

Esbjerg International School's whistleblower policy

Introduction and Purpose:

On 24th June 2021, the Danish Parliament adopted Act No. 1436 on the protection of whistleblowers (the whistleblower act).

The law implements EU Directive (EU) 2019/1937 on the protection of persons who report violations of EU law into Danish law.

The Whistleblower Act provides, among other things, requirement that whistleblower schemes be established in all private and public workplaces with 50 or more employees. The Whistleblower Act enters into force on 17 December 2021, however, so that the obligation to establish whistleblower schemes for workplaces in the private sector with between 50 and 249 employees only comes into effect on 17 December 2023.

The purpose of establishing a whistleblower scheme is to ensure openness and transparency in relation to possible illegalities and serious irregularities in the individual workplace.

You can read more about the applicable rules for whistleblowing in the Ministry of Justice's Guidelines for whistleblowers and Guidelines on whistleblower schemes in public workplaces. The instructions include, among other things, examples of what you can report on. You can find the guidance on the website of the Ministry of Justice.

The whistleblower scheme must be seen as a supplement to the direct and daily communication in the workplace about errors and unsatisfactory conditions, etc. The scheme also constitutes a supplement to existing options for e.g. to contact the immediate leader, the personnel/HR department or the trade union representative, just as the scheme does not restrict public employees' freedom of expression. The scheme also does not exclude the possibility of reporting via external channels such as e.g. supervisory authorities or the Danish Parliament's Ombudsman.

A whistleblower can freely choose between submitting a report to the workplace's whistleblower scheme or an external whistleblower scheme. Whistleblowers are, however, encouraged to report to the workplace's whistleblower scheme, where the breach can be dealt with effectively internally, and where the whistleblower assesses that there is no risk of reprisals.

Who can report to Esbjerg International School's whistleblower scheme:

This follows from section 9, subsection of the Whistleblower Act. 1, that employers with 50 or more employees must establish an internal whistleblower scheme, where employees can report information covered by § 1, subsection 1.

Esbjerg International School has more than 50 employees and has therefore implemented the scheme before the official deadline.

You can make a report to Esbjerg International School's whistleblower scheme if:



- You are or have been employed at Esbjerg International School or if you have been considered for a position at Esbjerg International School, to the extent that the report relates to information acquired in connection with the employment process or other pre-contractual negotiations.
- You are a business partner, including a self-employed person, with whom Esbjerg International School collaborates. The group of persons also includes employees of the collaboration partner, sub-supplier of goods or services to Esbjerg International School.
- You are a voluntary, paid or unpaid intern at Esbjerg International School.

What can you whistleblow about?

Whistleblowers can report on conditions that have taken place or will take place in the organization in question, and which the whistleblower has become aware of as part of a work-related activity.

You can report information:

- Violations of EU law that are covered by the scope of the whistleblower directive, for example:
 - Public tender
 - Financial services, products and markets, and prevention of money laundering and terrorist financing.
 - Product safety and compliance
 - Transport safety
 - Environmental protection
 - Radiation protection and nuclear safety
 - Food and feed safety, animal health and animal welfare.
 - Public health
 - Consumer protection
 - Protection of privacy and security of network and information systems
- Serious legal offenses (e.g. violations of the Criminal Code or special legislation)

It will generally include information on criminal matters, including breach of any duty of confidentiality, hacking, theft, embezzlement, fraud, bribery, gross and repeated breaches of the Public Administration Act and the Public Disclosure Act, etc.

- Serious conditions (e.g. gross harassment or disregard of professional standards).

It will generally include information about disregard of professional standards, which e.g. could result in a risk to the safety and health of persons, serious or repeated violations of the workplace's internal guidelines, serious errors



and serious irregularities connected with IT operations or IT system management and special cases where minor cooperation difficulties entail major risks, and thus constitute a serious relationship.

An offense or other matter will as starting point be serious if it concerns information that it is in the public interest to bring to light. Violations of a trivial nature are not covered, just as violations of accessory provisions are not covered either. Reports about the whistleblower's own employment will not be covered, unless it is sexual harassment or serious harassment.

You must be aware that other violations such as Violations of internal guidelines on sick leave or smoking are not covered by the whistleblower scheme.

Information about other conditions must basically be handled via e.g. immediate manager, HR or trade union representative.

How is the report made:

You can send your report to Esbjerg International School's whistleblower scheme by ordinary letter.

You can also send an e-mail to wb@eis.school - be aware if you want anonymity, it can be difficult to hide your personal data when an e-mail is sent.

Your inquiry is treated confidentially by a whistleblower unit, which consists of selected employees in the leadership of the school. All incoming inquiries are securely logged in the school office.

The Whistleblower unit at EIS consists of these persons:

- Head of School
- Deputy Head
- Business Manager
- School Counselor

The whistleblower unit sends you a confirmation that your report has been received within 7 days of receiving the letter. You will also receive feedback regarding your inquiry, see below. However, this does not apply if you have chosen to report anonymously. See the possibility of anonymity below. If we know your contact details and we need to ask you questions in order to provide sufficient information on the matter so that it can be processed, we will contact you.

Esbjerg International School's whistleblower unit makes an initial assessment of whether the report falls within the scope of the law and whether you meet the conditions for whistleblowing. If the report falls outside the scope of the law, you will be informed of this. The whistleblower unit will - depending on the nature of the inquiry - guide you on the further handling of the inquiry, e.g. you may be encouraged to contact the nearest leader, the trade union representative or the HR department.



If there is a basis for the report to be processed under the whistleblower scheme, the whistleblower unit initiates a closer investigation of the situation with the involvement of information internal to the authority and, to the relevant extent, with the involvement of external authorities and public supervisory bodies with a view to submission to leadership or the Board of Trustees. If the inquiry concerns a member of the leadership, including the school head or a head of department, the inquiry will be dealt with in the leadership without the member in question present.

If, in the leadership's assessment, the investigation shows objectionable conditions, there are different options for reaction:

- If there is a violation of criminal law, it can be reported to the police.
- If the case concerns serious mistakes and/or negligence committed by an employee at Esbjerg International School, it may result in negative employment law reactions, including disciplinary sanctions, e.g. warning or dismissal.
- If the case concerns serious errors and/or negligence committed by a business partner, this may result in contractual consequences for the business partner, e.g. contract cancellation.

Feedback:

The whistleblower unit will inform you as far as possible about what measures have been taken or are planned to be taken, and why the unit has chosen this follow-up. You will receive feedback as soon as possible and no later than 3 months from the confirmation of receipt. If it is not possible to provide feedback within the deadline, the whistleblower unit will inform you of this and whether any further feedback can be expected.

Anonymity:

You can submit information to the whistleblower scheme without revealing your identity. If you want to remain anonymous, you must be careful not to disclose your name or other personally identifiable information such as address or telephone number. If you wish to maintain your anonymity, you must also be aware that when submitting documents, films, photos etc. will inadvertently provide information about your identity.

You should therefore be aware that if you write sender on the letter, anonymity cannot be guaranteed when you send an ordinary letter to the whistleblower scheme.

Protection of you as a whistleblower and the affected person:

Whistleblowers are protected by certain rights that apply before, during and after a report or publication has been made.

However, it is a requirement for you to be protected as a whistleblower that you are of the belief that the information you report is correct. In other words, you must be in "good faith" about the accuracy of the information. You will therefore not be protected as a whistleblower if you, for example intentionally reports incorrect information to the whistleblower scheme.



You as a whistleblower, will not be liable for misappropriating the information that you report, unless the way in which you have misappropriated the information is punishable. This will be the case, for example, if you have obtained the information by hacking, illegal recording, wiretapping of others or the like.

As a whistleblower who reports information to a whistleblower scheme in good faith, you will not be liable for breaching a statutory duty of confidentiality in connection with the information that you report, if you reasonably believed that the report revealed a situation which is covered by the scope of the law.

However, you must be aware that freedom from liability does not apply if you pass on information that is covered by the duty of confidentiality of healthcare professionals, cf. Section 40 of the Health Act, or classified information that is covered by the Ministry of Justice's circular on the security protection of information of common interest to the countries of NATO or the EU, other classified information as well as information of security interest in general (the security circular) which is also confidential. If you pass on such information or other information where the Whistleblower Act does not apply, you will still be liable for breach of your duty of confidentiality, cf. § 1, subsection of the Whistleblower Act. 3, No. 1-5.

As a whistleblower, you are protected against reprisals – including threats of reprisals or attempted reprisals – if you make a report to an internal or external whistleblower scheme. You must also not be prevented or attempted to be prevented from making a report.

Employees associated with the whistleblower unit have a special duty of confidentiality with regard to the information included in reports. The duty of confidentiality only covers information included in the report. If a report gives rise to the initiation of a case, the other information collected in that connection will not be covered by the duty of confidentiality. Such information will instead be subject to the general rules on disclosure and access to documents in particular the Public Disclosures Act and the Public Administration Act. However, if you, as a whistleblower, have intentionally revealed your identity in connection with a publication, Esbjerg International School is not obliged to observe the duty of confidentiality with regard to information included in the report.

Information about the whistleblower's identity or other information from which the whistleblower's identity can be derived directly or indirectly can, as a rule, only be passed on to others than the whistleblower unit after obtaining the whistleblower's express consent beforehand, cf. however, exceptions in the Whistleblower Act section 26.

The natural or legal person who is indicated in the report or publication as a person to whom the violation can be attributed, or to whom said person has a connection (the affected person), also has the right to protection of his identity during the proceedings and the right to a effective defense. These rights cannot be waived by agreement to the detriment of the person concerned.

External whistleblower schemes:

A whistleblower who intends to make a report to the whistleblower unit can instead choose to report via the Danish Data Protection Authority's external whistleblower scheme, for example if the whistleblower is concerned about reprisals. The Danish Data Protection Authority's external whistleblower scheme can be accessed via <https://whistleblower.dk/>.

It must be emphasized that the whistleblower is free to choose between reporting under the Ministry of Health's whistleblower scheme or the Danish Data Protection Authority's external whistleblower scheme.





Approved at the board meeting on 21 / 11 2023.

