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FIRST IN COMPLIANCE SOLUTIONS

Business Keeper-Guide:

EU Whistleblowing Directive – All you need to know right now

We show you how you will quickly and easily implement the Directive

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What you need to know about the EU Whistleblowing Directive

Whistleblowers are very important for maintaining an open and transparent society by finding the courage to report wrongdoing. To ensure that they receive better protection against negative consequences in the future, the **EU Directive for the protection of whistleblowers** entered into force on 16 December 2019.
The EU Member States have until 2021 to implement the directive in national law.

Which organisations are subject to obligations?

- Companies of **50 or more employees**, public institutions as well as local authorities of 10,000 inhabitants or more will have to provide **secure internal reporting channels**.
- Reports can be submitted in writing via an **online system**, a mailbox or by post and/or by telephone hotline or answering system.
- For all reporting channels, however, the **identity of the whistleblower** must be **kept confidential**.
- If no internal reporting channels are provided or if there is no response to reports, whistleblowers are entitled to **contact the competent authorities** directly.
- Private and public organisations are well advised to **establish an anonymous whistleblowing system well before the requirements** enter into force since the **implementation** can take **from weeks to months**, depending on the size and complexity of the organisation.

Who will benefit from special protection in the future?

- Full- and part-time employees, fixed-term employees, freelancers, suppliers, service providers, business partners and public employees if they are reporting violations of European Union law.

Which reporting channel offers the greatest advantages?

- A web-based whistleblowing system offers the most comprehensive protection of the identity of the whistleblower. It can be implemented and operated with minimal effort and supports the required documentation of reports and follow-up measures.
- The ideal choice for meeting all requirements of the EU Directive and avoiding sanctions is therefore **an all-in-one solution such as the BKMS® Incident Reporting**, the first whistleblowing system **certified by a data protection authority**.

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Checklist for the EU Whistleblowing Directive: How to choose the right solution for your organisation

Determine the requirements for an internal whistleblower system in your organisation.

- ◯ Does the solution ensure the absolute confidentiality of the whistleblower so that he or she does not fear retaliation?
- ◯ Can the provider prove that neither he nor a third party has any possibility to access the sensitive contents of your reports?
- ◯ Can employees in all parts of the world securely submit reports 24/7?
- ◯ Are the internal obstacles with regard to data protection, IT security, etc. low?
- ◯ Is the solution certified according to European law (EU GDPR)?
- ◯ Can the system be flexibly adapted to the custom needs of your company? Does the system allow single sign-on (SSO) authentication?
- ◯ Are the servers located in a German high-security data center?
- ◯ Do you have all-in transparent costs for the system providing you with planning security?
- ◯ Can reports and their respective follow-up actions be documented in an audit-proof manner?

Will you receive active support and advice during the implementation phase?

- ◯ Is there a reliable and experienced customer service team that can provide you with active support?
- ◯ Do you receive additional support on topics such as data protection, information security, communication with staff representatives and work council issues?
- ◯ Are you offered additional benefits such as participation in events, seminars, networking with experts and a compliance community?

Create the necessary conditions for successful usage in your organization through effective communication with all important stakeholders.

- ◯ Are you offered communication support, to promote best practice on integrity, ethics and compliance to your employees?

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The BKMS® Compliance System fulfils all requirements of the EU Whistleblowing Directive

Requirements of the Directive	BKMS® Compliance System
Obligation to establish channels for internal reporting and for follow-up (Article 8 para. I, IX) **Reporting in writing or orally or both forms** (Article 9(II))	✓ Written report submission (BKMS® Incident Reporting) ✓ Report submission by telephone (BKMS® VoiceIntake) ✓ Coordinate follow-up measures (BKMS® Incident Reporting, BKMS® Case Management) ✓ Worldwide availability 24/7 ✓ Report submission in 70 languages ✓ Voice distorted sound recording (BKMS® VoiceIntake) ✓ Notification of the whistleblower before recording ✓ Trust through transparent data processing vis-à-vis whistleblowers
Ensuring the confidentiality of the whistleblower and the associated people (Article 9(I)(a), Article 16(I)) **Confidentiality agreement**	✓ Proven access security (highest level of IT security, modern encryption logarithms and high security data centres, double ISO 27001 certification and EuroPriSe certificate) ✓ Flexible rights and role principle based on needs ✓ Pseudonymisation / anonymisation in conformity with data protection laws ✓ Recommendations for whistleblowers to secure anonymity
Acknowledgement of receipt of the report and feedback in a timely manner (Article 9(I)(b), (f))	✓ Secure dialogue thanks to secure mailbox in the BKMS® Incident Reporting ✓ Text modules facilitate confirmation of receipt and feedback to whistleblowers ✓ Resubmissions to meet deadlines efficiently
Processing of personal data in accordance with the EU GDPR and the previous Directive (Article. 17) **No collection nonrelevant data or immediate deletion**	✓ First data protection-certified whistleblower system (EU GDPR) ✓ Fully adaptable to any country-specific requirements ✓ Standard settings are fully compliant with GDPR ✓ Reporting categories and pre-defined questions prevent the collection of nonrelevant data
Documentation of all incoming reports in accordance with confidentiality obligations (Article 18) **Retention until the require-ments of Directive/Union/national law are met** **Review, correction & confirmation of the transcript of a telephone report by the whistleblower**	✓ Audit-proof documentation ✓ Measurable effectiveness through powerful management reporting ✓ Can be archived for required period after anonymisation ✓ Review, correction & confirmation thanks to dialogue with whistleblower

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The Pioneer and Market Leader in Whistleblowing Systems

As the first provider of electronic whistleblowing systems and the European market leader in compliance software, we have been developing integrity and compliance applications to fight white-collar crime such as corruption, money laundering and other crimes against society for 20 years.

Number One in Compliance Solutions for Companies

We promote and support whistleblowers and organisations who consider ethically responsible behaviour to be a foundation of daily conduct that cannot be compromised. In this way, we contribute to the development of a business culture based on integrity and values.

We serve our customers by integrating all aspects of whistleblower protection in an optimal manner enhancing the effectiveness of their ethics and compliance programmes.

We are proud to be of valuable service to organisations of all sizes, from small and medium-sized enterprises to large companies and global corporations. We also serve NGO's, child-welfare organisations, clinics and healthcare in stitutions and public sector regulators such as anti-corruption bodies, competition agencies and financial markets authorities.

WITH US, YOUR DATA IS SAFE

ISO 27001 certificate
BKMS® Compliance System

Data privacy quality seals
BKMS® Compliance System

Penetration test certificate
BKMS® Incident Reporting

WACA certificate
BKMS® Incident Reporting

Do you want to offer an incident reporting system in your company to comply the EU Whistleblowing Directive?

Then get in contact with us now and arrange a software demo to get to know BKMS® Incident Reporting.

Get your personal demo

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