

Foreword

The Danish Institute for International Studies (DIIS) wishes to maintain the highest standards of integrity and professionalism among our employees and in our organisation to ensure the sound management of public funds and grants. In order to do this, it is important that we at DIIS have an organisational culture that ensures openness about mistakes so that we can learn from them and thereby create a better workplace and deliver better services.

It is our impression that DIIS' employees largely feel comfortable going to their immediate manager or union representative to report errors, negligence, or inappropriate behaviour. However, there may be cases where the suspected illegalities or irregularities are so serious (e.g. breaking the law, gross violations of internal guidelines or sexual harassment) that an employee, for one reason or another, prefers to use a whistleblower scheme instead.

It is now mandatory by law to have a whistleblower programme that can be used as a supplement to the daily and open communication that already exists at DIIS. The scheme is described in more detail in this policy and is relevant for all DIIS employees. The scheme ensures that all reports are treated seriously and with the highest possible level of safety for both the whistleblower and the person(s) being reported. Employees who report to the programme can do so without fear that their identity will be disclosed to anyone other than the employees who processes the report.

It is in DIIS' interest that the whistleblower scheme establishes a useful channel for acting on specific cases, learning from them and thereby improving the organisation. Fortunately, the vast majority of cases are handled on a daily basis in the individual units – and we must continue to do so. But if circumstances warrant it, all employees are encouraged to make use of the whistleblower programme. It's a shared responsibility.

Copenhagen, on the 30th of January 2023.

Enhedsledergruppen og Samarbejdsudvalget

Introduction to the Whistleblower Act

The Whistleblower Act entered into force on 17 December 2021 and requires, among other things, that a whistleblower scheme must be established in all public workplaces. This policy describes how DIIS has implemented the law. Further information about the scheme can be found in the Ministry of Justice's guidelines, the whistleblower page on DIIS.dk, and the external whistleblower scheme anchored at the Danish Data Protection Agency.

Purpose of the scheme

The purpose of DIIS' whistleblower scheme is to

- Increase the possibilities for DIIS' employees to safely speak out about critical matters at DIIS concerning serious offences and other serious matters without fear of negative consequences or sanctions under employment law
- Protect persons who provide information to the whistleblower programme
- Detect errors and omissions or criminal offences internally in DIIS in order to contribute to raising the level of DIIS' management and performance

Who can submit information to the whistleblower programme?

The whistleblower programme can be used by the following people:

- Current employees working for DIIS – including full-time and part-time employees, fixed-term employees, project employees and temporary staff
- External employees on grants where DIIS administers the salary funds
- Unpaid employees, e.g. specialisation students, interns and guest researchers
- Former employees
- Persons who are not yet employed, but who report information in relation to the hiring process or other pre-contractual negotiations

What information can be reported?

DIIS' whistleblower programme can only be used to report serious matters or suspicions of serious matters that affect DIIS' performance of its own tasks. This means that only matters that have taken place or will take place at DIIS can be reported. It is assumed that the person reporting has concrete knowledge or a reasonable suspicion of this.

The whistleblower programme is intended as a supplement to the already existing channels, e.g. the unit manager, team leader, HR, union representatives (TR) or health and safety representatives (AMR), who can be contacted at the workplace if the employee, etc. experiences circumstances such as the above.

The whistleblower programme should not be used to report matters that do not concern violations of legislation or other serious matters. It is therefore expected that general dissatisfaction with management, conflicts between two employees, less serious personal conflicts, violation of DIIS' internal guidelines such as sick leave, smoking, dress code, etc. will be resolved through existing channels.

DIIS' whistleblower scheme processes reports concerning information about breaches of EU law covered by the scope of the Whistleblower Directive, serious breaches of law and other serious matters.

For example:

- Criminal offences, e.g. breach of confidentiality, misuse of funds, theft, fraud, embezzlement, fraud, bribery, etc. It could be, for example, unauthorised disclosure of business and trade secrets of business partners, or unauthorised disclosure of information about individuals' private circumstances (penalties, health). It may also be abuse of entrusted power in violation of [Udenrigsministeriets anti-korruptionspolitik](#), including obtaining personal gain in connection with the procurement of goods or services in the operational area or in connection with the disbursement of grant funds. disbursement of support funds.
- Gross or repeated violations of legislation, e.g. the Danish Public Administration Act, the Danish Working Environment Act, the Danish Data Protection Act or the Danish Freedom of Information Act, such as if an employee deliberately or repeatedly fails to draw attention to his or her own disqualification in a specific case or deliberately or repeatedly fails to process access to documents in accordance with the rules or to hear the parties in decision-making cases.
- Gross or repeated violations of principles of administrative law or significant internal guidelines, e.g. the principle of investigation, the requirement of objectivity, the principle of the abuse of power, proportionality or guidelines on business trips, gifts and financial reporting, such as if an employee deliberately or repeatedly fails to provide sufficient information, emphasises considerations that are completely irrelevant to the case (e.g. private considerations) in discretionary assessments, or receives gifts from business partners in connection with business trips or visits from abroad in violation of the [state's gift policy](#).
- Gross personal conflicts in the workplace, e.g. due to race, gender, colour, language, wealth, national or social origin or religious affiliation.

- Sexual harassment, e.g. any form of unwanted verbal, non-verbal or physical behaviour with sexual undertones with the purpose or effect of violating a person's dignity, in particular by creating an intimidating, hostile, degrading, humiliating or uncomfortable climate, see [Guidelines for action in the event of offensive behaviour at DIIS](#).
- Deliberate misleading of citizens and business partners.

The whistleblower scheme cannot be used for reporting classified information that falls within the scope of [Sikkerhedscirkulæret](#).

The Whistleblowing Unit is not obliged to process information that falls outside the scope of the law, such as matters that are not a breach of law or of a serious nature, unless the matter is of a nature of systematic violations of law or principles, in which case they may be serious enough to be processed. The whistleblowing unit may therefore decide that such non-serious matters are not dealt with, but must instead guide the whistleblower on where to turn - e.g. to the union representative, HR or another relevant authority.

Reporting

A report to DIIS' whistleblower programme must be made via Nordic Whistle's Whistleblower Portal, see how to go about it [HERE!](#). On the whistleblower portal you can find further guidance and a report form to be filled out.

Reports can only be made in writing via the above-mentioned whistleblower portal, and all communication between the whistleblower and DIIS' whistleblower unit takes place via the portal. If a DIIS employee nevertheless receives a report without it having been submitted via the portal, it must be sent to the whistleblower unit immediately via the Nordic Whistle portal [HERE!](#) Only authorised persons from the whistleblower unit have access to the received reports.

Technical questions can be directed to Nordic Whistle's customer service on +45 82 13 21 85.

Anonymity

It is possible to submit information via the whistleblower portal without stating your identity/maintaining anonymity. However, DIIS encourages whistleblowers not to submit information anonymously in order to ensure that their report can be processed. On the one hand, it may in practice be difficult in some cases to process anonymous enquiries, and on the other hand, DIIS cannot in itself emphasise anonymous information when assessing whether to intervene, for example, with employment law decisions against an employee. This may mean, for example, that a report of unlawful behaviour, etc. must be dropped despite the initiation of an investigation into the matter, without it being possible to get to the bottom of it. In such a case, anonymity would be counterproductive.

However, anonymous whistleblower enquiries will always be treated in the same way as non-anonymous whistleblower enquiries to the extent possible. To ensure that the IP address cannot be attributed

to a specific employee at DIIS who wishes to remain anonymous when reporting, it is recommended that no work computer or work phone is used if a report is made.

What rights does the whistleblower have?

The Whistleblower Act gives the whistleblower special rights and protection that apply before, during and after the person has made a report or publication of a matter.

Persons who submit reports to DIIS' whistleblower scheme and have reasonable grounds to believe that the information in a report is necessary to reveal a serious offence or a serious matter (i.e. are acting in good faith) are granted special protection. This protection means that the whistleblower cannot be held liable for disclosing confidential information (e.g. information covered by a statutory duty of confidentiality) if the whistleblower has reasonable grounds to believe that the confidential information is necessary to reveal a serious offence or serious matter. False or misleading information must not be deliberately submitted through DIIS' whistle-blower programme. In such situations, the whistleblower is not covered by the special protection of the Whistleblower Act.

A whistleblower must not be subjected to reprisals (e.g. suspension, dismissal, demotion or failure to promote, transfer of tasks, transfer, salary reduction, changes in working hours, denial of competence development, negative assessment of his or her performance) because he or she has made a report, just as a whistleblower must not be prevented or attempted to be prevented from making a report.

If, as a whistleblower at DIIS, the employee experiences negative reactions because he or she has used the whistleblower scheme, the employee can contact the whistleblower unit again, go to his or her union representative or professional organisation. See the section on confidentiality, which states that the whistleblower's identity is protected.

More information about personal data rights, DIIS' processing of personal data and contact information for the Data Protection Officer and the Danish Data Protection Agency can be found [here](#).

Processing a report

Nordic Whistle will process the following:

- The initial communication with the person making a report – the whistleblower.
- Ensuring that all legal requirements are met when processing the report.
- Counselling, sparring and guidance on how to handle the case.

Nordic Whistle has a lawyer from Advodan who, based on the content of the case, advises DIIS on how to handle the report by making an immediate legal assessment of the report. Nordic Whistle decides who is the most appropriate person to send the report to at DIIS in order to proceed with the case. For example, DIIS may decide that an investigation should be initiated, which DIIS must carry out itself, but Nordic Whistle can advise on the further handling and outcome of the case. Nordic Whistle can also put together the right team at DIIS to investigate the case.

The whistleblower unit consists of an HR representative who is not the HR manager – currently the HR-jurist. A prioritisation list has been established so that Nordic Whistle will contact another representative of DIIS who can handle the task competently without the HR-jurist being involved in the report if the HR-jurist is deemed incompetent to receive the report or absent. This could be a permanently employed health and safety representative (AMR) who is not part of the management, the CEO or the Chairman of the Board, depending on what the report is about.

The whistleblower unit must act objectively when handling all reports. The whistleblower unit must carry out the specific case processing independently of DIIS' management, including the director, the unit management and the Board of Directors – even if the case processing must be transferred to others than the HR representative. Thus, the management does not have the power to instruct the whistleblower unit and may not instruct/order a designated employee in the unit to handle a report in a specific way. In addition, management does not have the usual management powers in situations where they are involved in the specific case processing solely for reasons of impartiality.

The Whistleblower Unit does not have the authority to decide and implement any employment law sanctions as a result of a report, which will therefore be a decision to be made by management once the report has been finalised.

Duty of confidentiality

Employees in the whistleblowing unit are subject to a special duty of confidentiality regarding the information included in the report. This means that employees associated with the whistleblowing unit are not allowed to disclose information that can directly or indirectly identify the identity of the whistleblower.

However, information about the whistleblower's identity may be disclosed in special cases if:

- The whistleblower consents to this, e.g. if a report cannot be sufficiently investigated without disclosing the identity of the whistleblower,
- When the disclosure is made in response to offences, e.g. disclosure to the Police or the Danish Financial Supervisory Authority,
- For the purpose of ensuring a defence for affected persons, e.g. if a report gives rise to a report of an offence, or if it is necessary to call a person as a witness in a court case or similar.

The special duty of confidentiality only covers information included in a report. If a report gives rise to the whistleblower unit initiating a case, the other information collected in this connection will not be covered by the duty of confidentiality.

If the special duty of confidentiality is breached intentionally or through gross negligence, whereby the whistleblower's identity or information that can indirectly identify the whistleblower is disclosed, this may be punishable by a fine.

What rights do the people being reported on have?

The persons included in a report generally have the usual rights in relation to, among other things, personal data protection and duty of disclosure, and therefore the whistleblower unit may, in accordance with the General Data Protection Regulation, be obliged to inform the person or persons mentioned in a report that their personal data is being processed in connection with a report and what rights they have in this regard.

The affected person(s) named in a report will thus be informed and involved by the whistleblowing unit if the report is being processed. The affected person will always be given the opportunity to respond to any allegations – usually via a written statement – and will be notified as soon as possible if the case is dismissed as manifestly unfounded. The affected person also has the right to ask for incorrect information to be corrected, the right to ask for information to be deleted and the right to ask the authority to restrict the processing of information about the person.

However, the duty of disclosure must be observed with the exceptions that follow from the rules in the whistleblower area, such as that information about the whistleblower's identity may not be disclosed to the person or persons named in the report, and if it is likely that fulfilment of the duty of disclosure to the person reported will make it impossible or significantly impede the handling of the whistleblower's inquiry, the duty of disclosure to the person reported may occur at a later date.

More information about personal data rights, DIIS' processing of personal data and contact information for the Data Protection Officer and the Danish Data Protection Agency can be found [here](#).

Processing of personal data

Personal data received by the whistleblower unit in connection with the processing of reports will be stored for as long as necessary and proportionate to fulfil the requirements of the Whistleblower Act. However, there may be a legitimate reason for continued storage, such as required by other legislation, e.g. data protection, the Danish Public Administration Act or the Danish Archives Act, or if there is reason to believe that the report may be strengthened by subsequent reports received.

As a whistleblower or reported person, the employee has a number of rights under data protection legislation in relation to DIIS' processing of their personal data. More information about these rights, DIIS' processing of personal data and contact information for the data protection officer and the Danish Data Protection Agency can be found [here](#).



Public disclosure programme and additional information

DIIS is subject to a special publicity scheme, which is why a range of information about DIIS' whistleblower scheme is published once a year at www.diis.dk. The publication takes into account the special duty of confidentiality.

Enclosed:

Appendix 1: Guidelines for use of the Nordic Whistle system