

INFORMATION ON WHISTLEBLOWER PROTECTION

In accordance with Act No. 171/2023 Sb., on the protection of whistleblowers (the Whistleblower Protection Act), the Institute of Physics of the Czech Academy of Sciences (FZU) provides protection to whistleblowers working at FZU.

1) What illegal conduct can be reported?

A whistleblower may provide information about possible illegal conduct that has occurred or is about to occur at FZU or that concerns a person with whom the whistleblower was or is in contact in connection with the performance of work or other similar activity, and which

- has the elements of a criminal offence,
- is an offence for which a fine of at least 100,000 CZK is imposed, or
- violates the Whistleblower Protection Act, another legal regulation of the Czech Republic or a regulation of the European Union in the areas of public procurement, personal data protection, privacy and security of electronic communication networks and information systems and in other areas under Sec. 2 1) (d) of the Whistleblower Protection Act¹.

2) What notifications are excluded?

In particular, knowingly false notifications, i.e. notifications of information that the whistleblower had no reasonable grounds to believe was true, are excluded from protection.

Notifications containing classified information or information which when reported could immediately endanger an essential security interest of the Czech Republic are also excluded from protection.

3) Who is a whistleblower?

It is a natural person who performs or performed work or other similar activities for FZU, even indirectly (e.g. student, intern, collaborator, service provider, etc.) that can become a whistleblower.

4) How can a notification be made?

A notification can be filed:

- **Through the FZU internal notification system**
in writing, by telephone or in person by prior arrangement with the competent person (Sec. 9 of the Whistleblower Protection Act)².

¹ Sec. 2 (1) d) violates another legal regulation or a regulation of the European Union in the field of
1. financial services, statutory audit and other assurance services, financial products and financial markets,
2. corporate income tax,
3. the prevention of money laundering and terrorist financing,
4. consumer protection,
5. compliance with product requirements, including product safety,
6. transport and road safety,
7. protection of the environment,
8. food and feed safety and protection of animals and their health,
9. radiation protection and nuclear safety,
10. competition, public auctions and public procurement,
11. protection of internal order and security, life and health,
12. protection of personal data, privacy and security of electronic communications networks and information systems,
13. protection of the financial interests of the European Union 2), or
14. the functioning of the internal market 3), including the protection of competition and State aid under European Union law.

² Sec. 9 (1) The obliged entity shall designate a competent person or competent persons to carry out the activities under Sec. 11.

The competent person, who receives and handles notifications, is:

Prof. Jan Řídký, DrSc.

ridky@fzu.cz

phone: 734 827 479

A notification must contain the name, surname and date of birth, or other information from which the identity of the whistleblower can be inferred, unless the identity of the whistleblower is demonstrably known to the competent person.

- **Through the Ministry of the Interior of the Czech Republic ("the Ministry")**, which is also responsible for receiving and assessing notifications under the Whistleblower Protection Act. Information on how notifications are received is available on the website of the Ministry (<https://www.mvcr.cz/>).

5) When will a notification be processed?

A whistleblower who has submitted a notification through the FZU internal notification system must receive

- a confirmation that the notification was received within 7 calendar days, and
- information on how the notification has been assessed no later than 30 days after receipt of the notification. In complex cases, the deadline for investigation can be extended twice by 30 days (to a total of 90 days).

6) How is the whistleblower's person protected?

In connection with the submission of a notification, FZU ensures:

- **Protection of the identity of the whistleblower**

Only the competent person has access to notifications; information about the identity of the whistleblower can only be disclosed with the written consent of the whistleblower or if another legal provision so provides.

- **Protecting a whistleblower from retaliation**

In connection with a reasonably made notification (filed either through the FZU's internal reporting system or through the Ministry), a whistleblower or other protected person must not be subjected to retaliation³, i.e. such conduct in relation to the whistleblower's work or other similar activity that could cause harm to the whistleblower or other protected person.

The terms and conditions of whistleblower protection are further governed by the Whistleblower Protection Act and Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

³ Sec. 4(1) For the purposes of this Act, a retaliatory measure means an act or failure to act in connection with the work or other similar activity of a whistleblower which was triggered by a notification having been filed and which is likely to cause harm to the whistleblower or a person referred to in Sec. 2(a) to (h); where these conditions are met, a retaliatory measure includes, but is not limited to

- (a) termination of an employment contract or non-renewal of a fixed-term employment relationship,
- (b) dismissal from service, out-of-service assignment or termination of service,
- (c) termination of a legal relationship established by an agreement to perform work and agreement to complete a job,
- (d) removal from the post of a managerial employee,
- (e) the imposition of a disciplinary measure or a disciplinary penalty,
- (f) a reduction in pay, salary or remuneration or the non-award of a performance bonus,
- (g) transfer or reassignment to another job or post,
- (h) a service appraisal or performance review,
- (i) no professional development enabled,
- (j) change of working or service hours,
- (k) a medical report or an occupational medical examination required,
- (l) notice or withdrawal from the employment contract; or
- (m) violation of personality protection rights.