



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Drejtësisë - Ministarstvo Pravde - Ministry of Justice

GUIDELINE¹
ON THE PROTECTION OF PERSONS WHO REPORT IN THE PUBLIC
INTEREST, THE OBLIGATIONS OF EMPLOYERS ON PROTECTING
WHISTLEBLOWERS FROM HARMFUL ACTS AND THE RIGHTS OF
WHISTLEBLOWERS FOR LEGAL PROTECTION

¹ Guideline is approved by the Decision No.179/2023 of the Minister of Justice dated 19.09.2023



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Drejtësisë - Ministarstvo Prade - Ministry of Justice

No. 179/2023
Date: 19/09/2023

Pursuant to Article 9, Article 10 (paragraphs 1 and 2), and Article 11 of Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, (Official Gazette no. 7/01, March 2019), Article 11 (paragraph 1, sub-paragraph 1.5) of Law no. 08/L-117 on the Government of the Republic of Kosovo, Annex 1, item 3 of the Regulation (GRK) - No. 14/2023 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, as well as in accordance with the Article 17 of the Regulation (GRK) - No. 03/2021 on Determining the Procedure for Receiving and Handling of the Cases of Whistleblowing, the Minister of Justice issues the following:

DECISION

1. On approving the Manual for the protection of persons who report in the public interest, the obligations of employers to protect whistleblowers from harmful acts and the right of whistleblowers to legal defence.
2. An annex to this Decision is the Manual for the protection of persons who report in the public interest, the obligations of employers to protect whistleblowers from harmful acts and the right of whistleblowers to legal defence.
3. The Decision enters into force on the day of its signing.

Albulena Haxhiu

Minister of Justice

The Decision to be circulated to:

- *Cabinet of the Prime Minister;*
- *General Secretary of OPM;*
- *General Secretaries of all Ministries;*
- *Agency for the Prevention of Corruption;*
- *Archive of the Ministry of Justice.*
- *Archive of the Ministry of Justice.*

TABLE OF CONTENTS

INTRODUCTION.....5

1. WHO DOES THIS GUIDE APPLY TO?.....6

**PART I: ESTABLISHING AND MAINTAINING A CONFIDENTIAL AND SECURE
INTERNAL WHISTLEBLOWING MANAGEMENT SYSTEM7**

1.1. Guiding Principles..... 7

1.1.1. Rights of the whistleblower7

1.1.2. Obligations of the employer.....8

1.1.3. Obligations of the responsible official..... 10

1.1.4. Confidentiality 10

1.1.5. Data Protection..... 11

1.1.6. Misdemeanor provisions 12

1.1.7. Establishing and maintaining secure reporting channels 12

1.1.8. Communication channels..... 13

1.1.9. Secure storage and handling of data 15

1.2. Processing the report 16

1.2.1. Initial treatment..... 16

1.2.2. Forwarding information to the competent authority 17

1.2.3. Investigations 18

**PART II: GUIDANCE ON PROTECTING WHISTLEBLOWERS FROM
DETRIMENTAL ACTS19**

1.1. What is a detrimental act? 19

1.2. Protection of whistleblowers 20

1.3. Risk assessment during initial treatment of the whistleblowing report 20

1.4. Establishing a complaints mechanism..... 21

1.5. External and public disclosures 24

1.6. Persons associated with whistleblowing 24

**PART III: COURTS AND JUSTICE SYSTEM ON HANDLING CASES INVOLVING
WHISTLEBLOWERS OR PERSONS ASSOCIATED WITH WHISTLEBLOWERS..26**

1.1. Judicial protection..... 26

1.2. Processing of cases..... 26

1.3. Adjudication of cases 27

1.4. Role of the judiciary 28

1.5. Powers of the court..... 28

ANNEX I:.....30

**1. Notification of receipt of complaint of detrimental acts caused by the
whistleblowing.....30**

**2. Notification of acceptance of complaint of detrimental acts caused by the
whistleblowing.....30**

3. Notification of rejection of complaint of detrimental acts caused by the whistleblowing.....	31
4. Notification of acceptance of the complaint of detrimental acts caused by the whistleblowing.....	32
5. Notification that immediate action has been taken.....	32
6. Request for access to information documentation.....	33
7. Minutes of the interview.....	34
8. Order for inspection.....	34
9. Final report.....	35

INTRODUCTION

Law No. 06/L -085 on Protection of Whistleblowers (Hereinafter ‘LPW’) came into force in January 2019. The Law defines the rules for whistleblowing, the procedure of making a report, the protection of whistleblowers and the obligations of public institutions and private entities to respond to reports and provide protection from retaliation. The Government of Kosovo also approved Regulation No. 03/2021 on the Determination of the Procedure for the Acceptance and Handling of Whistleblowing Cases (hereinafter: The Regulation).

The LPW and Regulation determine that whistleblowing to an employer is considered “internal whistleblowing” Public Employers with more than fifteen (15) employees and private employer with more than fifty (50) employees are legally obliged to appoint a responsible official.

The responsible official is designated to receive and respond to all whistleblowing reports within the institution, except in circumstances outlined in Article 17.4 of the LPW, whereby the employer is obliged to receive and respond to the report according to the same obligations of the responsible official.

The protection of whistleblowers is crucial to the effective operation of internal whistleblowing management systems. Protection must start from the moment that a person makes a report using the internal channels. The protection of confidentiality and personal data of whistleblowers are essential components. Article 11.1 of the LPW, identifies that the responsible official and any other person who accepts or processes reports in the public interest while performing an official duty must keep the confidentiality of information related to the whistleblowing at all times, except with the written consent of the whistleblower or for the fulfilment of a legal obligation. Article 12 of the LPW, determines that the personal data of the whistleblower and other persons involved in the whistleblowing must be processed in accordance with the applicable Law on the Protection of Personal Data.

Article 17.3 LPW identifies that Employers are obliged to protect the whistleblower from any detrimental act and to take all necessary measures to stop the detrimental act and avoid any consequence of it.

A whistleblower, or persons associated with the whistleblower who has suffered detrimental acts due to the whistleblowing, has the right to seek judicial protection without being obliged to exhaust internal legal remedies first.

This guideline is organized into three parts:

- **Part I:** provides guidance on establishing and maintaining a confidential and secure internal whistleblowing management system in institutions and legal entities.
- **Part II:** provides guidance on protecting whistleblowers from detrimental acts, including establishing and maintaining a mechanism to respond to complaints of detrimental acts.
- **Part III:** provides guidance to the courts and judiciary on handling cases involving whistleblowers or persons associated with whistleblowers.

It is important to note that these guidelines do not replace the LPW or the Regulations. The purpose of these guidelines is to explain the requirements of the LPW and Regulation in a practical way. These guidelines should be read in conjunction with the Guidelines for the Manner of Conducting the Administrative Investigation.

1. WHO DOES THIS GUIDE APPLY TO?

Part I and Part II of this guide applies to responsible officials who are appointed to receive and respond to reports from whistleblowers and to employers who are legally obliged to establish whistleblowing management systems, to appoint responsible officials and to protect whistleblowers from detrimental acts. According to Article 17 of the LPW and Article 5(6) of the Regulation, a whistleblower may directly address the employer manager if:

1. The institution has not appointed a responsible official.
2. The responsible official is absent.
3. The reporting is submitted by, or against the responsible official.
4. The responsible official has a conflict of interest.

If a whistleblower makes a report to the Employer Manager, the Employer Manager is then responsible for handling the concrete case of whistleblowing in accordance with the LPW and Regulation. The obligations relating to responsible officials also apply to the Employer Manager when handling whistleblowing cases.

Part III of this guide applies to members of the judiciary and also to employees and any other person working for, or in connection with the Department for Administrative Issues at the Basic Court in Pristina and the General Department of the Basic Court where the headquarters of the employer is located or where the whistleblower is resident.

PART I: ESTABLISHING AND MAINTAINING A CONFIDENTIAL AND SECURE INTERNAL WHISTLEBLOWING MANAGEMENT SYSTEM

1.1. Guiding Principles

Before discussing the practical elements of establishing and maintaining a whistleblowing management system it is necessary to outline the rights of the whistleblower and obligations of the employer and responsible officials. This part will then outline key issues to be taken into consideration regarding the protection of confidentiality and protection of personal data.

1.1.1. Rights of the whistleblower

According to Article 7 of the LPW a whistleblower has the right to:

- 1.1. protection of his/her identity during the whistleblowing process;*
- 1.2. preservation of the confidentiality of the source of whistleblown or disclosed information;*
- 1.3. protection against detrimental acts.*

The rights of the whistleblower are guaranteed as follows:

- 2.1. during the duration of the administrative investigation procedure of whistleblowing;*
- 2.2. after completion of the administrative investigation procedure of whistleblowing, with the aim to normally perform the duties of the whistleblower deriving from his/her employment relationship;*
- 2.3. after termination of the employment relationship of the whistleblower with his/her employer, when, by reasonable circumstances, the whistleblower has requested protection under this Law.*

It is important to stress that the protection of whistleblowers does not start and end with the making of the report or following the conclusion of an investigation procedure. Protection of the whistleblower must start from the moment that they make a report and must continue even after the employment relationship has ended and the whistleblower has requested protection. The protection of a whistleblower's identity and the confidentiality of any related information must therefore be a constant consideration for employers and responsible officials.

1.1.2. Obligations of the employer

As previously stated, according to Article 17 of the LPW, a public employer with more than fifteen (15) employees, and a private employer with more than fifty (50) employees is obliged to appoint a responsible official.² According to Article 5 of the Regulation, large public institutions throughout the territory of the Kosovo should appoint a responsible official for the headquarters and the regional units should appoint a responsible official for each unit.³ It is important that employers familiarise themselves with the legal requirements contained in the Law and the Regulation.

It is important to highlight that appointing a responsible official is more than just a legal requirement. Appointing a responsible official will have practical benefits for whistleblowers and for the institution as a whole. It also sends a clear message to staff in the institution that the management of the organisation are committed to supporting a safe environment for whistleblowing.

By appointing a responsible official, the institution will have a designated ‘focal point’ where whistleblowers can make reports. By designating a responsible official and by designing internal reporting channels controlled and maintained by the official, the institution can better protect whistleblowers. Responsible officials should receive training and should be aware of the legal requirements and practical considerations of whistleblower protection. The making of reports through a formalised structure to a person with legal obligations to maintain the confidentiality of the whistleblower helps to reduce the risk of the whistleblower being identified and thus the risk of retaliation.

Article 17 also requires the employer to take “all necessary measures regarding the whistleblowing.” This includes the protection of documentation and evidence relating to the whistleblowing to ensure that it does not disappear, is concealed, altered or falsified or any other action to destroy the information.

By taking “all necessary measures” the employer should additionally ensure that the responsible official is provided with the necessary time and resources to carry out their duties and responsibilities. The Regulation stipulates that if the institution has a designated official for ethics, anti-corruption policies or related issues, this person should be designated as the responsible official.⁴

In designating the responsible official, the employer should be careful to appoint a person with the credibility and integrity to conduct the role. Whistleblowers are much more likely to report to a person who is trusted within the institution.

Employers should ensure that responsible officials who are conducting the role alongside other duties in the organisation are able to dedicate the time required to performing the role of responsible official. Employers need to be alert to the fact that the responsible official role is

² Law No. 06/L -085 on Protection of Whistleblowers, article 17(1).

³ Regulation (QRK) No. 03/2021, on Determining the Procedure for Receiving and Handling the Cases of Whistleblowing, article 5(3).

⁴ Regulation (QRK) No. 03/2021, on Determining the Procedure for Receiving and Handling the Cases of Whistleblowing, article 5(2).

time intensive and time sensitive. As a result, where possible, when employees are performing other duties alongside the role of responsible official, the responsible official role should be their primary duty.

Upon receiving a report, responsible officials need to act promptly and efficiently. Responsible officials need to be ready to receive the reports, conduct an initial treatment of the information, conduct investigations (where appropriate) and write reports. In addition, they may need to investigate allegations of detrimental treatment. More generally, they may need to be absent from the workplace to conduct training or other duties associated with the role. Employers should ensure that responsible officials are provided with the necessary permissions and resources to perform these tasks.

As previously outlined, Article 17 of the LPW designates the employer manager as an alternative person to the responsible official. In addition, Article 5 of the Regulation stipulates that in case of absence of the responsible official, the whistleblower can report to the employer.⁵ Employers must be aware that they could receive reports from whistleblowers and that they are required to handle the case in accordance with the Law and Regulation. Employers are under the same obligation to protect the confidentiality of the whistleblower as responsible officials.

Employers have particular obligations to protect whistleblowers. Article 17 of the LPW identifies that the employer is obliged to protect the whistleblower from any detrimental act and to take all necessary measures to stop the act and remove any detrimental consequences. In addition, Article 16 (10) requires:

10. The employer shall take immediate measures to the extent possible, to prevent or impede the continuation of detrimental consequences of the suspected activity or practice involved in the whistleblowing.

The Employer should establish a process to deal with complaints of detrimental acts made by whistleblowers. It is vital that employers take action to respond to any complaints about detrimental treatment. In addition, it is recognised good practice to raise awareness of whistleblowing to all staff working in the organisation. The development of a whistleblowing policy and standard operating procedures which are specifically tailored to the institution will help to outline the rights and obligations of whistleblowers and employees. It is good practice to provide training to all staff on whistleblowing. In particular, line managers should be made aware that they cannot cause detrimental acts to whistleblowers. Line managers should also be informed of what constitutes a detrimental act under Article 22 of the LPW so that they are able to identify such acts if they take place and report them to the employer.⁶ Awareness raising activities such as the publication of posters and leaflets will help to reinforce these messages. All publications and activities should be regularly reviewed to account for any changes to the law and updated to incorporate up-to-date best practices.

⁵ Regulation (QRK) - NO. 03/2021 on Determining the Procedure for Receiving and Handling Whistleblowing Cases, article 5(6).

⁶ Further guidance is provided in Part II of this guide.

1.1.3. Obligations of the responsible official

Once appointed, the responsible official will be the primary source of contact for whistleblowers within the institution. The responsible official is required to safeguard the identity of the whistleblower and safeguard the confidentiality of information concerning the whistleblowing report. Responsible officials therefore need to exercise particular caution in communicating with whistleblowers, in handling information connected the case, in conducting investigations and in reporting on the outcome.

Institutions are required to ensure that special procedures are put in place to protect the confidentiality of the whistleblower.⁷ However, it is just as important that the responsible official observes the guiding principles of confidentiality and protection of personal data throughout their working practices. Further guidance on these matters is provided below.

1.1.4. Confidentiality

According to Article 11 LPW, the responsible official and any other person who accepts or processes whistleblowing reports while performing a professional duty shall protect the confidentiality of the whistleblower and the information. This duty does not apply in circumstances where the whistleblower has provided written consent or for the fulfilment of a legal obligation in the following circumstances:

- 1.1. the effective investigation of legal violations;*
- 1.2. the prevention of serious risk to the security of the country, public health or public safety, or the environment;*
- 1.3. the prevention of crime or the prosecution of a criminal offence;*
- 1.4. the necessity to disclose in public interest or whenever required by Law.⁸*

The responsible official and any other person must not inform any person mentioned in the whistleblowing unless provided by law. In cases where the responsible official is required to provide information to a competent authority for actions that cannot be undertaken without revealing the identity of the whistleblower, they must obtain written consent of the whistleblower before doing so. In cases where it is required by law to reveal the identity of the whistleblower, the responsible official must notify the whistleblower of this fact before revealing their identity.

In practical terms, these requirements mean that the responsible official should not communicate the identity of the whistleblower or information which could reveal their identity unless required to do so by law or with the consent of the whistleblower. Any communications or meetings with whistleblowers must be conducted with discretion to protect the

⁷ Regulation (QRK) - NO. 03/2021 on Determining the Procedure for Receiving and Handling Whistleblowing Cases, article 7. Considered in further detail below.

⁸ Law No. 06/L -085 on Protection of Whistleblowers, article 11(1).

confidentiality of the whistleblower. Further guidance is provided in the part on establishing and maintaining reporting channels below.

Responsible officials should be particularly aware that the information contained in the report could be used to identify the whistleblower. The responsible official has no right to discuss with anyone aspects related to the reported case and the administrative investigation related to a specific case. This discussion should not even happen amicably. In particular, persons identified in the whistleblowing report should not be notified. Exceptions to this are situations where this is necessarily required by law. Further guidance on the conduct of investigations is provided in Guidelines for the Manner of Conducting the Administrative Investigation.⁹

Responsible officials should note that they enjoy the same protection as the whistleblower if they can prove that detrimental acts taken against them are due to their association to the whistleblower.

1.1.5.Data Protection

Article 12 of the LPW contains requirements for the processing of data of the whistleblower and other persons involved in the whistleblowing. Processing must be done in accordance with the applicable legislation on protection of personal data. According to Law No. 06/L-082 on the Protection of Personal Data, personal data is considered "any information related to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified directly or indirectly, in particular by reference to an identifier based on a name, an identification number, location data, an online identifier, or one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that natural person" while processing is considered any action on these data.

The responsible official must take care to process data only as much as is necessary for the handling of the whistleblowing report and any subsequent administrative investigation. Thus, the protection of personal data is not an obstacle for the processing of a whistleblowing report or conduct of an administrative investigation, but it should be noted that data should not be requested more than the data that are necessary for the processing of the whistleblowing report or conduct of the administrative investigation.

The responsible official is required to protect personal data in accordance with the law. The responsible official should exercise special care in the processing of data of the whistleblower, subjects of the report and persons involved in the alleged wrongdoing, together with any witnesses who may assist the investigation. At all stages in the whistleblowing process and after the process has ended, the responsible official should exercise special care in the case of inter-institutional communications and any other communications necessary for handling the whistleblowing report. The responsible official must exercise special care when transferring any data to external authorities.

⁹ Guideline for the Conduct of Administrative Investigation, approved by the Minister of Justice, with Decision No. 158/2023 dated 18.07.2023.

1.1.6. Misdemeanor provisions

It should be noted that Article 27 of the LPW contains misdemeanor provisions. A public institution, private entity or respective competent authority can be imposed a fine from five hundred Euro to 20,000 Euro if it:

- 1.1. does not protect the whistleblower from any detrimental act or does not undertake all necessary measures to terminate the detrimental act, as well as elimination of any consequence of detrimental act within its competence;*
- 1.2. does not notify all employees in writing of the rights provided for by this Law;*
- 1.3. does not appoint the responsible official;*
- 1.4. does not undertake actions after reporting the information within the deadline determined by this Law;*
- 1.5. does not inform the whistleblowers on the outcome of the procedure within the determined deadline;*
- 1.6. does not inform the whistleblowers, upon his/her request, about the progress and actions taken in the procedure or does not make it possible for the whistleblower to have access to the case files and to participate in the actions taken during the whistleblowing proceedings;*
- 1.7. in case it precludes the whistleblowing, as determined by Article 6 of this Law;*
- 1.8. in case it acts in contradiction to Article 11 of this Law.*

In addition, the responsible official of the public institution, private entity as well as of the respective competent authority can be held personally liable and can be fined from 300 Euro to 2000 Euro in cases where they are responsible according to sub-paragraphs 1.1, 1.2 and 1.4 to 1.6 of the paragraph contained above.

1.1.7. Establishing and maintaining secure reporting channels

In order to protect the confidentiality and personal data of whistleblowers, employers must consider the practical implications of receiving and responding to whistleblower reports. The employer must be mindful of the following requirement contained in Article 5(9) of the Regulation:

The responsible officer must be provided with sufficient resources to carry out his duties, including the space and work equipment as well as suitable conditions for storing the documents.

If the responsible official needs to communicate with the whistleblower or any other persons involved in the whistleblowing, it would be very difficult to do this if the responsible official shares an office with other people. Where possible, the employer should provide the responsible official with a separate office. This office should ideally be located in a discreet

location in the premises of the employer. The office should not be monitored by closed circuit television to reduce the risk of the whistleblower or any other persons involved in the whistleblowing from being identified. In addition, the office should only be accessed by the responsible official. In the event that access by another person is required (for example to perform cleaning or maintenance tasks), this should be performed with the consent, and ideally in the presence of the responsible official.

The following section provides guidance on the practical application of the aforementioned principles.

1.1.8. Communication channels

According to Article 14(3) of the LPW, whistleblowers can make reports in the following ways:

- | |
|--|
| <ul style="list-style-type: none"><i>3.1. in writing;</i><i>3.2. by mail or e-mail; and</i><i>3.3. verbally.</i> |
|--|

When the information is presented verbally, the responsible official is required to compile a written notice which is signed by both the responsible official and the whistleblower.

It is important that the institution proceeds carefully when establishing the internal communication channels. Any system which is put in place must prioritise the protection of confidentiality and protection of personal data.

Article 7 of the Regulation requires institutions to put the following special procedures in place:

- | |
|---|
| <ul style="list-style-type: none"><i>1.1. physical delivery to the address of the responsible officer shall be opened only by the official responsible for receiving cases of whistleblowing in the public interest;</i><i>1.2. a special e-mail address is created for the submission of cases of whistleblowing in the public interest, to which only the responsible officer will have access;</i><i>1.3. if a public interest report is submitted to the institution without an address or to another person within the institution, the document shall be forwarded immediately to the responsible officer. The responsible officer shall inform the reporting person of the receipt of the reporting.</i> |
|---|

Physical mail

The physical address of where the responsible official is located should be made available on the institution's website and in any awareness raising materials. Any physical mail which is received by the institution must be immediately forwarded to the responsible official. The mail should be opened only by the responsible official. Any institution which has a policy to open and handle all mail centrally must ensure that this policy does not apply to communications to the responsible official.

Any mail opened by another employee (or anybody else) in the organisation, for example by accident, must be forwarded immediately to the responsible official. The employee must keep the identity of the whistleblower confidential. The responsible official shall notify the employee of their obligations to do so.

The employer should provide secure storage for physical mail. If the responsible official is required to collect their mail from a central location, this mail should be kept in a secure post box/ cabinet or other means which is accessible only by the responsible official. Alternatively, this secure storage could be provided outside the office of the responsible official, however access must be restricted to the responsible official.

The institution should also allow reports to be made using available internal mail channels or the physical delivery of reports in person. Again, it is advised that a secure post box is provided for this purpose, accessible only by the responsible official.

Special email address

As previously identified, Article 7 of the Regulation requires the creation of a special email address for the submission of whistleblowing cases which is accessible only by the responsible official. In establishing the special email address it is important that the institution ensures that access cannot be achieved by any other persons in the institution. Therefore, if the institution operates a shared internal server it must ensure that the special email address for whistleblowing cannot be accessed by anybody else. Access to the email account must require a login name and password known only by the responsible official. As well as ensuring that persons from inside the institution cannot access the account, the institution must ensure that unauthorised access (for example hacking) cannot be done from outside of the institution.

Institutions are advised to consider options for adopting a system which offers high levels of encryption. If the institution determines that it is appropriate to utilise an encrypted email (and possibly a two-way communication platform or smart phone application) system provided by a third party, it must ensure that the provider will act in compliance with the Law on the Protection of Personal Data and the LPW. It is particularly important that if the company is based in another legal jurisdiction, or that the servers are based in another legal jurisdiction that the jurisdiction in question has strong data protection laws at least to an equivalent standard of the Law on Protection of Personal Data.

As well as providing a special email address, the institution should consider additional risks associated with accessing the account. For example, if the responsible official ordinarily shares a computer with his or her colleagues, there is an increased risk of unauthorised access, even if by accident, if the responsible official fails to log out of their account. Moreover, there are issues with the responsible official receiving and responding to emails if they are based in an open plan office with other colleagues. It is therefore recommended that, where possible, the responsible official be provided with their own computer and their own office.

Responsible officials must exercise caution when sending emails to whistleblowers or other persons connected to the whistleblowing. Responsible officials should check that email addresses are correct and take all available precautions to ensure that emails are not sent to the wrong person or the identity of the whistleblower is accidentally revealed.

Oral reporting

The LPW and Regulation allow for the making of oral reports by whistleblowers. If a report is made orally, the responsible official is required to draft a statement which must be signed by the whistleblower and the responsible official. Any physical meetings must be held in a location where confidentiality can be ensured. The employer should therefore provide facilities for the responsible official to conduct meetings with whistleblowers and any other persons connected to the whistleblowing. In certain circumstances, for example where the whistleblower expresses concern that they may be identified, it may be necessary and appropriate to conduct a meeting outside of the work premises. The employer should allow the responsible official to conduct meetings off-site without needing to seek prior authorisation or provide a justification.

In addition to the above, oral reports and communications may be conducted, at least in the first instance, over the telephone. The employer should provide the responsible official with a dedicated telephone number. This telephone number should be a direct number which does not require the need for a person to be connected via a main switchboard. The whistleblower should be able to leave voicemail messages and these messages should only be accessible via the responsible official. As previously stated, the whistleblower must be able to communicate with the responsible official in confidence. The responsible official must not communicate with a whistleblower or related to the whistleblowing case in an environment where he/she can be overheard by colleagues.

1.1.9. Secure storage and handling of data

The responsible official is required to create a case file of the whistleblowing.¹⁰ The employer is required to create a special protocol code for whistleblowing cases and provide one special and secure folder for archiving case files which is only accessible by the responsible official.¹¹ The Regulation requires the responsible official to maintain a register of public interest reports for the institution which is accessible only by the responsible official.¹²

Article 5(9) of the Regulation identifies that the responsible official must be provided with “suitable conditions for storing the documents.” The institution must provide the responsible official with the means to securely store case files and other information, such as providing a safe or lockable steel cabinets.

It is recommended that institutions and responsible officials adopt the following information security controls:

- Responsible officials should operate a clear desk and clear screen policy whereby papers are cleared away and locked and the computer is shut down when the responsible official is not in the office;

¹⁰ Regulation (QRK) - NO. 03/2021 on Determining the Procedure for Receiving and Handling Whistleblowing Cases, article 14(2).

¹¹ Regulation (QRK) - NO. 03/2021 on Determining the Procedure for Receiving and Handling Whistleblowing Cases, article 14(3).

¹² Regulation (QRK) - NO. 03/2021 on Determining the Procedure for Receiving and Handling Whistleblowing Cases, article 15.

- Responsible officials must exercise caution when using removable storage media such as USB drives, portable hard drives, re-writable CDs et cetera. Items should be password protected. Where possible, items should be encrypted. Responsible officials must not leave items unattended;
- If equipment, including computers, removable storage media, mobile telephones et cetera are to be re-used for a different purpose or disposed (for example because are to be replaced or have reached the end of their lifespan), the responsible official must check that any sensitive data has been removed first;
- Computers must be password protected, accessible only by the responsible official. In case of a technical issue requiring support of an Information Technology technician, the device must be accessed only in the presence of the responsible official;
- If using or transporting laptops, removable storage media or hard-copy files and papers, the responsible official must exercise caution to ensure that items are not lost or stolen. The aforementioned items must not be left in a car overnight;
- The institution shall implement information security controls for remote working. If the responsible official is required to use their own personal computer, they must ensure that the computer has up-to-date anti-virus software. The responsible official should exercise the same clear desk and clear screen policy whilst working outside of the work premises;
- Responsible officials must not use their personal email address to communicate with whistleblowers or any person connected to the whistleblowing. In addition, personal email accounts and personal cloud-based file storage or sharing accounts must not be used to store or share data.

1.2. Processing the report

1.2.1. Initial treatment

During the initial treatment phase, the responsible official should perform a risk assessment to determine the risk of detrimental acts. The responsible official should also ascertain whether any detrimental acts have already taken place. The responsible official shall communicate with the whistleblower in order to assess and prevent the risk. In conducting the assessment, it is recommended that the responsible official request the following information:

- The size and nature of the office environment where wrongdoing is alleged to have taken place. Particular aspects of the environment which may increase the risk of identifying the whistleblower or cause issues for accessing information during the course of the investigation;
- Whether the report details an incident or incidents witnessed only by the whistleblower or by other persons (and the identities of those persons);

- Whether the report details information which is only accessible by the whistleblower or by a small group of persons (and the identity of those persons);
- Whether the whistleblower has suffered from detrimental treatment or is anxious that detrimental treatment may take place;
- Whether there is an immediate threat of detriment;
- The whistleblower's relationship to the subject of the report and the organization;
- Whether the whistleblower has sought to address the wrongdoing, either by confronting the alleged wrongdoer, by reporting the alleged misconduct to a manager or by discussing the issue with colleagues.

It is the responsibility of the employer to take immediate action to prevent and reverse detrimental treatment. In the event that detrimental acts are found to have occurred, are occurring or are likely to occur based on the information received, the responsible official should seek the consent of the whistleblower to report this directly to the employer who is legally obliged to take action. Further guidance on handling detrimental treatment complaints is provided in Part II of this guide.

1.2.2. Forwarding information to the competent authority

If the responsible official receives a report which is outside of the competencies of the authority or contains classified information, they are required to forward it to the competent body and notify the whistleblower of this fact.

In cases where the whistleblower's identity might be revealed to a competent authority for actions that cannot be undertaken without revealing their identity, the responsible official must first obtain written consent of the whistleblower prior to disclosing the information.¹³ In cases where it is required by Law for the whistleblower's identity to be revealed the responsible official must notify the whistleblower first, before revealing his/her identity.¹⁴

When communicating or sharing information with a competent authority, responsible officials must ensure that the identity of the whistleblower can be protected. Responsible officials must not send information to the general email address of the authority. Instead, the responsible official should first identify the person or office responsible for receiving whistleblowing reports and, where necessary, seek assurances that the information can be sent and handled securely.

Competent authorities are recommended to observe their legal obligations on the protection of confidentiality and personal data. It is recommended that competent authorities review their information security controls with reference to the section on secure storage and handling of data in this guide to ensure that the identity of the whistleblower will be kept confidential at all times (unless disclosure is permitted by consent of the whistleblower or required by law).

¹³ Law No. 06/L -085 on Protection of Whistleblowers, article 11(3).

¹⁴ Law No. 06/L -085 on Protection of Whistleblowers, article 11(4).

1.2.3. Investigations

Interviews must be conducted in a manner and environment which maintains the confidentiality of the whistleblower, subjects of the whistleblowing report and any other persons involved in the process.

The responsible official must exercise special care to ensure that any actions during the investigation process do not lead to the identification of the whistleblower. In certain circumstances it may be necessary for the responsible official to conduct a wider inspection of certain spaces and documents in order to reduce the risk of the whistleblowing being identified. At all times, the responsible official must observe the principle of confidentiality.

Following completion of the investigation, the responsible official must exercise special care when drafting the report to ensure that the confidentiality of the whistleblower and witnesses is maintained.

PART II: GUIDANCE ON PROTECTING WHISTLEBLOWERS FROM DETRIMENTAL ACTS

1.1. What is a detrimental act?

Article 22 of the LPW details different forms of detrimental acts:

1. The whistleblower shall be protected from any detrimental act taken against him by the employer due to the whistleblowing in accordance with the provisions of this Law, including but not limited to:

- 1.1. dismissal;*
- 1.2. suspension from work or of one or more duties;*
- 1.3. transfer within or outside the public institution or private entity without his consent;*
- 1.4. downgrade in duty;*
- 1.5. reduction of payment;*
- 1.6. loss of status and privileges;*
- 1.7. restriction of promotion;*
- 1.8. refusal of right to attend training;*
- 1.9. negative appraisal in employment relationship;*
- 1.10. cancellation of a license or permit;*
- 1.11. termination of a contract for goods or services;*
- 1.12. other detrimental acts related to employment relationship.*

Article 22 states that “any detrimental act against the whistleblower is null and void.” Whilst a whistleblower has the right to address a competent court if they are subject to detrimental acts, it is the employer’s responsibility to protect the whistleblower from any detrimental acts and to take all necessary measures to stop and avoid any consequences of it.

Institutions should make their staff aware of the LPW and Regulation and the different forms of detrimental acts so that responsible officials, line managers and prospective whistleblowers are alert to any potential adverse action before it occurs. All staff should also be aware that they must not cause detrimental acts to whistleblowers and that to do so will result in consequences.

It is recognized best practice for organizations to publish a whistleblowing policy. Awareness raising activities such as training, posters and leaflets can also be effective tools to highlight the existence of legal protection and to outline the forms of detrimental treatment that are not acceptable.

1.2. Protection of whistleblowers

A whistleblower has the right to protection in cases when they:

- Report or disclose information as defined by the LPW.
- Reasonably believe that the information reported or disclosed is true.¹⁵

There is no obligation for the whistleblower to prove the good faith and authenticity of the whistleblowing information.¹⁶ If the alleged threat or damage to the public interest has not been materialized this does not impact on the protection guaranteed to the whistleblower under the law.¹⁷

The whistleblower who makes a report or disclosure in compliance with the provisions of the law cannot be subject to criminal or civil liability or disciplinary procedures.¹⁸

Institutions must also be mindful of the following principle contained in Article 25 of the LPW:

In all cases when the whistleblower or person related to the whistleblower considers that he/she has suffered from detrimental acts due to whistleblowing, the employer shall bear the burden of proof in order to prove that the detrimental act has no causal link with the whistleblowing.

The employer should do all that they can to protect the whistleblower from any detrimental act. Any complaints of detrimental acts must be responded to with the utmost urgency.

1.3. Risk assessment during initial treatment of the whistleblowing report

As previously discussed in section 3.3.1. of this guide, the responsible official should conduct a risk assessment to identify risks of detrimental treatment during the initial treatment of the whistleblowing report. In the event that detrimental acts have occurred, are occurring or are likely to occur based on the information received, the responsible official should obtain the consent of the whistleblower to report this directly to the employer to take action using the complaints mechanism discussed further below. In case urgent action is required to prevent, stop or reverse detrimental acts, the employer can take this action at any time.

¹⁵ Law No. 06/L -085 on Protection of Whistleblowers, article 9(2).

¹⁶ Law No. 06/L -085 on Protection of Whistleblowers, article 9(3)

¹⁷ Law No. 06/L -085 on Protection of Whistleblowers, article 9(4).

¹⁸ Law No. 06/L -085 on Protection of Whistleblowers, article 9(1).

1.4. Establishing a complaints mechanism

Institutions must establish a complaints mechanism to respond to complaints of detrimental acts. Whilst the process contained below utilizes the role of the responsible official and the employer, it must be noted the protection of the whistleblower and any initial assessment and/or investigation of detrimental acts must be kept separate from the initial assessment and/or investigation into the whistleblowing report.

The following steps outline the recommended process:

Step 1: Making the complaint

The whistleblower makes a complaint to the responsible official. Alternatively, the whistleblower may make a complaint direct to their employer. If the whistleblower made a report direct to the employer, as per Article 17(4) of the LPW, they should make any retaliation complaint direct to the employer.

Step 2: Acknowledge receipt

The responsible official or employer should acknowledge receipt of the complaint as soon as possible, by providing a signed letter or a response by email.

Step 3: Initial treatment

The responsible official or employer conducts an initial treatment of the complaint, and must determine whether:

- 1) The whistleblower has made a whistleblowing report;
- 2) The whistleblower has made a complaint about a detrimental act (including but not limited to acts defined in Article 22 of the LPW);
- 3) Whether the detrimental act may take place, is taking place or has taken place.

The responsible official or employer should re-contact the whistleblower for further information about the complaint if required.

The responsible official should obtain the consent of the whistleblower to communicate with the employer about the complaint, as it is the employer's responsibility to protect the whistleblower and the employer will be best placed to take corrective action.

In cases whereby the whistleblower makes a complaint to the employer but previously made the whistleblowing report to the responsible official, they are advised to provide their employer with a copy of the letter of evidence or confirmation by email which was provided by the responsible official when the report was made. If the whistleblower is unable to provide evidence that a report was made, the employer should advise the whistleblower to re-contact the responsible official to waive their right to confidentiality in so far as the responsible official is then able to confirm that the person made a whistleblowing report.

If the detrimental acts complained of have been carried out or threatened by the employer, the responsible official is recommended to advise the whistleblower of their right to make an external whistleblowing disclosure as per Article 18 and public whistleblowing as per Article 20 of the LPW.

Step 4A: Accept or reject for investigation

Based on the initial assessment, the responsible official or employer will determine whether there is sufficient information to accept or reject the complaint. If they reject the complaint, the whistleblower must be notified as soon as possible and should be provided with written reasons for the rejection. If the complaint is accepted, an investigation should be conducted either by the responsible official or by the employer.

Step 4B: If immediate action is required

If it is apparent from the initial treatment of the complaint that immediate action is needed to protect the whistleblower from detrimental acts, the employer should take immediate action. The LPW and Regulation do not require institutions to conduct an administrative investigation before protecting whistleblowers or taking action to reverse or stop the consequences of detrimental acts. It should be noted that any actions taken must be in compliance with applicable legislation (for example with Labor Law and General Administrative Procedure Law). The primary goal of whistleblower protection is protect whistleblowers who make reports and so harm must be prevented, stopped or reversed at the earliest possible stage.

The employer may take (but is not limited to taking) the following measures:

- Preventing, stopping, reversing any disciplinary measures from taking place against the whistleblower.
- Withdrawing any legal action.
- Transferring the whistleblower to another location in the institution (either as an interim or permanent measure and only with their consent).
- Reinstating the whistleblower to their previous position or a similar position within the institution with equal salary, responsibilities and reputation.
- Instructing staff, who are threatening to take, are taking or have taken detrimental acts that they must not cause detrimental acts to whistleblowers and may be subject to disciplinary action for doing so.

The particular circumstances of the case will detail the appropriate measures to take, if any. The employer must always be mindful of the need to protect the confidentiality of the whistleblower and must not disclose their identity unless with their written consent or if provided by law. This step does not preclude the institution or entity from conducting an administrative investigation.

Step 5: Investigation

The responsible official or employer should conduct the administrative investigation. The Guidelines for the Manner of Conducting the Administrative Investigation should be followed.¹⁹ The person investigating must keep the investigation into complaints of detrimental acts separate from any investigation or assessment of the whistleblowing report.

The whistleblower has a right to protection if they report information as defined by the LPW and they have the belief that the information they provide is true. They are not obliged to prove the good faith and authenticity of the whistleblowing information to obtain protection from detrimental acts. This must never be a factor in the investigation.

Throughout the process, the responsible official or employer should maintain communication with the whistleblower and must be mindful that further detrimental acts could occur. The investigation must remain dynamic and where immediate action is required the process outlined in Step 3B should be performed.

Step 6: Conclusion of the investigation and corrective action

In concluding the investigation, the responsible official or employer should draft an investigation report following the guidance provided in the Guidelines for the Manner of Conducting the Administrative Investigation.

Where detrimental acts have been found to have taken place, the report should recommend measures of corrective action. The employer is legally obliged to take all necessary measures to stop any detrimental acts and remove any consequences. If the report has been completed by the responsible official he or she must forward this report immediately to the employer.

Corrective actions may include (but are not limited to):

- Preventing, stopping, reversing any disciplinary measures from taking place against the whistleblower;
- Withdrawing any legal action;
- Transferring the whistleblower to another location in the institution (either as an interim or permanent measure and only with their consent);
- Reinstating the whistleblower to their previous position or a similar position within the institution with equal salary, responsibilities and reputation;
- Instructing staff who are threatening to take, are taking or have taken detrimental acts that they must not cause detrimental acts to whistleblowers and may be subject to disciplinary action for doing so;
- Fair access to promotion, training, opportunities, benefits, and entitlements;
- Apologies for any detrimental acts suffered;

¹⁹ Guideline for the Conduct of Administrative Investigation, approved by the Minister of Justice, with Decision No. 158/2023 dated 18.07.2023.

- Disciplinary action for any persons found to have threatened or caused detrimental acts.

The responsible official or employer must inform the whistleblower, (or persons associated with the whistleblower and any other persons (including the individuals accused of causing detrimental acts) the outcome of the investigation and the steps for corrective action as soon as possible following conclusion of the investigation.

1.5. External and public disclosures

It should be noted that persons who make external and public disclosures are still protected by the general provision contained in Article 17(3) of the LPW, that the employer is obliged to protect the whistleblower from any detrimental act and to stop and avoid consequences of any detrimental act. Whistleblowers who make external reports under Article 18 (or Article 19 if in the private sector) and public reports under Article 20 may make complaints of detrimental acts using the complaints procedure.

1.6. Persons associated with whistleblowing

Persons associated with the whistleblower are defined as:

...the person who assists the whistleblower or can provide evidence related to whistleblowing or any other person that may be harmed due to any association with the whistleblower²⁰

Persons associated with the whistleblower enjoy the same protection as the whistleblower.²¹ This protection extends to persons who prove that a detrimental act against them occurred because the person who committed the action incorrectly believed that they were the whistleblower or a person associated with the whistleblower.²²

The responsible official also enjoys the same protection as the whistleblower if it is proved that a detrimental act has been taken against him or her regarding the receiving and treatment of the whistleblowing.²³

The aforementioned persons working at the institution where the whistleblower is based may also make retaliation complaints using the complaints mechanism. This process does not prohibit the employer from taking action if they receive a complaint from an external person relating to the conduct of an employee within the organization. In such circumstances, the employer may utilize the complaints mechanism.

²⁰ Law No. 06/L -085 on Protection of Whistleblowers, article 3(1)(1.12).

²¹ Law No. 06/L -085 on Protection of Whistleblowers, article 8(1).

²² Law No. 06/L -085 on Protection of Whistleblowers, article 8(2).

²³ Law No. 06/L -085 on Protection of Whistleblowers, article 8(3).

In the event that employer is complicit in the wrongdoing complained of or is engaged in the detrimental acts, the aforementioned persons are advised of their right to external whistleblowing and public whistleblowing, subject to Article 18 and Article 20 of the LPW respectively.

PART III: COURTS AND JUSTICE SYSTEM ON HANDLING CASES INVOLVING WHISTLEBLOWERS OR PERSONS ASSOCIATED WITH WHISTLEBLOWERS

Part III of this guide applies to members of the judiciary and also to employees and any other person working for, or in connection with the Department for Administrative Issues at the Basic Court in Pristina and the General Department of the Basic Court where the headquarters of the employer is located or where the whistleblower is resident.

1.1. Judicial protection

A whistleblower or person associated with the whistleblower who has suffered detrimental acts in connection with the whistleblowing may file a lawsuit within six months from the day when the whistleblower has been notified but not later than three years from when the detrimental act was taken.²⁴

Article 24 of the LPW details the following process:

- 2.1. for cases related to civil servants, the lawsuit shall be filed with the Department for Administrative Issues at the Basic Court in Pristina.*
- 2.2. for cases related to other categories of employees, the lawsuit shall be filed with the General Department of the Basic Court, where the headquarters of the employer is located or where the whistleblower has the residence.*

Along with the lawsuit, the whistleblower is permitted to make a request for the compensation of damage.

1.2. Processing of cases

It should be noted that the whistleblower or person associated with the whistleblower has the right to judicial protection without exhausting internal legal remedies. It is therefore entirely possible that a whistleblower may still be working at the institution where he or she blew the whistle.

Courts handling cases should be mindful of the need to protect the confidentiality of whistleblowers whilst observing legal requirements concerning the administration of justice and procedural fairness. Courts have obligations to protect the data privacy rights as per the Law on the Protection of Personal Data.

With regard to the protection of confidentiality and personal data staff should:

- Observe information security protocols;

²⁴ Law No. 06/L -085 on Protection of Whistleblowers, article 24(1).

- Exercise caution when communicating with whistleblowers, ensuring that contact details (such as physical mail addresses and email addresses) are correct before sending communications;
- Avoid sending any communications addressed to the whistleblower to their physical work address or email address. Where this is unavoidable (for example, where the applicant has not provided their home address), communications must be made in a way to minimize identification that the applicant has taken a legal claim (for example, letters addressed to the applicant must be in a plain envelope, marked confidential and to the addressee only;
- Where possible, subject to legal requirements concerning the administration of justice and procedural fairness, avoid naming the applicant in correspondence with the respondent in the case;
- Where possible, subject to legal requirements concerning the administration of justice and procedural fairness, avoid naming the applicant in court documents. Explore the ability to redact the name of the applicant or provide a pseudonym in publicly available case reports. The purpose is to limit the possibility of further detrimental acts against the applicant.

Article 24 of the LPW requires all cases related to whistleblowing to be handled with priority by the Court. It is particularly important that the court process whistleblowing cases as soon as possible. Courts should aim to:

- Prioritize whistleblowing cases over less urgent cases.
- If courts receive several whistleblowing cases at once, courts should triage cases based upon the alleged detrimental acts. Therefore, if an individual has been dismissed for their job (for whistleblowing) or has been suspended or put on leave without pay, these cases should be prioritized over other cases.
- Allocate sufficient time to cases and avoid unnecessary adjournments.
- Where possible, subject to legal requirements concerning the administration of justice and procedural provisions, provide guidance to applicants to ensure that they are able to provide necessary documentation before the court.
- Where possible, subject to legal requirements concerning the administration of justice and procedural provisions, respondents who tend to deliberately delay or frustrate the actions of the court should be dealt with according to the powers of the court.

1.3. Adjudication of cases

In hearing and adjudicating cases, judges should be particularly aware of Article 9(3) and Article 9(4). A whistleblower is not obliged to prove the good faith and authenticity of the whistleblowing information, nor does alleged threat or damage to the public interest need to be materialized. This is an important consideration. The focus of the case should be on the alleged

detrimental acts, not the conduct of the whistleblower (or his close persons). Subject to legal requirements concerning the administration of justice and procedural provisions, judges should therefore be mindful of allowing the respondent or the lawyer cross-examining the whistleblower to focus upon matters concerning the good faith of the whistleblower or the validity of the whistleblowing report and redirect them accordingly.

Further, it is important to highlight that Article 25 of the LPW places the burden of proof on the employer to prove that the detrimental act has no causal link to the whistleblower. This burden of proof should remain on the employer throughout the proceedings.

1.4. Role of the judiciary

Where possible, members of the judiciary should receive training on the LPW and Regulation. Members of the judiciary should be aware of the powers of the court to grant corrective action and compensation claims.

Members of the judiciary should be mindful that whistleblowers may act as litigants in person, possibly through choice or through necessity because they do not have the financial means to pay for legal representation. Members of the judiciary should be trained to give appropriate assistance to parties who represent themselves. Subject to legal requirements concerning the administration of justice and procedural provisions, this may include (but is not limited to):

- Being alert to litigants who are represented in person being unfamiliar with court surroundings (and possibly public speaking). Where possible, aim to reduce the formality of the proceedings to the essentials required by law.
- Provided with general assistance during the case, including basic explanations of court procedure where needed.
- Allow the litigant who are represented in person the opportunity to ask questions if he or she is unfamiliar with the procedures.

Members of the judiciary are advised to keep up to date with legal developments in the area of whistleblower protection.

1.5. Powers of the court

If the court decides in favor of the applicant, Article 24 of the LPW provides a series of corrective measures including:

- Returning the person to his or her place of work;
- Compensating for the damage caused
- Ordering the public institution or private entity to “undertake certain actions.

Article 23 of the LPW also specifies that the applicant has a right to claim compensation for damages suffered from the detrimental act.

Whilst it is for the judge to decide the appropriate corrective measure (or measures) depending on the particular circumstances of the case, it is recommended that the judge pay close attention to the viability of returning a person to his or her place of work. It is suggested that the court first ascertain whether or not the person feels able to return to the workplace. If there is a chance that the detrimental acts will continue despite the court proceedings, it may not be possible to return the person to his or her place of work.

Because the LPW provides the court with discretion to order the institution or entity to “undertake certain actions” it is suggested that any order to return a person to work could also include the conditions that the whistleblower must not be subjected to further detrimental acts. Depending on the size of the institution or entity, the court could alternatively order that a person be returned to work but allocated a different role in the organization, with the same pay and conditions as prior to the detrimental act. Again, it is suggested that the court establish the possibility of reallocating the person and ascertains whether a person feels able to be reallocated to a different position in the workplace. Compensation may provide an alternative measure to reinstatement or reallocation, however, if the person will not return to work, it is recommended that this is reflected in the compensation amount awarded to the whistleblower or close person.

The LPW does not prohibit a court from awarding compensation for damage and making an order requiring the employer to reinstate the whistleblower. The court should be guided by the facts of the cases when determining appropriate measures of corrective action and compensation awards.

ANNEX I:

1. Notification of receipt of complaint of detrimental acts caused by the whistleblowing

Dear _____,

On the basis of your information dated __. __. ____, as the official responsible for whistleblowing (employer – delete as appropriate) of (name of institution or regulator), in the terms of Article 17 paragraph 3 and Article 22 paragraphs 1 to 3 of Law No. 06/L-085 on the Protection of Whistleblowers:

Inform you that:

The complaint of detrimental acts caused by the whistleblowing will be subjected to an initial evaluation to determine the fulfillment of the criteria to be handled by the internal complaints procedure.

In the meantime, I request that you inform me of any further developments relevant to your complaint.

With respect!

2. Notification of acceptance of complaint of detrimental acts caused by the whistleblowing

Dear _____,

Based on your information dated __. __. ____, as the official responsible for whistleblowing (employer – delete as appropriate) of (name of institution or regulator), in the terms of Article 17 paragraph 3 and Article 22 paragraphs 1 to 3 of Law No. 06/L-085 on the Protection of Whistleblowers, I:

Inform you that:

The complaint of detrimental acts, after the initial review, has been accepted. In this case, the administrative investigation procedure will be initiated to examine and evaluate your claims.

For any action regarding the handling of this case, you will be informed in time. In the meantime, I request that you inform me of any further developments relevant to your complaint.

With respect!

3.Notification of rejection of complaint of detrimental acts caused by the whistleblowing

DECISION

The accepted case, with No. __/____, and the case is closed because the suspected detrimental act(s) caused by the whistleblowing does not constitute a violation of the law.

REASONING

With the decision dated __. __. ____, the whistleblowing procedure has been started, after the acceptance of the case dated __. __. ____, by _____ (specify the data and the information provider), with the claim:

"describe the full claim"

Regarding the handling of this case according to the provisions of Law No. 06-L/085 on the Protection of Whistleblowers, we estimate that the information does not constitute a detrimental act caused by the whistleblowing in terms of Article 22 of Law No. 06/L-085 on the Protection of Whistleblowers.

Based on what was said above, the case is closed and the whistleblowing procedure is terminate in compliance with article 97 paragraph 1 of Law No. 05/ L-031 for the General Administrative Procedure.

Therefore, it was decided as in the dispositive of this decision.

4. Notification of acceptance of the complaint of detrimental acts caused by the whistleblowing

Dear _____,

Based on your complaint of detrimental acts caused by the whistleblowing dated __.__.____, as the official responsible for whistleblowing (employer – delete as appropriate) of (name of institution or regulator), in the terms of Article 17 (3) and Article 22 paragraphs 1-3 of the Law No. 06/L-085 on the Protection of Whistleblowers, I:

Inform you that:

The complaint of detrimental acts caused by the whistleblowing, after the initial review, has been accepted. In this case, the administrative investigation procedure will be initiated to examine and evaluate your claims.

For any action regarding the handling of this case, you will be informed in time.

In the meantime, I request that you inform me of any further developments relevant to your complaint.

With respect!

5. Notification that immediate action has been taken

Dear _____,

Based on your complaint of detrimental acts caused by the whistleblowing dated __.__.____, as the official responsible for whistleblowing (employer – delete as appropriate) of (name of institution or regulator), in the terms of Article 17 (3) and Article 22 paragraphs 1 to 3 of the Law No. 06/L-085 on the Protection of Whistleblowers, I:

Inform you that:

The complaint of detrimental acts, after the initial review, has been accepted and merits immediate action to be taken. Because of this, your employer has taken the following measures (specify measures here)

(The complaint of detrimental acts caused by the whistleblowing, after the initial review, has been accepted. In this case, the administrative investigation procedure will be initiated to examine and evaluate your claims.

For any action regarding the handling of this case, you will be informed in time.

In the meantime, I request that you inform me of any further developments relevant to your complaint. Delete as appropriate).

I trust that these actions will prevent any further detrimental acts from taking place, however, if you encounter any attempt to cause you any further detrimental acts please contact me immediately.

With respect!

6. Request for access to information documentation

Dear _____,

In support of Article 17 (3) and Article 22 paragraphs 1-3 of the Law no. 06/L-085 on the Protection of Whistleblowers

REQUEST

- Information and documentation related to _____

- Attach any relevant documentation or information related to these issues.

(Other points are added as necessary, in order to prove the complaint of detrimental acts caused by the whistleblowing)

We expect a response from you as soon as possible, and at the latest within seven (7) days from the day of receipt of this request.

You are informed of your obligation to treat as confidential the data contained in this request. Failure to do so will be a breach of duty.

7. Minutes of the interview

Minutes

Conducting the interview during the development of the administrative investigation

Date:

Time:

Country:

Responsible officer:

Interviewee:

The contents of the minutes:

Signature of the responsible official

Interviewee's signature:

8. Order for inspection

Dear _____,

On the basis of (specify applicable legal provision), as the official responsible for whistleblowing (employer – delete as appropriate) of (name of institution or regulator), we:

Inform you that:

(specify applicable legal provision), we have made a decision to inspect (place and nature of the inspection), which inspection will take place on __.__.____.

Please let me know if you need any additional clarification.

With respect!

9. Final report

Based on Article 17 (3) and Article 22 paragraphs 1 to 3 of the Law no. 06/L-085 on the Protection of Whistleblowers, _____ as the official responsible for reporting (employer - delete as appropriate) (name of institution or regulator), dated __.__.____, issue this:

Final report

In the case accepted with No. __/____, legal violations were found (or not found), regarding which through this report, within the legal powers, I inform the employer as follows.

On __.__.____, the complaint of detrimental acts caused by the whistleblowing was received.

Elaborate on the actions taken in this case...

Elaborate on the findings:

List the recommendations:

- 1.
- 2.
- 3.
4.

If you need additional information regarding the handling of this case, please let me know.

This report is sent to:

1. The name of the head of the institution (delete if report written by employer)