

# PROCEDURE RELATING TO THE WHISTLEBLOWING MECHANISM

In accordance with the provision of the Code of Conduct, **HBPO** is defined as HBPO GmbH and all its subsidiaries (hereinafter referred to “**HBPO**”). HBPO has set up a whistleblowing mechanism (hereinafter the “**Mechanism**”). This dedicated Mechanism enables HBPO employees and **external and occasional staff**<sup>1</sup> (hereinafter referred to together as “**Staff**”), and all its stakeholders (such as suppliers, customers, etc.), to report any irregularity within the scope of the Mechanism. Staff and/or other stakeholders using this Mechanism will usually be referred to as “**Whistleblower(s)**”.

Full information regarding use of the Mechanism is set out below. **This document can be viewed by Staff on the HBPO intranet site or will be provided to them by any means before they start working within. It can also be viewed on the HBPO website.**

Use of the Mechanism is optional and no sanction will be incurred for failure to use the Mechanism to report conduct, a grievance or an alleged offence within its scope.

## The scope of the Mechanism

This Mechanism enables Whistleblowers to report matters within their personal knowledge relating to:

- ✓ a crime or offence;
- ✓ a serious and clear breach of the law or regulations;
- ✓ a threat or serious harm to the public interest;
- ✓ the existence of conduct or situations contrary to HBPO’s Code of Conduct, in particular as they are likely to constitute acts of corruption or influence peddling;
- ✓ a serious and clear breach of an international obligation duly ratified or approved by England;
- ✓ a risk to, or serious infringement of, human rights and fundamental freedoms, the health and safety of persons or the environment, resulting from HBPO’s activities or from the activities of subcontractors or suppliers with which established commercial relationships exist, when those activities are connected to such relationships.

Note, however, that reports cannot relate to matters covered by the secrecy of national security information, doctor-patient confidentiality or legal professional privilege.

<sup>1</sup> **External and occasional staff** means temporary workers, trainees, and service providers seconded to HBPO.

## The functioning of the Mechanism

### 1. Triggering the Mechanism

In the event that a breach is detected in the areas referred to in the above paragraph, Staff should first discuss it with their direct and immediate superior, or with that person's superior. If discussing the matter with their superior or with that person's superior might present difficulties, there are other ways to make their report.

Whistleblowers can send their report to the Chief Compliance Officer (the "Officer"), using the form attached to this document (which is also available on the intranet) and using one of the following specific channels:

- ✓ **An e-mail address:** [compliance@hbpogroup.com](mailto:compliance@hbpogroup.com)
- ✓ **A postal address, in an envelope marked "Confidential":**

**HBPO GmbH**  
**Compliance Office**  
Rixbecker Straße 111  
59557 Lippstadt

Whistleblowers are encouraged not to use the Mechanism anonymously. Exceptionally, reports made by persons wishing to remain anonymous can be dealt with, but only if the seriousness of the facts mentioned is established and the information is sufficiently detailed.

Whistleblowers should:

- ✓ act in a disinterested way and in good faith;
- ✓ have personal knowledge of the reported breach (reports based on rumours of any kind are therefore excluded);
- ✓ rely only on information formulated in an objective manner, relating directly to the scope of the Mechanism and which is strictly necessary for the verification of the facts alleged;
- ✓ attach to the form any document or information likely to prove the facts alleged.

Once the report has been received, the Officer shall inform the Whistleblower without delay, by electronic means and/or in writing, of receipt of the report and of the maximum time required to consider its admissibility (which may not exceed **3 weeks**).

### 2. The processing of reports

- *The procedure for verifying the admissibility of reports*

Following the Officer's review, Whistleblowers will be informed by electronic means and/or in writing whether their report is admissible or not:

- **Inadmissible reports:** the information associated with the report will be destroyed immediately or archived without delay in anonymous form, and the Whistleblower will be informed.
- **Admissible reports:** the report will then be processed and an investigation carried out, in particular involving all the documents, data and information necessary for that process to take place.

➤ *The investigation*

In the exercise of his or her investigatory functions, the Officer guarantees:

- ✓ that all data and information received and used in the context of his or her investigatory mission will remain confidential, except in the event that handover of that information is required by law;
- ✓ that any data, information or document on the basis of which he or she is required to take action will be exhaustively analysed;
- ✓ that an adequate procedure will be conducted depending on the circumstances and at all times governed by the principle of independence.

In order to ensure the flawless conduct of the investigation and that its results are justified, the Officer may be assisted by the necessary department managers.

In the event that the Officer fails to deal with the admissibility of the report received within a period of 3 weeks, the Whistleblower will have the option of applying to the court, administrative authority or professional body concerned, depending on the subject-matter of the report.

In the event that the aforementioned authorities fail to deal with the matter within a period of 3 months, the Whistleblower will have the option of publishing his or her report.

By way of exception, in the event of serious and imminent danger or of a risk of irreversible damage, the Whistleblower may bring the report directly to the attention of the court, administrative authority or professional body concerned, whether in the alternative or simultaneously, or may publish the report, without using the Mechanism.

## **The guarantees provided**

### **1. The guarantees provided to Whistleblowers**

➤ *The confidentiality of the Whistleblower's identity*

HBPO will ensure that the confidentiality of the Whistleblower's identity is strictly observed. Facts liable to identify the Whistleblower cannot be disclosed without his or her consent, except to the court.

All persons assisting the Officer in the context of the Mechanism must observe the strictest confidentiality with regard to such information, and particularly information relating to the Whistleblower's identity.

➤ *The absence of sanctions*

Whistleblowers acting in good faith and in a disinterested way cannot be dismissed, sanctioned or discriminated against in any way for having reported facts in accordance with the Mechanism, even if those facts prove to be incorrect thereafter or do not result in any action being taken.

Conversely, abuse of the Mechanism, if proven, could result in disciplinary and, if necessary, legal action, being taken against the Whistleblower.

### **2. The guarantees provided to persons subject to whistleblowing**

➤ *Information provided to persons subject to whistleblowing*

Persons subject to whistleblowing will be informed by the Officer as soon as information concerning them is recorded, so as to enable them, if appropriate, to object on legitimate grounds to the processing of that information.

When protective measures are necessary, particularly in order to prevent the destruction of evidence relating to the report, the person concerned will be informed after those measures are taken.

This information will be provided in an e-mail specifying, in particular, the entity responsible for the Mechanism, the facts alleged against the person concerned, the departments involved in the conduct of the investigation and the procedure for the exercise of rights of access and correction.

➤ *The confidentiality of the identity of persons subject to whistleblowing*

The identity of persons subject to whistleblowing will be treated as strictly confidential. Facts liable to identify the person concerned cannot be disclosed, except to the court, until the report is proved.

### **3. The gathering of personal information and its retention period**

➤ *The gathering of personal information*

In the context of a report, only the following categories of information can be recorded:

- ✓ the identity, functions and contact details of the Whistleblower (except in the case of an anonymous report);
- ✓ the identity, functions and contact details of persons subject to a report;
- ✓ the identity, functions and contact details of persons involved in the reception or processing of a report;
- ✓ the facts reported;
- ✓ the evidence gathered in the context of verification of the facts reported;
- ✓ the report on verification/investigation operations;
- ✓ the actions taken in response to the report.

HBPO may outsource all or part of the procedure for the processing of reports, while ensuring that subcontractors observe any security measures necessary to preserve the confidentiality of the information.

HBPO will not transfer any personal information gathered and processed in the context of the Mechanism outside the European Union. Any transfer of personal information to a third country will be subject to the appropriate guarantees in accordance with the applicable regulations, and the persons concerned will be informed.

The Whistleblower can make a complaint to the Data Protection Commission with regard to any matter relating to the processing of personal information managed by HBPO in the context of the Mechanism.

➤ *The period of retention of personal information*

Information relating to a report considered by the Officer as not within the scope of the Mechanism will be destroyed or archived without delay in anonymous form.

If, after investigation, the whistleblowing report is not followed by disciplinary or legal proceedings, information relating thereto will be destroyed or archived in anonymous form by the Officer within a period of 2 months from the date of closure of the investigation. The Whistleblower and the persons subject to the report will be informed of closure of the investigation.

When disciplinary or legal proceedings are brought against the person referred to in the report or against the Whistleblower, information relating to the report will be kept by the Officer until the conclusion of those proceedings.

#### **4. Observance of rights of access and correction**

Under the conditions and subject to the limitations provided by the regulations in force, HBPO guarantees that any persons identified in the context of the Mechanism will have the right to access information concerning them and to ask for it to be corrected or deleted if it is incorrect, incomplete, ambiguous or out of date.

More specifically, Whistleblowers have the right to correct, complete, update, block or delete personal information concerning them which is incorrect, incomplete, ambiguous or out of date, or the collection, use, communication or retention of which is prohibited.

Whistleblowers also have the right, on legitimate grounds, to access, query and object to the processing of their personal information.

In order to exercise these rights, Whistleblowers must send a request in writing, dated and signed, by registered letter to HBPO GmbH, Rixbecker Straße 111, 59557 Lippstadt, marked for the attention of the Officer, or send the Officer an e-mail stating their name, address and a telephone number at which they can be contacted, and attaching a copy of both sides of their identity card or of their passport.

**ANNEX: WHISTLEBLOWING REPORT FORM**

[Note: unless stated to the contrary on this form, all fields are mandatory.]

**1. The Whistleblower's contact details (mandatory except in exceptional cases):**

It is important for the Whistleblower to provide contact details. The Officer might need to contact the Whistleblower to obtain further details and/or additional information. The contact details provided will remain confidential and HBPO will ensure that this confidentiality is strictly observed.

Name:

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Forename:

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Entity / Name of Organisation and Position:

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E-Mail address:

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Telephone (optional):

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**2. Contact details of the person subject to the report:**

Name:

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Forename:

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Entity / Name of Organisation and Position:

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E-Mail address:

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Telephone (optional):

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**3. Information about the report**

[Note: Unless such information is essential for a better understanding of the scope of the report, please do not provide any sensitive information relating to any individual (e.g. sexual orientation, political and religious opinions, health and union membership)].

Objective description of the facts giving rise to the report, indicating their alleged nature (facts, date, place, evidence, names of persons involved in the situation concerned, or, if a name is unknown to you, information likely to enable that person to be identified, etc.):

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Please send us the evidence in support of the report, on any media.

The reason why you think that this situation is within the scope of the Mechanism:

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#### *THE PROCESSING OF REPORTS*

*Once the report has been received, the Whistleblower will be informed of its receipt and of the maximum time required to consider its admissibility, which may not exceed 3 weeks from the date of receipt.*

#### *THE WHISTLEBLOWER'S RIGHTS AND OBLIGATIONS*

*The information gathered in the context of this form will give rise to automated data processing managed by the company HBPO GmbH, Rixbecker Straße 111, 59557 Lippstadt, for the purpose of the report and its processing.*

*Furthermore, the Whistleblower certifies that this report is made in good faith and in a disinterested way, except for any inadvertent error or omission.*

*The Whistleblower accepts and acknowledges that abuse of the reporting mechanism could result in disciplinary measures and/or legal proceedings against him or her, if appropriate.*

*Finally, under the conditions and subject to the limitations provided by the regulations in force, the Whistleblower has the right to correct, complete, update, block or delete personal information concerning him or her which is incorrect, incomplete, ambiguous or out of date, or the collection, use, communication or retention of which is prohibited.*

*He or she also has the right, on legitimate grounds, to access, query and object to the processing of his or her personal information.*

*In addition, the Whistleblower can give instructions relating to the retention, deletion and communication of his or her personal information after his or her death.*

*In order to exercise these rights, the Whistleblower must send a request in writing, dated and signed, by registered letter to HBPO GmbH at the following address: HBPO GmbH, Rixbecker Straße 111, 59557 Lippstadt, marked for the attention of the Officer, or send the Officer an email stating his or her name, address and a telephone number at which he or she can be contacted, and attaching a copy of both sides of his or her identity card or of his or her passport.*