

Regulation No. 9/ 2024

Director

of the Nencki Institute of Experimental Biology PAS

of 25 September 2024

Pursuant to Article 24 of the Act of 14 June 2024 on the protection of whistleblowers, it is ordered as follows:

§ 1

A procedure for internal whistleblowing is introduced at the Nencki Institute of Experimental Biology PAS, as Annex No. 1 to this Regulation.

§ 2

1. The Regulation shall come into force on the day of its signing.
2. Heads of organisational units of the Institute are obliged to familiarise employees with the content of the Procedure and to confirm this fact in the form of a written statement according to the template established by the Director.
3. The heads of units are required to deliver the statements referred to Section 2, to the Human Resources Unit.
4. The statement shall be included in the employee's personal file.

Director of the Institute



Prof. dr hab. Agnieszka Dobrzyń

Internal whistleblowing procedure

§ 1

GENERAL PROVISIONS

This procedure, defines the rules of functioning in the Nencki Institute of Experimental Biology PAS ('Institute') of the mechanism of reporting violations of the law and protection of persons reporting violations of the law within the meaning of the Act of 14 June 2024 Dz. U. 2024 item 928 (the 'Act')

§ 2

SCOPE OF THE PROCEDURE

1. The procedure shall apply in cases of violation of the law or unlawful omission aimed at circumventing the law concerning:

- 1) corruption;
- 2) public procurement;
- 3) financial services, products and markets;
- 4) anti-money laundering and anti-terrorist financing;
- 5) product safety and compliance;
- 6) transport safety;
- 7) environmental protection;
- 8) radiological protection and nuclear safety;
- 9) food and feed safety;
- 10) animal health and welfare;
- 11) public health;
- 12) consumer protection;
- 13) protection of privacy and personal data;

- 14) security of information and communication networks and systems;
- 15) financial interests of the State Treasury of the Republic of Poland, local government unit and the European Union;
- 16) the internal market of the European Union, including the public law principles of competition and state aid as well as corporate taxation;
- 17) constitutional freedoms and rights of a human being and a citizen - occurring in the relations of an individual with public authorities and not related to the areas indicated in points 1-16.

2. The procedure applies to:

- 1) the employee;
- 2) a temporary employee;
- 3) a person providing work on a basis other than employment relationship, including on the basis of a civil law contract;
- 8) a person performing work under the supervision and direction of a contractor, subcontractor or supplier;
- 9) a trainee;
- 10) a volunteer;
- 11) an apprentice;
- 12) a doctoral student.

3. The procedure shall also apply to the natural person referred to in Section 2 in the event of reporting or public disclosure of information on a violation of the law obtained in a work-related context prior to the establishment of the employment relationship or other legal relationship constituting the basis for the provision of work or services or the performance of functions in or for a legal entity, or the performance of service in a legal entity or already after their termination.

- hereinafter referred to as 'notifiers'.

4. The provisions of the Procedure shall not apply if:

- 1) the internal notification was not made in a work-related context and does not relate to the fields listed in the Act;
- 2) the information on violation of the law has been reported on the basis of separate provisions and is subject to recognition in accordance with the procedure specified by a separate regulation;
- 3) the information concerns situations excluded by the Act.

5. Anonymous notification is not subject to recognition under the provisions of the Procedure.

§ 3

INTERNAL REPORTING

Receiving internal notifications is the responsibility of:

- Director's Whistleblowing Officer

§ 4

METHOD OF RECEIVING NOTIFICATIONS

1. The following options for submitting notifications are provided:
 - a) Electronic notification to: sygnalista@nencki.edu.pl;
 - b) On paper, to the address of the Institute: addressed to the Director's Whistleblowing Officer, 3 Pasteura Street, 02-093 Warsaw, with the note: 'do not open – deliver in person';
 - c) At the request of the notifier by means of a face-to-face meeting organised within 7 days of receipt of the notification.

§ 5

PROTECTION OF THE NOTIFIER

1. The reporting of violations may not constitute a reason for the application of negative consequences of a repressive, discriminatory or other unfair treatment to the reporting person.
2. If the Director of the Institute becomes aware of any repressive actions taken as a result of a whistleblowing incident, the Director shall take all necessary steps to prevent reprisals and to support the whistleblower.
3. A person who applies reprisals, discrimination or other acts of unfair treatment against a whistleblower shall be liable to disciplinary action.

§ 6

PROTECTION OF THE WHISTLEBLOWER'S PERSONAL DATA

1. The data of the whistleblower and the data of the persons referred to in the whistleblowing report are protected in accordance with the Institute's internal regulations on the protection of personal data.
2. The Institute shall prevent unauthorised persons from gaining access to the information covered by the report and shall ensure the protection of the confidentiality of the identity of the person making the report and the person to whom the report relates. The protection of confidentiality applies to information from which the identity of such persons can be directly or indirectly identified.

3. Persons with written authorisation to receive and verify reports, to undertake follow-up actions and to process personal data of persons shall be obliged to maintain confidentiality.
4. The Institute shall apply technical and organisational measures to ensure that the personal data of the notifier is kept separately from the document or other information carrier containing the notification, including, where appropriate, the deletion of all personal data of the notifier from the content of the document or other information carrier immediately upon receipt.
5. If it is necessary to carry out investigations or inspections, the Director's Whistleblower Officer will issue appropriate instructions, providing the information contained in the report in such a way as to ensure the personal details of the person making the report remain anonymous.
6. The personal data and other information in the register of internal notifications shall be kept for a period of 3 years after the end of the calendar year in which the follow-up actions were completed or after the completion of the proceedings initiated by those actions.
- 7.

§ 7

RESPONSIBILITY OF THE INSTITUTE

The Institute:

1. Shall maintain a register of internal reports.
2. Is the controller of the data collected in the register.
3. Shall make an entry in the register of internal notifications on the basis of an internal notification.
4. The following data shall be collected in the register of internal notifications:
 - a. case number;
 - b. subject matter of the violation;
 - c. date of internal notification;
 - d. information on the follow-up action taken;
 - e. date of case closure.

§ 8

NATURE OF FOLLOW-UP ACTIONS TAKEN UPON RECEIPT OF A NOTIFICATION

1. In the case of each notification, the Director's Whistleblower Officer conducts an investigation, after which a decision is taken on further action.
2. Where a report concerns the Director's Whistleblower Officer, notifications should be sent to dyrekcja@nencki.edu.pl.
3. For effective follow-up and information on the follow-up action taken, the notifier may provide a correspondence address or e-mail address.
4. The Institute is obliged to confirm to the notifier the receipt of the notification within 7 days of its submission, unless the notifier has not provided an address to which the confirmation should be delivered.
5. The Institute is obliged to undertake follow-up actions with due diligence by authorised persons.
6. If the validity of a whistleblowing report is verified as unfounded and the suspicions contained therein are dismissed, the Director's Whistleblower Officer shall not further pursue the matter.
7. If the whistleblower's report is deemed to be founded, the Director's Whistleblower Officer shall immediately take further action on the case.
8. The maximum time limit for feedback to the notifier, not exceeding 3 months, is counted from the confirmation of receipt of the report or, if no confirmation is provided to the notifier (when the address is not provided), 3 months from the expiry of 7 days from the filing of the report.

§ 9

EXTERNAL NOTIFICATIONS

1. A notification may also be made to a public authority or the Ombudsman in any case without following the procedure provided for in the internal notification procedure, in particular when:
 - the employer does not undertake follow-up actions or provide feedback to the notifier within the time limit for feedback established in the internal reporting procedure, or
 - the notifier has reasonable grounds to believe that the violation of the law is likely to constitute a direct or obvious threat to the public interest, in particular a risk of irreparable harm, or
 - making an internal report will expose the notifier to retaliatory actions, or
 - if an internal report is made, there is little likelihood that the employer will be able to effectively address the violation of the law due to the particular circumstances of the case, such as the possibility of concealment or destruction of evidence or the possibility of collusion between the employer and the violator of the law or the employer's involvement in the violation of the law.
2. The Ombudsman and the public body shall develop a procedure for accepting external notifications.

3. The public body accepting notifications in the field of competition and consumer protection rules is the President of the Office of Competition and Consumer Protection.
4. The public bodies shall also be other bodies accepting external notifications of violations in the areas within their scope of action.

§ 10

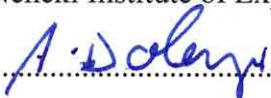
ENTRY INTO FORCE AND AMENDMENT OF THE PROCEDURE

1. The procedure enters into force 7 days after it has been made public on the Institute's website.
2. The procedure has been established after consultations and in agreement with the Company Organisation of the Polish Teachers' Trade Union at the Nencki Institute of Experimental Biology PAS.
3. Changes to the procedure require an appropriate order from the Director of the Institute.

Warsaw 25.09.2024

Director

of the Nencki Institute of Experimental Biology PAS

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/Prof. dr hab. Agnieszka Dobrzyń/