

INTERNAL REGULATION No. 8/2020

**DIRECTIVE ON THE INTERNAL SYSTEM OF
VERIFICATION OF NOTIFICATIONS OF
ANTI-SOCIAL ACTIVITIES OF THE SLOVAK
ACCREDITATION AGENCY FOR HIGHER
EDUCATION**

as amended from October 19, 2023

In Bratislava on October 19, 2023.

DIRECTIVE ON THE INTERNAL SYSTEM OF VERIFICATION OF NOTIFICATIONS OF ANTI-SOCIAL ACTIVITIES OF THE SLOVAK ACCREDITATION AGENCY FOR HIGHER EDUCATION

On July 30, 2020, the Executive Board of the Slovak Accreditation Agency for Higher Education (“the Executive Board”), under Article 9 par. 1 letter i) of the Statute of the Slovak Accreditation Agency for Higher Education (“SAAHE” or “the Agency”) approved this Internal Regulation of the Agency – *Directive on the internal system for verification of notifications of anti-social activities* of the SAAHE (“the Directive”) drafted in accordance with § 10 par. 8 of Act No. 54/2019 Coll. on the protection of whistleblowers of anti-social activities and on the amendment of certain acts (“the Act”) as amended and approved by the Executive Board on October 19, 2023.

Article 1 Subject matter

1. This Directive regulates the internal system of verification of reports of anti-social activity of the Slovak Accreditation Agency for Higher Education according to § 10 par. 8 of Act No. 54/2019 Coll. on the protection of whistleblowers of anti-social activities and on the amendment of certain laws (“the Act”). The Directive further sets out the procedure for the filling, verification, and registration of reports, maintaining the confidentiality of the identity of the whistleblower, the communication of the whistleblower with the result of the verification of their report, the processing of personal data specified in the notification of anti-social activity and the related powers of the data protection officer.

Article 2 Definition of basic terms

For the purposes of this Directive, the following shall be understood:

- a) *whistleblower* – a natural person who, in good faith, notifies the authority responsible for receiving the report or the employer; a natural person is also considered a whistleblower who, in good faith
 1. makes a notification and whose employment relationship or other similar relationship has ended, if they learned information about anti-social activity during the continuance of this employment relationship or other similar relationship;
 2. makes a notification and whose employment relationship or other similar relationship has not yet been established, if they learned information about anti-social activity during the selection process or within the framework of pre-contractual relationships;
 3. made the notification anonymously and their identity was revealed,

4. published information about anti-social activity that they learned about during the selection process or within the framework of pre-contractual relationships and their employment relationship or other similar relationship has not yet been established, or during the continuance of the employment relationship or other similar relationship, or after the termination of the employment relationship or other similar relationship due to which they:
 4. a) made a notification through the internal notification verification system and was not informed of the result of the verification, or the appropriate measures were not taken and subsequently made such notification to the authority responsible for receiving the notification and was not notified of the status or the result of the verification within a reasonable period;
 4. b) made a notification to the authority responsible for receiving the notification and was not informed of the status or the result of the review within a reasonable period;
 4. c) there is a reasonable concern that the anti-social activity may represent an immediate or obvious threat to the public interest; or
 4. d) there is a reasonable concern that in the case of making a notification to the authority responsible for receiving the notification, they would be threatened with punishment or, given the specific circumstances of the case, there is a risk that the authorities for receiving the notification will not ensure an impartial and independent verification of the facts stated in the notification;
- b) *notification* – an indication of facts that the employee has become aware of in connection with the performance of their employment, position, or function and which relate to anti-social activity;
- c) *qualified notification* – a communication that may contribute or has contributed to the clarification of serious anti-social activity or the identification or conviction of its perpetrator;
- d) *employment relationship* – employment relationship, similar employment relationship, civil service relationship or service relationship;
- e) *a similar employment relationship* – in particular, the exercise of law related to participation, administration, or management in a legal entity, the activity of a person performing the function of a member of a body of a legal entity, the activity of a self-employed person, the exercise of law and obligations arising from a contract the subject of which is the supply of goods or the provision of a service, professional practice, graduate practice, activation activity, volunteer activity;
- f) *acting in good faith* – the conduct of a natural person who, given the circumstances known to them and the knowledge they possess at the time of notification, reasonably believes that the stated facts are true; in doubt, the conduct shall be deemed to be in good faith until proven otherwise;
- g) *anti-social activity* —
 - the crime of theft according to § 212 of the Criminal Code (“the CC”), embezzlement according to § 213 of the CC, unauthorized use of a motor vehicle according to § 217 of the CC, fraud according to § 221 of the CC, unjust enrichment according to § 226 of the CC, legalization of the proceeds of crime according to § 233a of the CC, breach of trust by maladministration of estates of another according to § 237 to 240 of the CC; obstruction of bankruptcy and execution proceedings according to § 243 and 243a of the CC, unauthorized access to a computer system according to § 247 of the CC, production and possession of access equipment, passwords to the computer system or other

- data according to § 247d of the CC, unlawful employment according to § 251a of the CC, failure to pay tax according to § 278a of the CC, infringement of copyright according to § 283 of the CC; damaging financial interests of the European Union according to § 261 to 263 of the CC, deceitful practices in public procurement and public auction according to § 266 to 268 of the CC, criminal offences committed by public officials according to § 326 to 327a of the CC or crimes of corruption according to § 328 to 336b and 336d of the CC, obstructing the execution of an official decision according to § 348 of the CC, unauthorized use of personal data according to § 374 of the CC;
- a criminal offense for which the Criminal Code provides imprisonment with a maximum penalty exceeding two years;
 - administrative offense for which a fine with an upper limit determined by the calculation may be imposed;
 - administrative offense for which a fine with an upper limit of at least EUR 30 000 may be imposed;
- h) *employer* – Slovak Accreditation Agency for Higher Education (SAAHE);
- i) *responsible person* – a person who fulfills the tasks of the employer according to § 10 of the Act; the responsible person is bound only by the instructions of the employer's statutory body and, if they are not their employee, they are bound by the contract concluded with the employer in accordance with § 10 par. 1 of the Act;
- j) *cooperation* – cooperation in the verification of the notification, provision of documents, other documents, statements, explanations, information, and data necessary for their verification.

Article 3

Submission, receipt, and registration of notifications

1. The notification can be submitted in the following ways:
 - a) in an electronic form via the electronic form on the SAAHE website, section *Whistleblowing anti-social activities*, or to the electronic address of the responsible person: whistleblowing@saavs.sk
 - b) verbally in the record at the office of the data protection officer.
2. The notification must be readable and understandable in terms of content. It must be clear what kind of anti-social activity it points to.
3. Submitting a notification via an electronic form and in an electronic message via e-mail according to par. 1 and 2 of this article according to § 10 par. 4 of the Act is possible continuously.
4. The data protection officer keeps records of notifications for at least three years from the date of delivery to the extent according to § 11 par. 1 of the Act to the extent of the:
 - a) date of receipt of the notification;
 - b) name, surname, and residence of the notifier,
 - c) subject of the notification,
 - d) result of verification of the notification,
 - e) date of completion of verification of the notification.
5. The data protection officer registers notifications in the Agency's registry system separately from those of other records.
6. If another organizational unit or an employee of the Agency discovers that they have received a notification according to Act No. 54/2019 Coll., the record will be

delivered to the data protection officer without delay through the Agency's registry system.

Article 4

Verification of the notification

1. The responsible person will check the notification based on the content of the notification. The employer will confirm receipt of the notification within 7 days of the acceptance. The responsible person ascertains the actual situation and compliance with generally binding legal regulations or Agency regulations.
2. In the case,
 - a) that the notification does not meet the nature of the anti-social activity;
 - b) if the submission is not an act in good faith,
 - c) if the content of the notification does not provide enough information to start the review; or
 - d) if it is a repeated notification by the same informant submitted repeatedly in the same matter, if the informant does not state new facts in it,the responsible person shall notify the informant of non-compliance with the content requirements of the notification unless it is an anonymous notification.
3. If the requirements are met, the responsible person will check the notification within 90 days of receipt at the latest.
4. The data protection officer for verifying the facts resulting from the notification has the right, if necessary, to require the necessary cooperation:
 - a) from the notifier making the notification; and
 - b) from SAAHE, its employees, and cooperating personsand to demand the submission of all necessary data and documents certifying the facts stated in the notification.
5. If it is necessary to investigate the submitted notification, the time limit for processing the notification is extended by another 30 days, while this fact, as well as the justification, will be notified in writing by the data protection officer to the person who submitted the notification unless it is an anonymous complaint. The total period for verification should not exceed a total of 120 days.
6. According to the nature of the notification, a Commission examination of the notification is carried out at the request of the data protection officer. The composition of the Commission for Investigation of Facts Relating to Communications of Anti-Social Activities is approved by the Chairman of the Executive Board. A person cannot be a member of the Commission if they are;
 - a) against whom the notification is directed to,
 - b) which participated in the activity that is the subject of the notification; or
 - c) the bias of which may be in doubt due to their relationship with the person who made the notification, to the person against whom the notification is directed, or to the subject matter of the notification.
7. If the notification is directed towards a specific person (employee, member of the review panel, member of the Agency's bodies, etc.), the data protection officer will inform the designated person of the content of the notification without undue delay and allow them to comment on it, as well as submit documents, writings, or other information necessary for reliable verification of the matter.

8. The data protection officer and other participating and cooperating persons are obliged to maintain confidentiality about the notification verification process, the facts resulting from the verification, and the necessary cooperation.

Article 5 Grant of protection

1. Filing a notification shall not constitute an incentive or a reason for drawing consequences that would cause any harm to the whistleblower.
2. The Agency may take a legal act or issue a decision in an employment relationship against a protected whistleblower for which they have not given consent, only with the prior consent of the Office for the Protection of Whistleblowers of Anti-Social Activities (“the Office”).
3. Where a notifier considers that, in connection with the filing of the notification, an act of employment has been taken against them, with which they do not agree, they may request the Office to suspend the effectiveness of this act of employment within 15 days from the day they became aware of the act.
4. The whistleblower may apply for protection when reporting serious anti-social activity following the provisions of § 3 and § 4 of the Act, together with the notification or during criminal proceedings or administrative offenses. The request for protection is submitted in writing or verbally directly to the prosecutor or administrative authority.

Article 6 Confidentiality of the whistleblower

1. The Agency (the data protection officer and persons involved in the Commission investigation of the notification) is obliged to maintain confidentiality of the identity of the notifier during and after the verification of the notification. When checking the notification, its transcript or, if possible, its copy is used without specifying the data that would identify the notifier.
2. Anyone who knows the identity of the whistleblower is obliged to maintain confidentiality.
3. If the subject matter of the notification does not allow for its investigation without mentioning any of the information about the person of the notifier, the responsible person shall notify the notifier immediately.

Article 7 Notification of the result of the verification of the notification

1. The data protection officer is obliged to send the result of the verification of the notification in the form of a written record to the notifier no later than 10 days after its verification or rejection.
2. Where the outcome of the examination of the report indicates that a crime has been committed, the responsible person is obliged to report this fact to the law enforcement authorities and the whistleblower.

3. Where the outcome of the examination of the notification indicates that an administrative offense has been committed, the responsible person is obliged to notify the administrative authority and the notifier.

Article 8
Processing of personal data specified in the notification

1. To keep records of notifications, the Agency is authorized to process personal data specified in the notification and the record of verification of the notification within the period according to § 11 of the Act to the extent of:
 - a) title, first name, surname, e-mail address, and residence address of the notifier,
 - b) data of the person(s) to whom the notification is directed,
 - c) details of persons who were invited to examine the notification,
 - d) details of persons who participated in the examination of the notification.
2. When processing personal data obtained during notification verification, the Agency proceeds according to specific rules.

Article 9
Final provisions

1. The Directive is binding for all employees, members of review panels, members of SAAHE bodies, and cooperating persons.
2. Whistleblowing shall not be considered a breach of the contractual obligation to maintain confidentiality, nor a breach of the obligation to maintain confidentiality according to special regulations if it is an obligation resulting from the performance of employment, profession, position, or function and is not an obligation of confidentiality.
3. This Provision does not affect the obligation to report or to criminal offense.
4. This Directive enters into force and effect on the day of its approval by the Executive Board.
5. This Directive was approved at the meeting of the Executive Board on July 30, 2020 and its amendments were approved at the meeting of the Executive Board on October 19, 2023. As amended, it enters into force the day of its approval.

In Bratislava on October 19, 2023.

prof. Ing. Robert Redhammer, PhD.
Chairman of the Executive Board