Whistleblower Protection Act.

(3) Issuing a notification letter to the inspected entity about the inspection results where no breach was found. In this case, the inspection shall be closed by sending the letter.

(4) Drawing up and delivering an administrative offence notice by the officials expressly authorised by an order of the CPDP's Chair, in accordance with the procedure laid down in the Administrative Infringements and Penalties Act ("AIPA").

(5) Review of the objections of the inspected legal entity, if they have been submitted within the time limit laid down in the AIPA.

(6) Drafting a report to the CPDP's Chair proposing how to conclude the penal administrative proceedings: a reasoned resolution to discontinue the proceedings; a written warning, an agreement or a penalty order. The report shall contain the established facts, the evidence gathered and a corresponding proposal. The report shall be entered into the dedicated case management system of the ERC Directorate.

(7) Upon approval of the report under paragraph 6, an official from the ERC Directorate shall prepare a draft final act concluding the penal administrative proceedings. Upon approval by the Chair and signature, the final act shall be delivered to the inspected legal entity.

(8) The acts issued in connection with the penal administrative proceedings under the Whistleblower Protection Act shall be entered in a register kept by the ERC Directorate. The following shall be indicated in the register: the report registration number, the date of receipt, the documents drawn up and the closure of the inspection, any penalties imposed.

(9) A separate case file shall be opened for each report, and case files shall be kept in a dedicated room of the ERC Directorate designated for storage of documents, and in metal lockers.

Article 61. Additional actions for the purposes of an inspection:

1. for any on-site inspection, where problematic communications or difficulties in carrying out such communications exist, assistance may be requested from the Ministry of Interior authorities, either in writing or by telephone communication with

- the relevant head of the local structure of the Ministry of Interior, on the basis of an Assistance Agreement and at any stage of the inspection;
2. at least two members of the inspection team must be present when establishing facts and circumstances during an on-site inspection;
 3. in the course of inspections, the CPDP's Chair may issue an order to change the composition of the inspection team by replacing members already designated or by adding new team members;
 4. when carrying out CPDP's control activities, the members of inspection teams shall comply with the Code of Conduct for Public Officials.

X. HANDLING OF A REPORT RECEIVED VIA AN EXTERNAL CHANNEL UNDER THE WHISTLEBLOWER PROTECTION ACT AND ALLEGING UNLAWFUL PROCESSING OF PERSONAL DATA

Article 62. (1) Reports received under the Whistleblower Protection Act containing data relating to infringements of the whistleblower's individual interests, and not to the public interest as a result of unlawful processing of personal data, shall be communicated to the CPDP and transmitted for review in accordance with the Personal Data Protection Act by the Legal Proceedings and Supervision Directorate.

(2) Reports under the Whistleblower Protection Act containing infringements of public interest and allegations of breaches of privacy and personal data under Article 3 (1), letter "k" of the Whistleblower Protection Act shall be referred on the basis of Article 19 (3) of the Whistleblower Protection Act for examination by the CPDP under the general procedure through the Legal Proceedings and Supervision Directorate.

(3) Where a report under Para. 2 of current Rules contains also allegations of breaches falling within the scope of the Whistleblower Protection Act within the meaning of Article 3 (1) and (2) of the Act, only the part of the report relating to the unlawful processing of personal data shall be subject to referral. As regards the rest of the report, the official responsible for examining the report shall ensure that the protection measures under Article 31 of the Whistleblower Protection Act are implemented and shall support the whistleblower so as to implement the protection measures under Chapter Three of the Act, provided that the conditions laid down in Articles 5 to 7 and 10 of the Act are met.

(4) Upon receipt of a report containing allegations of unlawful processing of personal data, the official responsible for handling the report shall prepare the report to be referred to the Legal Proceedings and Supervision Directorate of the CPDP.

Article 63. (1) Upon receipt of a report containing allegations of unlawful processing of personal data, pursuant to Article 62 (1) under the current Rules the official responsible for handling the report shall inform the whistleblower in writing that this part of the report cannot be dealt with under the Whistleblower Protection Act.

(2) In the letter under paragraph 1, the ORHR shall also inform the whistleblower that the procedure under Article 20 (2) of the Whistleblower Protection Act for keeping the whistleblower's identity secret, as well as the measures for whistleblower protection under Chapter Three of the Act, are not applicable to the part of the report alleging unlawful processing of personal data.

(3) In the cases referred to in Article 62 (1) and (2) of these Rules the ORHR shall prepare a report on behalf of the Director of the ERC Directorate to the CPDP proposing:

(a) to initiate a general procedure (in the case of Article 61(1) of these Rules) and to refer the part of the report (in the case of Article 61(2) of these Rules) alleging to the Legal Proceedings and Supervision Directorate for consideration; in this case the ERC Directorate shall be required to provide the Legal Proceedings and Supervision Directorate with the relevant materials collected to date;

(b) to close the procedure for examining the report (in the case of Article 61(1) of these Rules) or examining part of the report alleging unlawful processing of personal data (in the case of Article 61(2) of these Rules).

Article 64. (1) Following the adoption of a CPDP decision in which the Commission rules on the report under Article 63 (3) of these Rules, the ORHR shall arrange the referral of the report and the evidence annexed thereto, in so far as they concern unlawful processing of personal data, to the Legal Proceedings and Supervision Directorate, and shall ensure that the protection measures under Article 31 of the Whistleblower Protection Act are applied to the remainder of the report.

(2) The referral shall be done by a letter via CPDP's general case management system, through the Secretary-General.

XI. REGISTER OF REPORTS SUBMITTED VIA AN EXTERNAL CHANNEL

Article 65. (1) A non-public electronic register of reports received by the Commission through an external channel shall be set up and maintained in the CPDP. The information contained in the register is intended for official use and may not be made available to third parties except in the cases expressly provided for by law, in the light of the provisions of Article 29 in conjunction with Article 18 of the Whistleblower Protection Act and Article 10 and § 2 of the Final Provisions 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 or Publicly Disclosing Information on Breaches, and on referral of internal reports to the Commission for Personal Data Protection.

(2) The register shall contain information on:

1. the person who accepted the report;
2. the date of submission of the report;
3. the person concerned, if such information is contained in the report;
4. summary of the alleged breach, such as the place and period of occurrence the breach, a description of the conduct, and other circumstances in which the breach occurred;
5. the connection of the report with other reports after the detection of such connection during the report handling process;
6. information provided as feedback to the whistleblower and the date of delivery;
7. any follow-up actions taken;
8. the results of the inspection on the report;
9. the period of retention of the report;
10. registration number of the specialised documentation system "Signal";
11. unique identification number.

(3) The register shall be kept in the ERC Directorate in the form approved by the CPDP, published on the Commission's website <https://www.cdpd.bg>. The information in the register shall be filled in by the relevant ERC Directorate staff designated for handling reports submitted through an external channel.

(4) The register shall be kept in accordance with Ordinance No. 1 of 27 July 2023 on keeping the register of reports under Article 18 of the Whistleblower Protection Act and on referral of internal reports to the CPDP.

(5) The register shall be accessible to the ERC Directorate staff designated for handling reports submitted through an external channel, as well as other CPDP staff whose duties require such access on a case-by-case basis. Representatives of the Ombudsman shall also have access to the Registry in the cases referred to in Article 30 (1) and (2) of the Whistleblower Protection Act.

XII. CRITERIA FOR CLOSURE OF THE INSPECTION INITIATED UNDER THE WHISTLEBLOWER PROTECTION ACT IN THE EVENT OF A REPETITIVE REPORT

Article 66. (1) These criteria shall apply to the conditions for closure of an inspection on the grounds of Article 25 (1), point 5, letter "b" of the Whistleblower Protection Act.

(2) An inspection on a report shall be closed where:

1. the report contains no new significant information of the breach;
2. an inspection has already been completed on the report;
3. there are no new legal or factual elements that would justify further actions other than closure of the examination.

(3) In the cases under paragraphs 1 and 2, the ORHR shall prepare a report on behalf of the Director of the ERC Directorate to the CPDP, setting out the factual and legal context in detail.

(4) A decision closing a procedure concerning a reported breach on the grounds that such report constitutes a repetitive report may be subject to judicial review before the competent administrative court.

XIII. HANDLING OF REPORTS WITH PRIORITY

Article 67. In the event of numerous reports, the CPDP may decide to treat reports of serious breaches as a matter of priority, subject to the relevant deadlines set out in the Whistleblower Protection Act.

Article 68. (1) In the event of numerous reports, priority shall be given to reports of serious breaches.

(2) Reports shall be treated as a matter of priority on the basis of a decision by the CPDP, based on a reasoned report by the Director of the ERC Directorate setting out in detail the reasons for examining the relevant report as a matter of priority.

Article 69. (1) Reports of serious breaches shall be prioritised according to the following criteria:

1. Where the breach occurred has, or is likely to have, a significant and lasting impact on the rights and freedoms of the individual and on the public interest, and
2. Where the impact on the rights and freedoms of the individual and on the public interest is significant and lasting over time.

(2) Categories of reports by priority:

1. Related to the individual and fundamental rights and freedoms:

- Radiation protection and nuclear safety;
- Public health;
- Product safety and compliance;
- Protection of privacy and personal data.

2. Related to the whistleblower, where the report is submitted by:

- person with a disability receiving monthly support under the People with Disabilities

Act;

- victims of domestic violence or human trafficking.

3. Affecting financial interests

- Preventing money laundering and terrorist financing;
- Security of network and information systems;
- Breaches affecting the EU financial interests.

4. **Cross-border tax schemes breaches** – in the light of Article 3 (1), point 4 of the Whistleblower Protection Act.

5. **Reports of a publicly prosecuted criminal offence** – in the light of Article 3 (1), point 5 of the Whistleblower Protection Act.

(3) The ERC Directorate shall make a report to the CPDP, including an analysis of reports under the Whistleblower Protection Act in the previous calendar year.

(4) The report under paragraph 3 shall also include proposals for changing the categories of reports by priority, following the analysis on the types of reports under the Whistleblower Protection Act received in the CPDP.

Article 70. Handling of reports as a matter of priority shall be without prejudice to the provision of feedback to the whistleblower within a reasonable time frame not exceeding three months or, in duly justified cases, six months.

XIV. ACTIONS WITH RESPECT TO THE COMPETENT AUTHORITIES

Article 71. The interaction with the control authorities shall be defined by a separate procedure adopted by the CPDP.

Article 72. (1) On the basis of Article 24, point 3 of the Whistleblower Protection Act the ERC Directorate staff shall carry out independent inspections on reports of breaches committed by the authorities referred to in Article 20 of the Whistleblower Protection Act, with the exception of the authorities referred to in Article 20 (1), point 2 and Article 20 (3) of the Whistleblower Protection Act.

(2) The inspections under paragraph 1 shall be procedural and shall relate to compliance by the competent authority with the requirements of the Whistleblower Protection Act.

(3) When carrying out inspections under paragraph 1, the ERC Directorate staff shall be entitled to require and obtain information, as necessary to establish additional factual circumstances relating to the relevant report from:

1. State and municipal authorities, in addition to the authorities referred to in Article 20 (1), point 2 and Article 20 (3) of the Whistleblower Protection Act;
2. legal and natural persons.

(4) In the light of the last hypothesis of Article 24, point 3 of the Whistleblower Protection Act, the authorities and persons referred to in paragraph 3 shall be required to provide the necessary information within 7 days of receipt of the request.

Article 73. (1) The inspections under Article 72 (1) shall start with planning, and the CPDP shall adopt a decision pursuant to which an order for inspection shall be prepared and issued by the CPDP's Chair, in two originals, specifying:

1. the place where the inspection is to be carried out;
2. the inspection team;
3. the main task of the inspection.

(2) For the purposes of the inspection, the designated inspection team shall review, in accordance with paragraph 1, the regulatory and non-regulatory framework applicable to the specific case (laws, regulations, rules, orders, etc.), as well as the actions taken by the relevant inspected entity, in its capacity as an authority under Article 20 (1) of the Whistleblower Protection Act, in connection with the implementation of the Whistleblower Protection Act.

Article 74. (1) The designated inspection team under Article 73 (1) shall carry out an on-site inspection by notifying the inspected entity in advance of the date and time of the inspection.

(2) The designated team under Article 73 (1) shall carry out the following during an on-site inspection:

1. the inspection team members shall legitimise themselves with their official badges;
2. the representative of the inspected entity or his or her authorised designee shall legitimise himself or herself;
3. the order of the CPDP's Chair to carry out the inspection shall be served – the original of the order is served, and the representative of the inspected entity or his or her authorised designee shall note in handwriting on the copy of the inspection team that he/she has received a copy of the inspection order and shall indicate the date, his/her full name and signature (a stamp for legal entities, if possible);
4. collecting evidence of any established fact: paper, electronic or other documents;
5. drawing up a Delivery & Acceptance protocol with certified copies of documents and evidence provided; a copy of the protocol shall be delivered to the inspected entity;
6. drawing up a protocol of findings at the time of the inspection, a copy of which shall be delivered to the inspected entity;
7. indication of the time limit to provide additional documents (if necessary).

(3) A refusal to cooperate during the inspection may occur:

1. Where the inspected entity's obligation of professional secrecy or any other obligation of secrecy arising from a law may be breached, the inspected entity may only refuse to provide, or refuse access to, information covered by secrecy;

2. If the information is found to contain classified information, the access procedure under the Classified Information Protection Act shall apply and officials having the appropriate level of access shall be involved in the inspection;

(4) Apart from the situations referred to in paragraph 3, in all cases of refusal to cooperate during the inspection, such as failure to grant the team access to the premises, documents, registers, case management systems, failure to submit evidence, documents, opinions, etc.), a protocol of non-cooperation shall be drawn up by the inspection team members and, where possible, in the presence of third party witnesses, describing the specific facts and circumstances – failure to appear, failure to allow to collect evidence, etc.

Article 75. Upon completion of the on-site inspection, the inspection team shall make:

1. analysis of the documents collected in the course of the inspection;
2. analysis of the current rules (regulatory and non-regulatory) relevant to the case at issue.

Article 76. Upon completion of the inspection and of the analysis, the inspection team shall:

1. Make a report to the CPDP, which shall be entered into the dedicated case management system of the ERC Directorate together with the documents and evidence attached in original; the report shall contain an analysis of the facts established during the inspection, the evidence collected, and a proposal for follow-up actions;

2. Make a proposal to close the inspection – in the case of an opinion that no breach has occurred. In this case, a notification letter to the inspected entity shall be prepared specifying the results of the inspection. The inspection shall be closed by sending the letter.

3. Make a proposal for follow-up actions – in the case of an opinion that a breach has been found out.

Article 77. The inspection team may take the following additional steps during the inspection:

1. for any on-site inspection, where problematic communications or difficulties in carrying out such communications exist, assistance may be requested from the Ministry of Interior authorities, either in writing or by telephone communication with the relevant head of the local structure of the Ministry of Interior, on the basis of an Assistance Agreement and at any stage of the inspection (preparation phase, on the basis of documents, and on-the-spot);
2. at least two members of the inspection team must be present when establishing facts and circumstances during an on-site inspection;
3. in the course of inspections, the CPDP's Chair may issue an order to change the composition of the inspection team by replacing members already designated or by adding new team members;
4. when carrying out CPDP's control activities, the members of inspection teams shall comply with the Ethics Code of Conduct for Public Officials.

Article 78. Where breaches are identified during the inspection and a decision taken by the CPDP to take follow-up actions, the inspected entity shall be notified accordingly and shall

be required to provide the CPDP with information on the actions taken so as to discontinue the specific breach(es) identified and avoid any future similar breach(es).

XV. COLLECTION OF STATISTICAL DATA UNDER THE WHISTLEBLOWER PROTECTION ACT AND REPORTING IT TO THE CPDP

Article 79. (1) The ERC Directorate shall accept, process and analyse the statistical data received from the obliged entities under Article 12 (1) of the Whistleblower Protection Act.

(2) In carrying out the activities under paragraph 1, the ERC Directorate shall be governed by CPDP's Methodological Guidelines No. 2 on the submission of the required statistical data under the Act on Protection of Persons Reporting or Publicly Disclosing Information on Breaches to the Commission for Personal Data Protection.

Article 80. The ERC Directorate shall accept, process and analyse the statistical data received from the competent authorities under Article 20 (1) of the Whistleblower Protection Act.

Article 81. (1) Within 1 (one) month of completion of the relevant activities under Article 79 (1) and Article 80, the ERC Directorate shall make a report to the CPDP on the results obtained.

(2) Prior to providing information to the EU – the European Commission, EU institutions, bodies, offices or agencies – the ERC Directorate shall report the relevant information to the CPDP and, upon approval by the Commission, such information shall be sent accordingly.

(3) Upon sending the information under paragraph 2, the ERC Directorate shall prepare a relevant draft notice to be uploaded on the CPDP's website, seeking CPDP's approval within ten working days.

FINAL PROVISIONS

§ 1. These Rules are adopted on the basis of Article 22 (1) in conjunction with Article 13 (2) of the Whistleblower Protection Act.

§ 2. The Rules shall be reviewed at least every three years upon analysis of the practice on their implementation, updating them where necessary.

§ 3. Any matters not covered by these Rules shall be governed by the provisions of the Whistleblower Protection Act and the applicable Bulgarian legislation.

§ 5. Any subsequent amendments or supplements shall be adopted by a decision of the CPDP.

§ 6. These Rules have been definitively adopted by a decision of the CPDP under Protocol № 19 WB of 9 July 2024, supplemented with decisions of the CPDP under Protocol № 21 WB of 23 July 2024 and Protocol № 26 WB of 17 September 2024 as well as made public on the Commission's official website.

§ 7. Annexes 1 and 2 referred to in these Rules shall be integral parts thereof.