

WHISTLEBLOWER POLICY

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Whistleblower Policy regarding Aarhus School of Architecture's whistleblower scheme

1. Introduction and purpose

- 1.1 This Whistleblower Policy states the purpose of Aarhus School of Architecture (hereinafter referred to as "**the School**") in having a whistleblower scheme (hereinafter referred to as "**the Scheme**"), how the Scheme works, who are eligible to use the Scheme and what can be reported under the Scheme.
- 1.2 The purpose of the Scheme is to ensure that a whistleblower, as defined in this whistleblower policy, is able to quickly and confidentially report violations or potential violations covered by the Whistleblower Protection Act (hereinafter referred to as "**the whistleblower act**") through a specific, autonomous and independent channel, to allow an independent and autonomous whistleblower unit to assess what actions need to be taken.

2. Who can use the scheme?

- 2.1 The Scheme can be used by persons who report violations that have come to the knowledge of said persons in connection with their work-related activities and who belong to the following group of people (hereinafter referred to as "**whistleblowers**"):

- I. Employees
- II. Persons who are self-employed
- III. Members of the school's management and the School Board
- IV. Volunteers
- V. Paid or unpaid trainees
- VI. Persons working under the supervision and management of contractors, subcontractors or suppliers
- VII. Persons who report or publish information which they have gained access to as part of an employment relationship which has since ceased
- VIII. Persons whose employment has not yet commenced reporting information on violations to which they have gained access during the recruitment process or by means of other pre-contractual negotiations.

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2.2 Persons covered by section 9.1.4 can also report under the Scheme.

2.3 Persons not included in the group of persons mentioned in Sections 2.1 and 9.1.4 may not report using the Scheme, but will have to report via the usual channels of communication. If the relevant conditions are met, persons may report using the external whistleblower scheme of the Danish Data Protection Agency, as described in section 10.

3. What can be reported under the scheme?

3.1 The scheme covers reports relating to violations of EU legislation falling within the scope of the Whistleblower Directive (see section 3.4 (i)), as well as reports which otherwise relate to serious breaches of law or other serious matters (see section 3.4 (ii)).

3.2 "Violations" should be understood as acts or omissions that:

- a) are illegal or constitute a serious violation or an otherwise serious matter as covered by section 3.4, or
- b) which make it possible to circumvent the purpose of the rules under section 3.4.

3.3 Any information, and this includes reasonable suspicion, about factual or potential violations or serious matters falling under Section 3.4 which have occurred or are likely to occur at the School may be reported as well as any attempts to conceal such violations.

3.4 Reports must relate to violations or potential violations covered by the Whistleblower Act defined as acts or omissions that:

I. are illegal under EU legislation in several specific areas, including, for instance:

- Public tenders
- Money laundering
- Product safety and compliance
- Transport safety
- Food and feed safety
- Animal health and well-being
- Environmental protection
- Public health
- Consumer protection
- Protection of privacy and personal data
- The security of network and information systems

II. constitute a serious offense or an otherwise serious violation, such as the following:

- Violations of duties of confidentiality
- Misuse of funds
- Theft
- Fraud
- Embezzlement
- Deception
- Bribery
- Violations of occupational safety
- Any kind of sexual harassment
- Gross harassment, e.g. bullying, violence and harassment due to race, political or religious affiliation.

3.5 The scheme may only be used to report violations or potential violations of the kind mentioned in section 3.4 that have taken place, or will in all probability take place, within the organisation of the School, including those performed by employees, management, or members of the School Board. While indicating that reports can be made about actions taken by the School, it should be noted that reports can be made about the aforementioned matters even if the

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matter cannot be attributed to any individual person, but is due to a fundamental error in the system of the School.

- 3.6 Offenses that are not covered by the Scheme must be reported through the usual channels of communication. If the conditions are otherwise met, persons may report under the external whistleblower scheme of the Danish Data Protection Agency, as described in section 10.

4. The content of reports

- 4.1 To further the investigation of reports, including revealing offenses, it is important that the whistleblower sheds light on the offense in the best possible way. It is thus impossible to carry out any further investigation of a report if the report is unspecific or if it only contains very broad accusations that are not further specified.

- 4.2 It is consequently important that the whistleblower - as far as possible - includes the following:

- a description of the matter
- the names of the persons involved,
- information about any other people who are aware of the suspicion regarding the matter,
- whether the management is aware of the matter,
- whether there are any documents documenting the matter,
- whether and where further information on the matter can be found,
- how long the matter has been going on, and
- whether the whistleblower is aware of any attempts to conceal the matter.

- 4.3 Reports that are obviously unfounded will not be investigated further.

5. How can you report and to whom should you report?

5.1 The School has designated a whistleblower unit that:

- (a) receives reports and contacts the whistleblower,
- (b) follows up on reports and
- (c) provides feedback to the whistleblower.

5.2 The whistleblower unit, which handles the tasks mentioned in section 5.1, consists of an impartial group of people at the School.

5.3 Reporting in writing is done through the website of Aarhus School of Architecture.

5.4 Written reports are received by the whistleblower unit at the School. A case handler of the whistleblower unit assesses whether a report falls within the scope of the Scheme.

5.5 The whistleblower unit treats all written reports confidentially.

5.6 Case handlers who have been appointed to receive and follow up on reports are under an obligation of confidentiality regarding information that is part of a report.

6. Anonymity

6.1 Whistleblowers who wish to use the Scheme to report a matter can report anonymously.

6.2 The School encourages whistleblowers to state their names when reporting to enable case handlers to ask clarifying questions and subsequently inform about the further course of the investigation.

6.3 If a whistleblower chooses to submit a report anonymously it is recommended that the whistleblower uses a private PC or e.g. a PC located in a public library to ensure complete anonymity.

6.4 The School provides a whistleblower portal where whistleblowers can submit reports and communicate with the School in order to provide additional information about matters they have reported. In connection with the report, a key code is generated. It is consequently **important** that whistleblowers store their key codes

and remember to log in to the whistleblower portal to communicate with the whistleblower unit.

- 6.5 The whistleblower portal can be accessed from the School's website (see section 5.3). Here you log in to the whistleblower portal. It is important that whistleblowers regularly access the whistleblower portal to check whether the School has sent any questions. The School has no other ways of contacting whistleblowers. This includes notifying whistleblowers that supplementary questions etc. have been sent to them.

7. Information for whistleblowers

7.1 Whistleblowers receive:

- confirmation of the receipt of the report within seven days following receipt, and
- feedback as soon as possible and, as a rule, within three months from the date the receipt of a report was confirmed.

- 7.2 Feedback consists of a notification of initiatives taken by the School to assess the correctness of allegations in the report and, when relevant, to address the reported violation. Feedback provided by the whistleblower unit must at all times observe the rules regarding personal data, which may lead to restrictions in terms of the content of the feedback the whistleblower receives.

- 7.3 In some circumstances there may be a need to extend the time frame for feedback when this is necessary in view of the specific circumstances of the case; in particular, the nature and complexity of the report, which may require a lengthy investigation. If this is the case, the whistleblower will be notified hereof.

8. Information for and protection of the person concerned

- 8.1 Once a preliminary investigation has taken place and all relevant evidence is secured, the person concerned, i.e. the person reported on under the Scheme, is informed of the following:

- the identity of the case handler(s) responsible for investigating the report, and
- the circumstances to which the report relates.

- 8.2 In addition, under the Whistleblower Act, the person concerned is entitled to protection of his or her identity during the processing of the case as well as an effective defence. These rights may not be waived by agreement to the detriment of the person concerned.
- 8.3 It is also the responsibility of the School to observe the rights of the person concerned in accordance with the General Data Protection Regulations. If you want to know more about the processing of personal data and the rights of people whose data is stored, we refer you to the Privacy Policy of the School.

9. How whistleblowers are protected

9.1 Conditions for the protection of whistleblowers

- 9.1.1 Pursuant to the Whistleblower Act, whistleblowers are protected against retaliation on the condition that the whistleblowers reported under the Scheme. This protection, however, only applies if all the following conditions are met:
- The person who submitted the report meets the requirements for being a whistleblower (see section 2).
 - The whistleblower had reasonable cause to believe that the information he or she reported was correct at the time it was reported.
 - The reported information falls within the scope of the Whistleblower Act (see section 3.4).
- 9.1.2 "Retaliation" should be understood as unfavourable treatment or unfavourable consequences in response to a report. This may, for instance, include suspension, dismissal, downgrading, etc.
- 9.1.3 Should a whistleblower report in bad faith, knowing that the submitted information is incorrect, the whistleblower is not protected against retaliation. The whistleblower may, depending on the circumstances, be fined if he or she has submitted false reports deliberately. If the whistleblower is an employee of the School, it may also have consequences in terms of employment, including the whistleblower being expelled.
- 9.1.4 In addition to the persons mentioned in 2.1, the protection provided for in section 9.1, also includes the following persons:

- 1) Intermediaries
- 2) Any third parties connected with the whistleblower who are at risk of retaliation in a work-related context (e.g. a colleague)
- 3) Companies or authorities the whistleblower owns or works for or is otherwise associated with in a work-related context (e.g. a company that the whistleblower owns).

9.1.5 Information about the identity of the whistleblower or other information based on which the identity of the whistleblower can be deduced, directly or indirectly, will only be communicated to persons apart from the whistleblower after obtaining the prior consent of the whistleblower.

9.1.6 However, information about the identity of the whistleblower may be communicated without consent to other public authorities if said information is disclosed to address violations (e.g. a criminal act that has not yet taken place) or in order to safeguard the rights of defence of persons concerned. If the identity of the whistleblower is disclosed without prior consent, the whistleblower is informed hereof. This includes the whistleblower receiving a reason for the disclosure of his or her identity, unless such a notification would jeopardise related investigations or legal proceedings.

9.1.7 The identity of the whistleblower may also be disclosed in the event of any legal proceedings relating to the reported matter.

9.1.8 Other information from the report, i.e. information that does not reveal the identity of the whistleblower, will only be disclosed to persons outside the whistleblower unit as part of efforts to follow-up on a report or to address a potential breach of the conditions stated in section 3.4.

10. External whistleblower schemes

10.1 A whistleblower who intends to report under the Scheme may instead choose to report under the Danish Data Protection Agency's external whistleblower scheme, e.g. if the whistleblower is concerned about possible retaliations. The Danish Data Protection Agency's external whistleblower scheme can be accessed here: [Report \(whistleblower.dk\)](https://report.whistleblower.dk).

- 10.2 It must be stressed that the whistleblower is free to choose between reporting under the Scheme or under the Danish Data Protection Agency's external whistleblower scheme.

11. Data security and data retention

- 11.1 Reports will be stored for as long as necessary and proportionate to comply with the requirements of Danish law.
- 11.2 The School processes all information reported through the Scheme, including information about persons who are reported on under the Scheme, in accordance with current legislation.
- 11.3 All reports will be stored securely and can only be accessed by relevant persons in the whistleblower unit.
- 11.4 A report that falls outside the scope of the Scheme will be forwarded to the relevant manager with personnel responsibilities and terminated in the Scheme.
- 11.5 Reports are generally deleted from the Scheme 90 days after the School has finished its consideration of reports, unless the School has a legitimate reason for continuing storage, e.g. if this is required by other legislation or if there are reasons to believe that the report may be supported by subsequent reports about the same matter.
- 11.6 If a complaint is filed with the police or any other authorities, the report will be terminated in the Scheme immediately following the closure of the case by the relevant authorities.
- 11.7 If, on the basis of the information that has been collected, disciplinary action is taken against the person reported on, or if reasons support that it is objective and necessary to go on retaining information about the person reported on, this information will be stored in the employee's personnel file if the person is an employee.
- 11.8 Information is in general stored in accordance with the School's data deletion policy.

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12. Questions

12.1 If you have any questions regarding this Whistleblower Policy, you are welcome to contact the School's HR department.

13. Updates

13.1 This whistleblower policy was last updated: *December 2021*.

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