

Responsible Person under Act No. 54/2019 Coll.

under the provisions of Section 10(5) of Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendments to Certain Acts (hereinafter the “Act”)

Pavol Jozef Šafárik University in Košice
hereby publishes

the details of the Responsible Person:

Mgr. Gabriela Ciberejová – Compliance Officer at UPJŠ in Košice

address: Pavol Jozef Šafárik University in Košice, Rector’s Office, Šrobárova 2, 041 80 Košice
telephone: 055/234 1586

A whistleblowing report may be submitted:

- in writing (by post or through the Registry Office of UPJŠ in Košice) - the envelope containing the report must be sealed and clearly marked “Oznámenie – NEOTVÁRAŤ” (Report – DO NOT OPEN),
- electronically to the email address of the designated Responsible Person: oznamenia@upjs.sk,

including on an anonymous basis.

The internal system for the submission and investigation of whistleblowing reports is governed by Rector’s Decision No. 23/2023, implementing the provisions of Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendments to Certain Acts at Pavol Jozef Šafárik University in Košice and its constituent parts.

Pursuant to Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendments to Certain Acts:

- **whistleblower** means a natural person who, in good faith, makes a whistleblowing report to an authority competent to receive whistleblowing reports or to the employer; a whistleblower shall also include a natural person who, in good faith

1. makes a whistleblowing report and their employment relationship or other equivalent relationship has been terminated, if such person has become aware of information about the misconduct harmful to the society during such employment relationship or another equivalent relationship,
2. makes a whistleblowing report and their employment relationship or other equivalent relationship has not yet come into existence, if such person has become aware of information about the misconduct harmful to the society during the selection procedure or in the context of pre-contractual relations,
3. made a whistleblowing report anonymously and their identity was revealed,
4. has disclosed information about the misconduct harmful to the society, which has come to their knowledge during the selection procedure or in the context of pre-contractual relations, and such person’s employment relationship or other equivalent

relationship has not yet come into existence, or during the employment relationship or other equivalent relationship or after the termination of the employment relationship or other equivalent relationship on the grounds that

4a. such person has made a whistleblowing report via the internal system for the investigation of whistleblowing reports and has not been notified of the outcome of the investigation, or no appropriate measures have been taken, and has subsequently made such whistleblowing report to an authority competent to receive whistleblowing reports and has not been notified of the status of the investigation or the outcome of the investigation in due course,

4b. has made a whistleblowing report to an authority competent to receive whistleblowing reports and has not been notified of the status of the investigation or the outcome of the investigation in due course,

4c. there is a reasonable concern that the misconduct harmful to the society may constitute an imminent or obvious threat to the public interest, or

4d. there is a reasonable concern that such person would be subject to a retaliation if they made the whistleblowing report to an authority competent to receive whistleblowing reports or, in the specific circumstances of the case, there is a threat that the authorities competent to receive whistleblowing reports would fail to ensure an impartial and independent investigation of the facts set out in the whistleblowing report.

- **whistleblowing report** means the reporting of facts of which the natural person has become aware in connection with their employment relationship or another equivalent relationship, and which relate to misconduct harmful to the society.

- **qualified whistleblowing report** means a whistleblowing report which may contribute or has contributed to the clarification of serious misconduct harmful to the society or to the detection or conviction of its perpetrator.

- **serious misconduct harmful to the society** means

1. pursuant to the Criminal Code, criminal offences under [Section 168](#) Endangering Health through Unsafe Foodstuffs and Other Products, [Section 170](#) Endangering Health through Unauthorized Medicines, Medicinal Products and Medical Devices, [Section 170b](#) Counterfeiting Medicines and Medical Devices, [Section 177](#) Failure to Provide Assistance, [Section 212](#) Theft, [Section 213](#) Embezzlement, [Section 217](#) Unauthorized Use of a Motor Vehicle, [Section 221](#) Fraud, [Section 226](#) Unjust Enrichment, [Section 233a](#) Money Laundering, [Section 237](#) Breach of Duty in Administering Another's Person Property, [Section 239](#) Harm Done to a Creditor, [Section 240](#) Preferential Treatment of a Creditor, [Section 243](#) Obstruction of Bankruptcy or Composition Proceedings, [Section 243a](#) Obstruction of Enforcement Proceedings, [Section 247](#) Unauthorized Access to a Computer System, [Section 247d](#) Production and Possession of an Access Device, Password to a Computer System or Other Access Data, [Section 251a](#) Illegal Employment, [Section 252](#)

Unauthorized Trading in Foreign Exchange and Provision of Foreign Exchange Services, [Section 253](#) Unauthorized Production of Spirits, Tobacco and Tobacco Products, [Section 254](#) Violation of Regulations Governing the Movement of Goods in Foreign Trade, [Sections 261 to 263](#) Damaging the Financial Interests of the European Union, [Sections 266 to 268](#) Manipulation of Public Procurement and Public Auctions, [Section 271](#) Circulation of Counterfeit, Altered, and Unauthorized Money and Securities, [Section 278a](#) Obstruction of Tax Administration, [Section 283](#) Infringement of Copyright, [Section 299a](#) Unauthorized Construction Activities, [Section 302](#) Unauthorized Waste Management, [Section 305](#) Porušovanie Protection of Plants and Animals, Abuse of Authority by a Public Official, [Sections 327 and 327a](#) Obstruction of the Duties of Public Official, [Section 328](#) Passive Bribery, [Section 332](#) Active Bribery, [Section 336](#) Indirect Corruption, [Sections 336a](#) Electoral Corruption, [Section 336b](#) Corruption in Sport, [Section 336d](#) Acceptance and Provision of an Undue Advantage, [Section 348](#) Obstruction of the Execution of an Official Decision, [Section 352a](#) Forgery and Issuance of False Medical Documentation, [Section 374](#) Unauthorized Processing of Personal Data.

2. a criminal offence, for which the [Criminal Code](#) provides for imprisonment with a maximum penalty exceeding two years.
3. an administrative offence, for which a fine may be imposed with an upper limit determined by a calculation, or
4. an administrative offence, for which a fine with an upper limit of at least €30,000 may be imposed.

- **employment relationship** means an employment relationship, agreements for work performed outside the employment relationship.

- **acting in good faith** means acting of a natural person who, in the light of the circumstances known to them and the knowledge they have at the time of making the whistleblowing report, has reasonable grounds to believe that the facts stated are true; in cases of doubt, the acting shall be deemed to have been done in good faith until the contrary is proved.

Office means the Whistleblower Protection Office under Section 13 of the Act.

The submission of a report is without prejudice to the whistleblower's obligation to report a criminal offence or to thwart a criminal offence pursuant to the Criminal Code.

In order to enable a thorough investigation of a whistleblowing report, whistleblowers should, where possible, provide the following information in their reports:

- a. a detailed description of the facts and circumstances, including all known relevant information (what happened, where and when it happened, what conduct gave rise to the suspicion, who is suspected, etc.);
- b. information on how the whistleblower obtained the information that is the subject of the report;
- c. whether there are any witnesses or other persons involved (identify and provide details);

- d. whether the whistleblower has any supporting documents or evidence (provide such evidence);
- e. whether the whistleblower has already discussed the matter with anyone and, if so, with whom;
- f. the identity and contact details of the whistleblower – if the whistleblower chooses to submit the whistleblowing report anonymously, they are not required to disclose their identity.

Handling of whistleblower reports

Responsible Person shall acknowledge receipt of a whistleblowing report within seven days of receipt. A referral of a case for handling pursuant to the Code of Criminal Procedure or specific statutory provisions shall also be deemed an investigation of the whistleblowing report. The report must be legible and comprehensible, and it must clearly indicate the misconduct harmful to the society to which it relates.

If a whistleblower submits a report anonymously, they may provide the employer with an anonymous email contact through which they can continue to communicate and respond to any follow-up questions. The employer is also required to acknowledge receipt of the report and inform the whistleblower of the outcome of the investigation via this email address.

Responsible Person shall investigate the whistleblowing report and notify the whistleblower of the outcome of the investigation of the whistleblowing report and the action, if any, taken as a result of the investigation of the whistleblowing report within 90 days of acknowledgement of receipt of the whistleblowing report, or, unless the receipt of the report has been acknowledged, within 90 days of the expiry of the period of seven days after the receipt of the whistleblowing report. If the investigation of the whistleblowing report results in referring the matter to be handled pursuant to the Code of Criminal Procedure or specific statutory provisions, Responsible Person shall inform the whistleblower in advance; this shall not apply if informing the whistleblower could frustrate the investigation of the whistleblowing report. Responsible Person shall request the outcome of the investigation within the scope permitted by the specific statutory provision and notify the whistleblower of the outcome within ten days of receipt thereof.

Responsible Person shall, when receiving, investigating and registering whistleblowing reports, observe the non-disclosure obligation with regard to the identity of the whistleblower and the identity of the person concerned; the disclosure of information about the identity of the whistleblower shall be subject to their written consent. The first sentence shall be without prejudice to the obligation to disclose information on the identity of the whistleblower and information on the identity of the person concerned for the purposes of criminal proceedings or administrative offence proceedings pursuant to specific statutory provisions.

A whistleblowing report may also be submitted through external reporting channels, i.e. through another authority competent to receive reports, which, in addition to UPJŠ in Košice, includes:

- Whistleblower Protection Office;
- Public Prosecution Service;
- an administrative authority competent to conduct proceedings concerning an administrative offence constituting serious misconduct harmful to the society; or
- a competent institution, body, office or agency of the European Union.

Protection of whistleblower

A request for protection in making the whistleblowing report concerning serious misconduct harmful to the society that constitutes a criminal offence may be made by the whistleblower simultaneously with making the whistleblowing report or during criminal proceedings; the request shall be made to the prosecutor in writing or orally on the record. If the whistleblower protection request is made to another public authority, the latter shall forward it without delay to the prosecutor.

A request for protection in making a whistleblowing report concerning serious misconduct harmful to the society that constitutes an administrative offence may be made by the whistleblower simultaneously with making the whistleblowing report or during the administrative offence proceedings; the whistleblower protection request shall be made in writing or orally on the record to the authority competent to conduct the administrative offence proceedings (hereinafter referred to as the “administrative authority”). If the whistleblower protection request is made to another public authority, the latter shall forward it without delay to the authority competent pursuant to the first sentence.

The whistleblower protection request shall include the name, surname, date of birth and residence of the whistleblower making the request, the whistleblower’s place of work and the name of the whistleblower’s employer; the request shall also include details of a close person if the close person is in an employment relationship with the same employer as the whistleblower or is in an employment relationship with an employer who is a dependent in relation to the whistleblower’s employer and the whistleblower also requests protection for that close person.

An employer may execute a legal act or issue a decision in an employment relationship (hereinafter referred to as an “employment-related measure”) against a protected whistleblower, to which the whistleblower has not given their consent, only with the Office consent; the Office consent shall not be required where the employment-related measure awards a claim or if the employment-related measure relates to a termination of an employment relationship which is the result of a legal fact that is not within the employer’s discretion.

Suspension of employment-related measure

If the whistleblower believes that an employment-related measure has been taken against them in connection with the whistleblowing report, with which the whistleblower disagrees, the whistleblower may apply to the Office, within 15 days of the date on which the whistleblower became aware of the employment-related measure, to suspend such employment-related measure. The Office shall suspend the employment-related measure without delay if the time

limit has been complied with and the employer fails to prove within a reasonable period specified by the Office that the employment-related measure is not causally related to the whistleblowing report. The Office shall issue an acknowledgment of suspension of the employment-related measure and deliver it to the employer and the whistleblower. The suspension of the employment-related measure shall end on the expiry of 30 days from the receipt of the acknowledgment. If the Office does not comply with the whistleblower's request, it shall notify the whistleblower in writing of the reasons for not suspending the employment-related measure.

Processing and Protection of Personal Data:

The controller processing your personal data is Pavol Jozef Šafárik University in Košice, with its registered office at Šrobárova 2, 041 80 Košice, Slovak Republic, ID No. (IČO): 00 397 768.

The legal basis for the processing of personal data is the fulfilment of a legal obligation pursuant to Article 6(1)(c) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation – GDPR), specifically in relation to the whistleblowing agenda under Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendments to Certain Acts. This involves the processing of whistleblowers' personal data for the purposes of receiving and investigating reports and maintaining records of received reports pursuant to Section 11 of the aforementioned Act.

Categories of personal data processed: For the purpose of recording a report, the responsible person processes the whistleblower's personal data to the extent of their first name, surname, and place of residence.

Categories of recipients: Whistleblower Protection Office, a public prosecutor, and other authorized entities.

The controller does not intend to transfer personal data to a third country or an international organization. The personal data obtained are not subject to profiling or automated decision-making.

Retention period: UPJŠ archives and retains the personal data of data subjects for the period specified by applicable legal regulations and the valid Records Retention Policy and Records Retention Plan of UPJŠ.

As a data subject, you have the rights provided for under the GDPR with regard to the processing of your personal data. You may exercise these rights by submitting a request to our Data Protection Officer, either electronically or in writing, at: zodpovedna-osoba@upjs.sk

As a data subject, you have, in particular, the following rights:

- 1) Right of access to personal data being processed under Article 15 of GDPR. This includes the right to obtain confirmation as to whether your personal data are being processed, access to those data, and a copy of the personal data being processed, where technically feasible;

- 2) Right to rectification of inaccurate personal data and completion of incomplete personal data under Article 16 of GDPR, if we process inaccurate or incomplete personal data concerning you;
- 3) Right to erasure of your personal data under Article 17 of GDPR;
- 4) Right to restriction of processing of personal data under Article 18 of GDPR;
- 5) Right to data portability under Article 20 of GDPR;
- 6) Right to lodge a complaint with the supervisory authority, which is the Office for Personal Data Protection of the Slovak Republic.

More information about your rights is available on the UPJŠ website

<https://www.upjs.sk/en/information/public-relations/personal-data-protection/>