

Whistleblower Protection at the University of Hradec Králové (Whistleblowing)

Part I

Introductory provisions

Article 1

Subject matter

- 1) This Decree is issued to ensure a high level of protection for whistleblowers and other persons by establishing an effective, confidential and secure internal whistleblowing system setting out the rules for the receipt and investigation of reports of breaches at the University of Hradec Králové (hereinafter the UHK) specified in this Decree and the subsequent effective protection of whistleblowers.
- 2) In particular, this Decree regulates:
 - a) The competence, status, powers and duties of the person designated at the UHK to receive and handle reports of possible breaches¹ (hereinafter referred to as the Competent Person);
 - b) The rights and obligations of the person against whom the report of a possible breach (hereinafter the Report) is directed (hereinafter the Person Concerned);
 - c) The submission of and assessment procedure for Reports of possible breaches;
 - d) The conditions for the provision of protection to the natural person who has reported the possible breach.

¹ The reporting of possible breaches is regulated by [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](#); Act No. 171/2023 Sb., on whistleblower protection.

Article 2

Material scope

- 1) This Decree relates to a breach which has occurred or is about to occur and which:
 - a) Has the constitutive elements of a criminal offence;
 - b) Has the constitutive elements of an administrative infraction for which the law sets a fine of at least CZK 100,000;
 - c) Breaches Act No. 171/2023 Sb., on whistleblower protection (hereinafter the Act); or
 - d) Breaches another legal regulation or a regulation of the European Union in the field of
 - Financial services, statutory audit and other verification services, financial products and financial markets;
 - Corporate income tax;
 - Prevention of money laundering and terrorist financing;
 - Consumer protection;
 - Compliance with product requirements, including product safety;
 - Transport, traffic and road safety;
 - Environmental protection;
 - Food and feed safety, animal health and protection;
 - Radiation protection and nuclear safety;
 - Competition, public auctions and public procurement;
 - Protection of internal order and security, life and health;
 - Protection of personal data, privacy and security of electronic communication networks and information systems;
 - Protection of the European Union's financial interests², or
 - Functioning of the internal market³, including the protection of competition and state aid under the European Union law.

² Article 325 of the Treaty on the Functioning of the European Union

³ Article 26(2) of the Treaty on the Functioning of the European Union

Article 3

Personal competence

- 1) A whistleblower is a natural person who has made a Report of a possible breach which has occurred or is about to occur at the UHK and which falls within the material scope of Article 2 hereof, and who falls within the circle of persons defined in Article 3(2) hereof, or a person pursuant to Section 4(2) of the Act.
- 2) A whistleblower is (if he/she fulfils also the criteria set out in paragraph 1 above):
 - a) An employee of the UHK or a former employee of the UHK;
 - b) A person who works or worked for the UHK on the basis of an agreement to complete a job or an agreement to perform work;
 - c) A person who is or was a member of any of the UHK bodies, advisory bodies and working committees;
 - d) A person who undergoes or underwent professional practice, traineeship or volunteering at the UHK.
- 3) A whistleblower within the meaning of paragraph 2 shall also include an applicant for employment or for other activities referred to in points (b) to (d).
- 4) The provisions of paragraphs 1 to 3 shall also apply to cases where the breach is committed by a person with whom the whistleblower was or is in contact in connection with the performance of the work or activity referred to in paragraph 2(c) and (d).

Article 4

Status of the Competent Person

- 1) Only a natural person who is of good character and legal age and who is fully legally capable may be the Competent Person. The integrity of the Competent Person and its proof is regulated by Section 10 of the Act.
- 2) The Rector of the UHK may designate up to 2 Competent Persons. The whistleblower may choose which Competent Person is to handle the Report; this does not apply in the absence of one of the Competent Persons, of which the whistleblower will be informed.
- 3) The designation of these persons may be withdrawn by the Rector of the UHK. The Competent Person may request the withdrawal of the designation.

- 4) The Competent Person shall exercise his/her activities in person and shall act impartially in the exercise of his/her activities.
- 5) The Competent Person is bound by confidentiality with regard to the performance of his/her tasks under Section 11 of the Act, and cannot breach this obligation even in the case of a request under the Freedom of Information Act⁴.
- 6) The UHK Competent Persons may share information about the report and the whistleblower among themselves; however, this does not apply if the whistleblower disagrees with this procedure.
- 7) The confidentiality duty of the Competent Person shall continue even after the withdrawal of his/her designation.
- 8) The Competent Person may not be sanctioned for the proper exercise of an activity under this Decree.

Article 5

Information on the possibility of reporting

- 1) Informing on the possibility of reporting is a part of the Internal Reporting System (hereinafter referred to as the IRS). The UHK is obliged, with the cooperation of the Competent Person, to publish at least the following information on the UHK website on the possibility of reporting a possible breach:
 - a) Information on the possibility of reporting through the IRS and the Ministry of Justice of the Czech Republic;
 - b) Identification of the Competent Person, including contacts;
 - c) Information that the UHK excludes the acceptance of Reports from a person who does not perform work or other similar activity for the UHK as referred to in Section 2(3)(a), (e), (h) or (i) of the Act;
 - d) Reference to this Decree, the Act and Directive (EU) 2019/1937.

⁴ Act No. 106/1999 Sb., on free access to information, as amended.

Article 6

IRS requirements

- 1) In order to receive and investigate whistleblowing and to protect the whistleblower, an IRS is in place at the UHK.
- 2) The IRS is a set of rules for receiving and investigating Reports, communicating with the whistleblower, ensuring the protection of the whistleblower's identity, and keeping records of Reports and how they are investigated. The IRS shall be designed, implemented and operated in a secure manner that ensures the protection of the confidentiality of the identity of the whistleblower and any third parties mentioned in the Report and prevents access by unauthorised persons.

Part II

Reports receiving and handling

Article 7

Reports receiving

- 1) A Report that meets the requirements set out in more detail on the [UHK website](#) can be submitted within the IRS:
 - a) Electronically via the online report system [Don't Let It Go](#);
 - b) In writing to:

University of Hradec Králové

Whistleblowing – do not open (*or you can give the name of the Competent Person*)

Rokitanského 62, 500 03 Hradec Králové;
 - c) Orally by telephone at the number published on the UHK website;
 - d) In person upon agreement with the Competent Person.
- 2) In case of oral submissions, the law requires that an audio record be made of the Report or a written record be made that faithfully captures the substance of the oral Report. The Competent Person shall give the whistleblower an opportunity to comment on the record or transcript of the audio record, if any; the comments shall be attached to the record or transcript.
- 3) In case of a face-to-face meeting, the Competent Person shall draw up a record of the Report receipt and its contents with the whistleblower.

- 4) The Competent Person shall notify the whistleblower in writing of the Report receipt within 7 days from the date of its receipt.
- 5) The Competent Person shall not be under the obligation set out in paragraph 4 if:
 - a) The whistleblower has expressly requested the Competent Person not to notify him/her of the Report receipt; or
 - b) It is clear that the notification of the Report receipt would reveal the identity of the whistleblower to another person; or
 - c) The whistleblower submits the Report orally.

Article 8

Report handling

- 1) The Competent Person shall assess the reasonableness of the Report without undue delay and shall inform the whistleblower of the outcome of the assessment within 30 days of the Report receipt.
- 2) In cases of factual or legal complexity, the time limit referred to in paragraph 1 may be extended by up to 30 days, but not more than twice. The Competent Person shall inform the whistleblower in writing of the extension of the time limit and the reasons for it before the expiry of the time limit, unless the reason for not notifying of the Report receipt pursuant to Article 7(5) hereof prevents this.
- 3) If the Competent Person finds, when assessing the reasonableness of the Report, that it is not a report under the Act, he/she shall inform the whistleblower thereof in writing without undue delay.
- 4) If the Report is found to be reasonable, the Competent Person shall propose to the UHK measures to prevent or remedy the breach. If the whistleblower is not carrying out work or other similar activity for the UHK, the Competent Person shall propose remedial measures to the person for whom the whistleblower is carrying out work or other similar activity, unless the nature of the matter precludes it. If the UHK does not accept the measures proposed by the Competent Person, it shall take other appropriate measures to prevent or remedy the breach.
- 5) The UHK shall immediately inform the Competent Person of the measure taken. The Competent Person shall then inform the whistleblower of the measure in writing without undue delay. The first sentence shall not apply if the reason for not notifying of the Report receipt pursuant to Article 7(5) hereof Decree prevents this.

- 6) If the Report is not found to be reasonable, the Competent Person shall inform the whistleblower in writing without undue delay that, on the basis of the facts stated in the Report and the circumstances known to the Competent Person, the Competent Person did not find any suspect commitment of a breach, or that the Report is based on false information, and shall inform the whistleblower of the right to file the Report with a public authority or, where appropriate, with an advisory body of the UHK.

Article 9

Personal data processing

- 1) The processing of personal data in connection with the Report is not subject to the obligation to assess the impact of the processing on the personal data protection.
- 2) Personal data is processed (in relation to the Report) on the basis of Article 6(1)(c) of the General Data Protection Regulation⁵ (hereinafter referred to as the GDPR).
- 3) Special categories of personal data pursuant to Article 9(1) GDPR may be processed in relation to the Report on the basis of Article 9(2)(e), (f) or (g) GDPR.
- 4) The information obligation under Articles 13 and 14 of the GDPR must be fulfilled while maintaining confidentiality under this internal regulation.
- 5) The exercise of the right of access to personal data pursuant to Article 15 GDPR may only be granted to the data subject in accordance with Article 23 GDPR provided that the confidentiality of the identity of the whistleblower and other persons named in the Report is preserved.
- 6) A request for access to personal data relating to a Report shall be forwarded by the person in charge of the personal data protection agenda to the Competent Person for processing.
- 7) If the Competent Person finds that no data is held in connection with the Report, or that an exemption from the obligation to provide such information applies, he/she shall defer the request by that very fact.
- 8) The obligation to notify a personal data breach to the data subject while maintaining confidentiality under this Decree shall also apply to the Competent Person.

⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

- 9) Personal data that is manifestly irrelevant to the processing of the Report shall not be collected and, if obtained by accident, shall be deleted without undue delay.

Article 10

Recording and retention of Reports

- 1) The Competent Person is obliged to keep an electronic record of the following data on the Reports received:
 - a) The date of the Report receipt;
 - b) The name, surname, date of birth and contact address of the whistleblower, or other information from which the identity of the whistleblower can be inferred, if known;
 - c) The summary of the content of the Report and identification of the Person Concerned, if known,
 - d) The date of completion of the assessment of the reasonableness of the Report by the Competent Person and the outcome thereof;
 - e) The preventive or corrective measures proposed and taken.
- 2) The Competent Person shall keep the Report submitted through the Internal Report System and the documents related to the Report for 5 years from the date of the Report receipt.
- 3) The Competent Person only shall have access to the register referred to in paragraph 1 and to the documents relating to the Report and to the Reports kept pursuant to paragraph 2.
- 4) The Competent Person shall report to the Rector by 1 March of the following calendar year on his/her activities in the previous calendar year. If such procedure does not result in a breach of confidentiality under this Decree, he/she shall state at least:
 - a) The total number of Reports;
 - b) The number of Reports found to be reasonable;
 - c) The number of Reports found to be not reasonable.

Part III
**Protection from retaliation; confidentiality maintaining
and obligations of other persons**

Article 11

Prohibition of retaliation

- 1) A retaliatory measure is an act or omission in connection with the whistleblower's work or other similar activity that was triggered by the Report submitting and that may cause harm to the whistleblower, a person referred to in Section 4(2) of the Act.
- 2) Any form of retaliation, including threats of retaliation and attempts to retaliate, is prohibited.
- 3) Retaliation includes:
 - a) Termination of employment or non-renewal of a fixed-term employment contract;
 - b) Termination of an agreement to complete a job or an agreement to perform work;
 - c) Removal from the post of senior staff member;
 - d) Reduction in pay or non-award of remuneration or reduction or non-award of personal allowance;
 - e) Transfer or reassignment;
 - f) Negative evaluation of the employee in his/her performance assessment;
 - g) Not allowing professional development;
 - h) Change of working hours;
 - i) Requiring a medical report or occupational health examination without reference to the relevant regulations;
 - j) Notice of termination or withdrawal from the contract, or
 - k) Interference with the right relating personality.
- 4) Protection from retaliation is not available to a person who made a Report without having reasonable grounds to believe that it was based on truthful information.

Article 12

Obligations of other persons

- 1) Students, employees and members of the UHK bodies, advisory bodies, and working committees are obliged to provide the Competent Person with assistance in assessing the validity of the Report, to provide the Competent Person with documents or copies of relevant documents and other documents necessary for the assessment of the Report, or to provide explanations upon request.
- 2) The Person Concerned shall enable the Competent Person to exercise his/her powers and, if necessary, provide him/her with the assistance referred to in paragraph 1.
- 3) Such persons shall be obliged to maintain the confidentiality of the provision of assistance within the meaning of paragraph 1.

Part IV

Final provisions

Article 13

- 1) This Decree shall enter into force and effect on the date of signature.

In Hradec Králové on 3 April 2024

Prof. Ing. Kamil Kuča, Ph.D.