



# Rulebook on the whistleblowing and internal breach investigation process at Banka Slovenije (August 2023)

*This document contains an unofficial and courtesy English translation of Rulebook on the whistleblowing and internal breach investigation process at Banka Slovenije. In the event of any ambiguity about the meaning of certain translated terms or of any discrepancy between the Slovenian version of the act and the translation, the Slovenian version shall apply.*

# BANKA SLOVENIJE

EVROSISTEM

## Rulebook on the whistleblowing and internal breach investigation process at Banka Slovenije (August 2023)

### Contents

1	General.....	3
2	Internal whistleblowing report process.....	5
3	Commission for investigation of internal breaches.....	11
4	Investigation process.....	12
5	Reporting to Banka Slovenije Audit committee and Governing Board of Banka Slovenije .....	17
6	Informing of employees.....	17
7.	Retention of data.....	18
8.	Transitional and final provisions .....	18

# BANKA SLOVENIJE

EVROSISTEM

Pursuant to the first paragraph of Article 40 of the Bank of Slovenia Act (Official Gazette of the Republic of Slovenia, Nos. 72/06 [official consolidated version] and 59/11) in connection with the fourteenth paragraph of Article 9 of the Protection of Whistleblowers Act (Official Gazette of the Republic of Slovenia, No. 16/23; hereinafter: the ZZPri), the Governor of Banka Slovenije hereby issues the following

## **Rulebook on the whistleblowing and internal breach investigation process at Banka Slovenije (August 2023)**

### **1 General**

#### Article 1 (contents of rulebook)

This rulebook sets out:

- the process for submitting reports of internal breaches (whistleblowing reports) that may be submitted by whistleblowers,
- the process for internally investigating breaches that is conducted at Banka Slovenije, and the composition and functioning of the Commission for investigation of internal breaches (hereinafter: the Commission), and
- the management of records of whistleblowing reports received, and reporting on whistleblowing reports received and on internal breach investigation processes.

#### Article 2 (purpose and objective)

The purpose of this rulebook is for all internal breaches to be addressed in standardised fashion under the process set out in this rulebook, thereby ensuring:

- the impartial, professional and timely addressing of internal breaches,
- a comprehensive and transparent system of rules with regard to the protection of internal whistleblowers against retaliatory measures,
- comprehensive arrangements for powers of investigation in internal processes, having regard for the limitations in connection with protecting the privacy of employees, and
- central management of records on whistleblowing reports received.

The objective of the standardised process is to strengthen Banka Slovenije's integrity and to prevent undesirable conduct in the performance of work tasks, thereby ensuring that there is an effective system for whistleblowing and investigating internal breaches, and for drawing up proposals for subsequent measures in the event of breaches being identified.

The persons who in accordance with this rulebook address whistleblowing reports and conduct internal investigations shall act diligently, confidentially and independently in so doing, and shall not be bound by any instructions.

# BANKA SLOVENIJE

EVROSISTEM

## Article 3 (definition of terms)

The terms used in this rulebook shall have the following meanings:

- a) an “internal breach” means an act or omission on the part of an employee or another person working at or on behalf of Banka Slovenije (including attempts to conceal such acts or omissions) that is in contravention of:
  - the applicable regulations governing the functioning of Banka Slovenije and, in this connection, the conduct of employees and other persons in performing their tasks for Banka Slovenije,
  - Banka Slovenije bylaws, including the prohibition on workplace mobbing,
  - contractual commitments applying to Banka Slovenije, when the individual is involved in Banka Slovenije’s activities to perform the contract, or
  - the Code of Ethics of Banka Slovenije, and principles of professional ethics and integrity binding on Banka Slovenije and its employees in the performance of professional tasks;
- b) “employment or similar relationship” means a relationship between the individual and Banka Slovenije on the basis of an employment contract, a contract for work, a contract for agency work, a contract for services or any other similar contract based on which the individual performs work for Banka Slovenije (internship, student work, work under supervision and management of external contractors, subcontractors or suppliers) or as a candidate for the conclusion of a contract of this kind with Banka Slovenije, irrespective of payment;
- c) the “work environment” is the individual’s current or past employment or similar relationship at Banka Slovenije within the framework of which the individual obtains information about an internal breach, and within the framework of which the individual could suffer retaliatory measures should they report the internal breach;
- d) a “retaliatory measure” is any direct or indirect act or omission in the work environment in response to internal or external whistleblowing or any public disclosure made by the whistleblower in connection with an internal breach that causes or might cause the whistleblower unjustifiable harm;
- e) the “whistleblower” is the person who submitted the whistleblowing report on an internal breach, or publicly disclosed the information about the internal breach, and is:
  - the individual who learned of the information about the internal breach in their work environment at Banka Slovenije (internal whistleblower), or
  - another person who has information about the internal breach (other whistleblower);
- f) the “alleged perpetrator” is the person with whom the whistleblowing report is concerned, and means the person who is named in the whistleblowing report as having committed the internal breach, or a person associated therewith;

# BANKA SLOVENIJE

EVROSISTEM

- g) the “perpetrator” is the person who is identified in the internal investigation process as having committed the internal breach;
- h) an “independent expert” is a person who has the expertise required in an investigation and who has no connection with the internal breach;
- i) “confidant” has the same meaning as in the ZZPri, and is the person defined in Article 4 of this rulebook.

## Article 4 (confidants)

Confidants are:

- the director of the Internal Audit Department,
- the deputy-director of the Internal Audit Department,
- any other person designated as such for individual cases by the Governor when the director or deputy-director of the Internal Audit Department are unable to perform the tasks of a confidant in accordance with this rulebook.

The director of the Internal Audit Department shall perform the following tasks of a confidant in accordance with this rulebook:

- receiving and conducting a preliminary examination of whistleblowing reports,
- communicating with the whistleblower and providing support for an internal whistleblower in connection with protection against retaliatory measures,
- reporting on whistleblowing reports received in accordance with this rulebook and the ZZPri.

The director of the Internal Audit Department may transfer the performance of the tasks of a confidant referred to in the previous paragraph to another confidant. In the event of their absence, or if the confidant’s tasks in an individual case cannot be performed on other reasonable grounds, the confidant’s tasks shall be performed by the deputy-director of the Internal Audit Department.

In the event of a whistleblowing report against the director of the Internal Audit Department, their tasks in accordance with this rulebook shall be performed by the director of the Governor’s Office and Communications Department.

## 2 Internal whistleblowing report process

### Article 5 (internal whistleblowing report)

A report of an internal breach (internal whistleblowing report) may be submitted to Banka Slovenije by a whistleblower who has reason to believe that certain acts or omissions at Banka Slovenije constitute an internal breach in the sense of Article 3 of this rulebook.

# BANKA SLOVENIJE

EVROSISTEM

The whistleblower shall address the internal whistleblowing report to the director of the Internal Audit Department. If the whistleblowing report cites the director of the Internal Audit Department as an alleged perpetrator, the whistleblower shall address it to the director of the Governor's Office and Communications Department.

The whistleblower may submit the whistleblowing report in written form, as follows:

- by ordinary post to Banka Slovenije's address, with the inscription "za direktorja oddelka Notranja revizija – OSEBNO" (FAO: director of the Internal Audit Department (IN PERSON)) or, if the whistleblowing report relates to the former, with the inscription "za direktorja oddelka Kabinet guvernerja in komuniciranje – OSEBNO" (FAO: director of the Governor's Office and Communications Department (IN PERSON)),
- by email to [interna.krsitev@bsi.si](mailto:interna.krsitev@bsi.si), or
- via the online form for internal whistleblowing at Banka Slovenije, which is available on the Banka Slovenije website.

An internal whistleblower may also submit a whistleblowing report in person to the confidant. The confidant shall compile an official record of a whistleblowing report submitted orally, which shall also be signed by the internal whistleblower. Should the internal whistleblower not wish to sign the official record, the confidant shall state the grounds for so doing at the end of the official record.

An internal whistleblower may also submit an internal whistleblowing report orally or in writing to their superior, who with their agreement shall forward a written whistleblowing report to the director of the Internal Audit Department.

## Article 6 (content of whistleblowing report)

In the whistleblowing report the whistleblower shall describe the specific conduct and circumstances that in their opinion constitute an internal breach or provide the basis for suspecting that an internal breach has been committed, citing the reasonable grounds (evidence) for suspecting that the alleged breach has been or is highly likely to be committed at Banka Slovenije, including any attempt to conceal an internal breach of this kind. Statements and criticisms of a generic nature, without a description of the specific conduct and the circumstances in which the alleged internal breach (by act or omission) was committed, shall not be deemed sufficient arguments to substantiate an internal whistleblowing report (a clearly unsubstantiated report).

The whistleblower shall attach to the whistleblowing report any evidence that they have at their disposal, or shall state where evidence may be obtained or the identity of any witnesses who can confirm that an internal breach took place.

The whistleblower may cite their contact information (email, phone number, or other) in the whistleblowing report, which may be used exclusively for the purposes of feedback on the status of the whistleblowing report and subsequent communications with the whistleblower in the investigation process; use for any other purposes shall be solely on the basis of the whistleblower's explicit consent, or if so stipulated by this rulebook or by law.

## Article 7

# BANKA SLOVENIJE

EVROSISTEM

(anonymous report)

Whistleblowers may submit a whistleblowing report anonymously.

When an internal whistleblower cites information for receiving feedback in an anonymous internal whistleblowing report, the confidant may use this information exclusively for the purposes of informing the internal whistleblower of the receipt of the whistleblowing report, any grounds for not progressing the whistleblowing report, and the completion and status of the process.

No-one at Banka Slovenije may establish the identity of an anonymous internal whistleblower.

## Article 8

(protection of internal whistleblower)

Internal whistleblowers shall be entitled to protection in accordance with the ZZPri when the whistleblowing report meets the conditions under the ZZPri, as follows:

- the internal whistleblower had reason to believe that the information about breaches reported was true at the time of submission,
- the whistleblowing report was submitted in accordance with Article 5 of this rulebook,
- it relates to information about a breach of regulations applicable in Slovenia, which the internal whistleblower obtained in their work environment,
- it was submitted by the whistleblower within two years of the breach having been committed or coming to an end.

The fulfilment of the conditions referred to in the previous paragraph shall be reviewed by the confidant within the framework of the preliminary examination in accordance with Article 12 of this rulebook. Should the whistleblowing report fail to meet the conditions for protection under the ZZPri, the confidant shall inform the internal whistleblower accordingly.

## Article 9

(protection of information about whistleblower)

Access to information about the internal whistleblower's identity shall be granted solely to persons who perform the confidant's tasks in accordance with this rulebook within the framework of the preliminary examination or the processing of the whistleblowing report within the framework of the Commission. The internal whistleblower's identity may be disclosed to other persons only on the basis of the whistleblower's explicit consent, or in cases and under the conditions set out by the ZZPri.

A confidant who learns of the internal whistleblower's identity in connection with an internal whistleblowing report shall safeguard the information about their identity as strictly confidential. No-one at Banka Slovenije may establish the identity of an internal whistleblower.

Access to information about the identity of another whistleblower shall be granted solely to persons who perform the confidant's tasks in accordance with this rulebook. All persons who in connection with the addressing of the whistleblowing report and the investigation process learn of the identity of another whistleblower shall treat information about the whistleblower's identity as strictly confidential.

# BANKA SLOVENIJE

EVROSISTEM

The identity of another whistleblower may be disclosed to other authorised persons at Banka Slovenije after the completion of the investigation, when this is essential for labour law proceedings or related judicial proceedings to be conducted, for the exercise of the whistleblower's rights in judicial and other proceedings.

## Article 10

(prohibition of retaliatory measures against internal whistleblower)

Any retaliatory measure, discrimination or other form of inappropriate treatment of an internal whistleblower is prohibited, and shall constitute a serious breach of work obligations.

The following in particular shall constitute retaliatory measures:

1. termination of employment;
2. suspension of the employment contract;
3. reassignment to a more junior position, and blocking or delaying of promotion;
4. removal of work tasks, change in workplace locations, change in work hours, reduction in work duties, withholding or reduction of pay and other bonuses, non-payment of bonuses and termination benefits;
5. blocking or delaying of professional training and skills development;
6. low on-the-job performance assessments, low annual review scores, or negative job references;
7. initiation of disciplinary proceedings, and imposition of disciplinary measures or sanctions;
8. mobbing, coercion, intimidation, harassment or exclusion, and insufficient protection of dignity against such conduct by other persons;
9. discrimination, and inferior or unfair treatment;
10. refusal to enter into a temporary employment contract when the conditions stipulated by law for entering into a temporary employment contract have been met;
11. termination of the temporary employment contract before the expiry date, or while the grounds for entering into the contract are still in place;
12. other arbitrary actions on the part of the employer, including conduct that causes harm, including to reputation, particularly on social media, or financial loss, including loss of business and loss of income;
13. early cancellation or termination of a contract for the supply of goods or services, or any other termination of business cooperation;
14. revocation or temporary or permanent withdrawal of a licence or authorisation;
15. arbitrary ordering of health check-ups or examinations to determine fitness for work;
16. blacklisting on the basis of a formal or informal agreement in the sector or industry, which results in the whistleblower's inability to find new employment in the sector or industry;
17. initiation of malicious proceedings against the whistleblower.

Threats of and attempts at retaliatory measures shall also constitute retaliatory measures.

The following shall also be entitled to protection against retaliatory measures:

- internal whistleblowers who submitted an anonymous whistleblowing report, if their identity is subsequently disclosed,



# BANKA SLOVENIJE

EVROSISTEM

- any intermediary who assisted the internal whistleblower in drawing up the whistleblowing report, and
- related parties who might suffer harm from retaliatory measures on account of their links to the internal whistleblower.

## Article 11 (records of whistleblowing reports)

The confidant shall enter the whistleblowing report in the record of whistleblowing reports. The following information about an individual whistleblowing report shall be kept in the record:

- the case number (case file number),
- the date of receipt,
- information as to whether it involves an internal whistleblower,
- the area of the internal breach and a brief description of the allegations in the whistleblowing report,
- information about the whistleblower,
- information about the intermediary and related parties,
- information about the alleged breach,
- information about persons who can assist in the investigation of the internal breach,
- an inventory of the material attached to the whistleblowing reports and obtained in the investigation,
- the date of the notice of receipt of the whistleblowing report,
- the date of completion of processing,
- feedback for the whistleblower in accordance with Article 24 of this rulebook,
- the measures proposed upon completion of the process,
- the date of the closing report.

Information about whistleblowing reports that were received but for which it was determined in the preliminary examination process that progressing was unjustified shall also be kept in the records.

Personal data shall be retained in the records for five years after the end of the process.

## Article 12 (preliminary examination)

Once a whistleblowing report has been received, the confidant shall assess whether it is eligible for progressing, and whether it meets the conditions under which the internal whistleblower is entitled to protection under the ZZPri.

The whistleblowing report shall be deemed ineligible for progressing if:

- it is clearly unsubstantiated (no basis for suspecting a breach on the part of an employee is demonstrated in the whistleblowing report), or the information about the breach is clearly untrue,
- the whistleblowing report cites a breach that came to an end more than 24 months earlier,
- progressing would make no sense, because the breach had no consequences, no longer has any consequences, or the consequences were insignificant;

# BANKA SLOVENIJE

EVROSISTEM

- the alleged breach has already been addressed within the framework of official proceedings at Banka Slovenije or another competent authority, and the whistleblowing report gives rise to no new facts or circumstances.

When the whistleblowing report relates to a breach that was committed more than 24 months earlier, notwithstanding the second indent of the second paragraph of this article the confidant may decide to nevertheless progress the whistleblowing report, if they assess that this would be justified with regard to the nature of the breach and the possibility of remedial measures.

The confidant shall inform the Governor of the receipt of the whistleblowing report and the assessment of whether it is eligible for progressing; the Governor may decide to progress the whistleblowing report irrespective of the previous paragraphs.

Within seven days of receiving the whistleblowing report the confidant shall issue the internal whistleblower with confirmation of receipt, and shall inform them of any grounds for not progressing the whistleblowing report.

Should the internal whistleblowing report prove to be ineligible, the confidant shall issue a resolution to halt the process. The resolution halting the process shall give details of the grounds for halting the process.

## Article 13

(addressing of whistleblowing report)

A whistleblowing report that is eligible for progressing shall be addressed by the Commission, which conducts an internal investigation.

If the whistleblowing report relates to a Banka Slovenije decision that might be the subject of administrative, judicial, or other special proceedings in accordance with regulations, the Commission's actions shall be limited such that it does not assess the content and correctness of the Banka Slovenije decision and procedures. The Commission shall inform the competent persons at Banka Slovenije who, if the relevant (lawful) conditions for so doing are in place, can lawfully have involvement in proceedings and decisions inside Banka Slovenije of a whistleblowing report of this kind and any other findings (having regard for the limitations referred to in the previous sentence).

A whistleblowing report in connection with which the Commission assesses that Banka Slovenije is unable within the bounds of the lawful possibilities to effectively address the alleged breaches such that the breaches or the consequences of the breaches could be rectified on the basis of an investigation and findings in accordance with this rulebook, or (similar) future breaches could be prevented, shall be refused by the Commission.

The Commission shall inform the Governor of the receipt of a whistleblowing report and the circumstances referred to in the second or third paragraph of this article; the Governor may order further measures in connection with the addressing of the whistleblowing report.

In cases referred to in the second or third paragraph of this article, the confidant shall inform an internal whistleblower who meets the conditions for protection under the ZZPri of the limited scope or refusal of the addressing of the internal whistleblowing report and of any other

# BANKA SLOVENIJE

EVROSISTEM

possibilities with regard to external whistleblowing or the pursuit of legal means before the competent authorities in appropriate proceedings.

## 3 Commission for investigation of internal breaches

### Article 14

(composition and tasks of Commission)

The two members of the Commission are the director of the Internal Audit Department and the deputy-director of the Internal Audit Department.

The Commission shall be chaired by the director of the Internal Audit Department. In the absence of the director of the Internal Audit Department, or if there are other substantiated grounds for the director of the Internal Audit Department being unable to perform the Commission's tasks in a particular case, the Commission shall be chaired by the deputy-director of the Internal Audit Department, the Governor designating the other member of the Commission.

In the absence of the deputy-director of the Internal Audit Department, or if there are other substantiated grounds for the deputy-director of the Internal Audit Department being unable to perform the Commission's tasks in a particular case, the Governor shall designate the other member of the Commission.

In the event of a whistleblowing report against the director of the Internal Audit Department, the composition of the Commission shall be designated by the Governor after being informed of the nature of the whistleblowing report.

The tasks and powers of the Commission include:

- conducting investigations in accordance with this rulebook,
- drawing up reports on the addressing of internal whistleblowing reports, including proposals for further measures to rectify the internal breaches.

### Article 15

(management of conflicts of interest)

At all times during a procedure, members of the Commission shall be attentive to a potential conflict of interest, and shall immediately inform the compliance officer of the occurrence of any circumstances that could entail a conflict of interest in connection with the investigation; the compliance officer shall issue an opinion on the existence of a conflict of interest.

The Commission shall study the opinion, and shall act in accordance with Article 4 of this rulebook in the event of a conflict of interest being identified.

### Article 16

# BANKA SLOVENIJE

EVROSISTEM

(decision-making by Commission)

The Commission shall make decisions at sessions and via resolutions. The Commission may also sit in correspondence sessions.

The Commission shall compile minutes of its sessions. The minutes of the Commission are confidential.

The minutes shall include:

- the date of the session,
- an indication of the members of the Commission for the case in question,
- details of the establishment of quoracy,
- details of the discussion in connection with an individual resolution, when so requested by a Commission member,
- details of the resolutions passed by the Commission.

The Commission shall decide on the following via a resolution:

- the taking of individual investigatory actions, or the immediate preparation of a report on the addressing of the internal whistleblowing report,
- the securing of evidence.

## 4 Investigation process

### Article 17

(notification of alleged perpetrator of initiation of investigation)

The Commission shall notify the alleged perpetrator of the receipt of the whistleblowing report and the initiation of an investigation. The Commission shall inform the alleged perpetrator of the internal breach of which they are accused, and the basis for suspecting that an internal breach has been committed. The Commission shall also forward an anonymised version of the whistleblowing report at the alleged perpetrator's request.

Should a member of the Governing Board of Banka Slovenije be cited as the alleged perpetrator, the Commission shall inform the other members of the Governing Board of the receipt of the whistleblowing report and the initiation of an investigation.

Exceptionally the Commission shall not inform the alleged perpetrator or the members of the Governing Board of Banka Slovenije of the receipt of the whistleblowing report and the initiation of an investigation, if it assesses that this is necessary for a successful investigation, and in particular for the securing of evidence. The Commission shall inform the alleged perpetrator or the members of the Governing Board of Banka Slovenije in accordance with the first and second paragraphs of this article as soon as measures to secure evidence have been taken.

### Article 18

(approach to investigation)

# BANKA SLOVENIJE

EVROSISTEM

The Commission shall prioritise the addressing of whistleblowing reports that could have a material impact on the functioning of Banka Slovenije.

The Commission may decide:

- to take specific investigatory actions with the aim of testing whether the internal whistleblowing report is substantiated, and on the basis of the findings of the investigation to compile a report on the addressing of the internal whistleblowing report with a proposal of measures, or
- to not take further investigatory actions, to compile a report on the addressing of the internal whistleblowing report, and to propose appropriate measures if from the whistleblowing report and the submitted evidence alone there is sufficient certainty that an internal breach has been committed by an employee.

For the purposes of the investigation, the Commission may seek assistance from internal experts (employees of Banka Slovenije). The Commission may also seek assistance from external experts, subject to the Governor's approval.

Internal experts are obliged to provide the necessary assistance to the Commission. The Commission shall address its request for assistance to the expert in question, and to their immediate superior.

The Commission shall not assess whether decisions made by an employee or a competent authority within the bounds of their professional judgment or discretion on the basis of powers in accordance with regulations were correct.

## Article 19 (course of investigation)

The Commission shall ensure that the investigation process establishes the facts in connection with the breach, and that the investigation process is conducted in the shortest possible time.

When conducting an investigation, the Commission shall be mindful of the deadlines for conducting disciplinary proceedings,<sup>1</sup> and procedures for ordinary<sup>2</sup> or extraordinary<sup>3</sup> termination of employment.

In the event of an internal whistleblowing report entailing workplace mobbing, the investigation shall be concluded and the measures to rectify the consequences of mobbing in accordance with the Human Resources Rulebook shall be proposed such that the measures to rectify the breaches are carried out within eight days of the whistleblowing report being received.

<sup>1</sup> The employer must decide on the employee's disciplinary liability no later than one month after the day that it learned of the breach, or no later than three months after the day that the breach was committed.

<sup>2</sup> In the event of termination for cause, the employer must serve notice of ordinary termination of employment within 60 days of identifying the substantiated grounds, and within six months of substantiated grounds arising. If cause on the worker's part bears all the hallmarks of a criminal offence, the employer may terminate the employment contract within 60 days of identifying the substantiated cause for ordinary termination, or at any point during the period when criminal prosecution is possible.

<sup>3</sup> A contracting party must submit notice of extraordinary termination of an employment contract within 30 days of identifying the grounds for extraordinary termination, and within six months of the grounds arising. If the cause on the worker's or employer's part bears all the hallmarks of a criminal offence, a contracting party may terminate the employment contract within 30 days of identifying the grounds for extraordinary termination, or at any point during the period when criminal prosecution is possible.

# BANKA SLOVENIJE

EVROSISTEM

## Article 20 (investigatory actions)

The Commission may take the following investigatory actions to establish the facts:

- obtaining statements from the alleged perpetrator and other persons who possess information in connection with the alleged internal breaches,
- reviewing Banka Slovenije documentation in connection with the alleged internal breaches,
- inspecting Banka Slovenije business premises, where drawers and storage where the employee's personal belongings may be located may not be inspected without the employee's prior consent,
- reviewing recordings from security cameras in Banka Slovenije premises,
- reviewing traffic data in connection with the use of work email or other Banka Slovenije software and hardware, where the content of documents and messages may not be reviewed for the purposes of the investigation without the employee's prior consent,
- reviewing traffic data in the use of work mobile phones and landlines,
- listening to audio recordings of meetings and sessions of Banka Slovenije bodies and organs, when such recordings exist, and audio recordings of phone conversations recorded on selected work phone numbers,
- using a licensed private investigation service in connection with the performance of obligations and requirements related to employment.

After conducting the investigation, the Commission shall inform the alleged perpetrator of the alleged internal breaches, and shall allow them to make a statement on the allegations. The statement is an attachment to the report referred to in Article 23 of this rulebook. When there are substantiated grounds for an inability to obtain the statement from the alleged perpetrator by a reasonable deadline, the Commission shall cite these grounds in the report referred to in Article 23 of this rulebook.

The investigatory actions referred to in the previous paragraph shall be taken in accordance with the regulations on personal data protection, in particular the Rulebook on protection of personal data at Banka Slovenije.

A separate record shall be kept of the interviews and other key investigatory actions carried out in an investigation; it shall provide a summary of the investigatory actions taken (record of investigatory actions). The record shall be signed by the Commission members and by others in attendance. Should the others in attendance not wish to sign the record, this shall be stated in the record together with the reasons for refusing to sign.

## Article 21 (securing of evidence)

The Commission may pass a resolution on the securing of evidence, when owing to the circumstances of the particular case there is a high likelihood that the evidence will be destroyed or, after a certain period of time has passed, will no longer be accessible for the purposes of proving alleged breaches in the relevant processes.

The following measures may be taken to secure evidence:

PRV_086-BS_PP_NR_01	Version 3	Page 14 of 19
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# BANKA SLOVENIJE

EVROSISTEM

- temporarily restricting access to certain data or a certain location,
- temporarily restricting individual work tasks,
- seizing and sealing documents and media owned by Banka Slovenije.

Documents and media that are being seized shall be itemised in the presence of the perpetrator or user, and shall be secured in such a way that they cannot be interfered with.

The perpetrator or the user and their immediate superior shall be notified of the resolution.

## Article 22 (case file)

The internal whistleblowing report shall be administered as an independent case file to which the two confidants who conducted the investigation in question have sole access.

The case file consists of the following:

- the whistleblowing report, including attachments, as submitted to the Commission by the confidant,
- the minutes of the meetings of the Commission,
- records of interviews and other key investigatory actions, and the evidence (in electronic form) that forms the foundation for the Commission's findings,
- the alleged perpetrator's statement on the allegations,
- the report, including information about the proposed measures.

Evidence in physical form shall be digitised and stored electronically as part of the case file. If digitisation is impossible, the storage location of the evidence shall be cited in the case file.

## Article 23 (report on investigation and proposal of measures)

The Commission shall draw up a report on the investigation, containing:

- information about the composition of the Commission,
- key data about the receipt of the whistleblowing report and about the internal breach, excluding information about the whistleblower's identity,
- a summary of the investigatory actions taken to establish the facts of the case, excluding information about the identity of witnesses,
- the key findings with regard to the substantiation of the whistleblowing report (the established facts, establishment that an internal breach has been committed, the importance of the internal breach to Banka Slovenije) and, when internal breaches have been identified, a proposal of further measures,
- the Commission's position on the alleged perpetrator's statement on the allegations.

Should the Commission find after completing its investigation that internal breaches have occurred, in the report it shall propose measures aimed at ending these breaches, rectifying their consequences or preventing future internal breaches, and may also include a proposal

# BANKA SLOVENIJE

EVROSISTEM

for the initiation of labour law proceedings (proceedings to establish disciplinary liability or to terminate the employment contract).

Should the Commission, within the framework of the proposed measures to rectify the internal breaches, propose measures that are not directly related to action against the perpetrator, it shall obtain an opinion of the proposed measures from the person responsible for realisation of the measure and shall take a position thereon. The responsible person's opinion and the Commission's response are an integral part of the report.

Should the Commission assess that there are circumstances indicative of a suspected criminal offence, it shall inform the director of the Legal Department accordingly, submitting documents attesting to the suspected criminal offence. The Legal Department shall examine the documentation received, and shall draw up an official report of the criminal offence or a criminal indictment. The director of the Legal Department shall notify the director of the Internal Audit Department of any official reports of criminal offences or criminal indictments filed. This notification is also an integral part of the case file.

Statements of the absence of a conflict of interest and the independence of the work of the members of the Commission shall also be attached to the report.

Should the Commission establish that an internal breach has occurred, the confidant shall forward the report to:

- the Governor and the director of the organisational unit where the perpetrator is employed,
- when the director is the perpetrator: the Governor and the head of division that coordinates the organisational unit whose director is the perpetrator,
- when the perpetrator is a member of the Governing Board of Banka Slovenije or the identified beaches have a material impact on the functioning of Banka Slovenije: the Governor and members of the Governing Board of Banka Slovenije.

The report shall also be forwarded to the perpetrator.

The report may not contain information that would allow for the identification of the whistleblower or witnesses who gave statements in the investigation process.

## Article 24

(notification of internal whistleblower of completion of process)

After completion of the investigation, the confidant shall notify an internal whistleblower who is entitled to protection under the ZZPri, within three months of receiving the whistleblowing report, of the substantiation of the whistleblowing report, the measures proposed and implemented, and the outcome of the process or the progress status of the process to address the whistleblowing report if the procedures to rectify the breaches have not yet been completed after three months. An oral notification shall be recorded by means of a note in the record of whistleblowing reports.

## Article 25

(halting of process)



# BANKA SLOVENIJE

EVROSISTEM

Should the Commission find after investigation that a breach has not been committed, it shall issue a resolution halting the investigation process.

The resolution halting the process and the grounds thereof shall be forwarded by the confidant to the recipients set out in Article 23 of this rulebook.

## Article 26

(support for internal whistleblower in event of retaliatory measures)

During the process and after completion of the process to address the whistleblowing report, the confidant shall advise the internal whistleblower, providing information about legal options and assisting them in securing evidence of the whistleblowing report and the process that the internal whistleblower might need in subsequent processes in connection with protection against retaliatory measures.

The confidant shall work with an external whistleblowing authority when this is necessary to addressing the whistleblowing report.

## 5 Reporting to Banka Slovenije Audit committee and Governing Board of Banka Slovenije

### Article 27

(reporting to Audit committee and Governing Board)

The director of the Internal Audit Department shall report once a year to the Audit committee and the Governing Board of Banka Slovenije on whistleblowing reports received and on processes on the basis of this rulebook.

The annual report shall be drawn up in the form of a summary from which it is impossible to identify individual whistleblowers, perpetrators and witnesses. The report shall provide details of the date on which each whistleblowing report was received, the date of the completion of the process to address the whistleblowing report, a summary of the content of the whistleblowing report, the investigatory actions, the proposed measures, and follow-up information on the realisation of the proposed measures.

The previous paragraphs notwithstanding, the director of the Internal Audit Department may address an individual report to the Audit committee or to the Governing Board of Banka Slovenije.

## 6 Informing of employees

# BANKA SLOVENIJE

EVROSISTEM

## Article 28

(informing of employees on addressing of whistleblowing reports)

The Internal Audit Department shall provide employees with easily accessible and transparent information about the internal whistleblowing system in accordance with this rulebook, and about processes for external whistleblowing to external whistleblowing authorities, the European Central Bank or, when necessary, other institutions, bodies, offices or agencies of the European Union.

## Article 29

(reporting to Commission for the Prevention of Corruption)

The director of the Internal Audit Department shall report in accordance with the ZZPri to the Commission for the Prevention of Corruption with regard to:

- confidants at Banka Slovenije,
- the number of whistleblowing reports received from internal whistleblowers,
- the number of anonymous whistleblowing reports,
- the number of substantiated whistleblowing reports from internal whistleblowers and anonymous whistleblowers, and
- the number of retaliatory measures addressed in connection with internal whistleblowers.

## 7. Retention of data

### Article 30

(retention of case files)

Case files in connection with internal whistleblowing reports shall be retained for five years after the completion of the process.

Case files shall be destroyed at the end of the retention period.

Only anonymised data may be processed in connection with an internal breach after the end of the retention period.

## 8. Transitional and final provisions

### Article 31

(cessation of validity)

# BANKA SLOVENIJE

EVROSISTEM

On the day that this rulebook enters into force, the Rulebook on the procedure for reporting and internally investigating breaches by employees at Banka Slovenije of 31 May 2023 shall cease to be in force.

## Article 32 (transitional provisions)

Processes initiated before the entry into force of this rulebook shall be completed under the Rulebook on the procedure for reporting and internally investigating breaches by employees at Banka Slovenije of 31 May 2023.

## Article 33 (entry into force)

This rulebook shall enter into force on 10 August 2023.

Ljubljana,

Boštjan Vasle  
GOVERNOR