

Directive on the Internal Notification Examination System Pursuant to the Act No. 54/2019 Coll.

Regulation on the Internal Notification Examination System Pursuant to Act No. 54/2019 Coll.

Validity of internal regulation: from 01/09/2019

Content of the internal regulation:

1. Introductory Provisions
2. Basic Terms
3. Reporting
4. Examination of the Notifications and Authorizations of the Responsible Person in the Examination of Notifications
5. Confidentiality of the Notifier
6. Registration of Notifications
7. Informing the Notifier of the outcome of the Examination of its Notification
8. Processing of personal data included in the Notification
9. Final Provisions

Pursuant to the par. 10 (8) of the Act No. 54/2019 Coll. on the Protection of Whistleblowers, and amending and supplementing certain acts, Auguste Cryogenics Slovakia s.r.o. issues this internal directive

Regulation on the Internal Notification Examination System Pursuant to the Act No. 54/2019 Coll.

Article 1

Introductory Provisions

1. This internal regulation governs:
 - a. Procedure for submitting/examining the notifications and communicating the outcome of the examination;
 - b. Details of the authority of the responsible person;
 - c. Details of the processing of personal data;

- d. Details of the keeping confidentiality of the Notifier's identity
- e. Recording of notifications.

Article 2

Basic Terms

1. The employer is Auguste Cryogenics Slovakia s.r.o; ID 36854433.
 2. Notification shall mean a statement of facts, which a natural person has learned in connection with the exercise of his/her employment, profession, status or office, or in the context of a public-interest activity, which relate to the anti-social activity.
 3. A serious anti-social activity is:
 - a) An offense affecting the financial interests of the European Union under Sections 261 to 263 of the Criminal Code, the offense of machinations in the public procurement and public auction under Sections 266 to 268 of the Criminal Code, offenses of public officials pursuant to Sections 326 to 327a of the Criminal Code, or acts of corruption pursuant to Sections 328 to 336b of the Criminal Code;
 - b) An offense, for which the Penal Code provides for a maximum term of imprisonment of more than three years;
 - c) An administrative offense, for which a fine may be imposed with a ceiling fixed by calculation; or
 - d) An administrative offense, for which a fine of at least €30,000.00 may be imposed;
 4. Another anti-social activity is e.g. conflict of interest, unethical conduct, driving under the influence of alcohol or other narcotic drugs, bullying at the workplace, etc.;
- But also various situations, where an employee has a concern that a particular practice or conduct in the company is adversely affecting clients, suppliers, employees or the public interest.
5. The notifier shall be a natural person who makes a notification to the employer in good faith.
 6. The person responsible is: Mgr.Katarína Müllerová

Article 3

Reporting

1. Notification may be submitted in writing, orally in the minutes (as shown in Annex 1), or by electronic mail.
2. Written notification shall be given to the responsible person.
3. The notification may be made orally to the minutes of the responsible person.

4. Electronic notifications may be made to the responsible person's address: kmullerova@augustecryogenics.com. Notifications made by electronic mail and received by a person other than the responsible person should be immediately forwarded to the responsible person for processing.

Article 4

Examination of the Notifications and Authorizations of the Responsible Person in the Examination of Notifications

1. The responsible person shall be competent for verifying notifications.
 2. The investigation of notifications shall be based on the content of the notification, regardless of its designation.
 3. If it is apparent from the content of the submission that only part of the submission is the notification, only that part of the submission shall be examined under this Regulation. The remainder of the submission shall be handled according to the regime, under which they fall (e.g. a complaint under Section 13 (6) of Act No. 311/2001 Coll., the Labor Code, as amended).
 4. If it is apparent from the content of the submission that it is not a notification under this internal regulation but that the employer or another competent authority is competent to handle the submission, the responsible person shall immediately forward the submission to that organizational unit/authority. They shall immediately inform the notifier of this fact.
 5. The responsible person shall review the notification no later than ninety (90) calendar days after its receipt.
 6. In justified cases, the responsible person may extend the period as referred to in the preceding paragraph for a maximum of another thirty (30) days. It shall inform the notifier immediately of this fact, as well as of the reasons for the extension of the time limit. The responsible person shall notify the notifier of the information referred to in the previous sentence by a letter, in line with the specimen set out in Annex 2.
 7. The responsible person shall be excluded from the examination of the notification in the following cases:
 - a) Where the notification is directed directly towards the responsible person; or
 - b) If, in the light of the facts set out in the notification, or in view of the circumstances of the case, the impartiality of the responsible person may be questioned as to the relation of the responsible person to the matter examined, to the notifier, or to other parties, whom this notification directly or indirectly concerns.
- In such a case, the employer's statutory representative shall designate another responsible person to verify the notification.
8. Where it is necessary to complete or clarify the data indicated in the notification, the person responsible shall, without undue delay, invite the notifier to complete or refine the information contained in the notification, by specifying the time limit for carrying out this action.

9. Where the notification is directed against a specific employee (hereinafter “identified employee”), or the employer's statutory representative (hereinafter “the statutory representative”), the responsible person shall, without undue delay, notify the identified employee or a statutory representative of the content of the notification, and allow him/her to comment on it, as well as submit any documents, papers or other information necessary for a reliable examination of the case. When notifying the identified employee or the statutory representative of the content of the notification, the responsible person shall comply with the obligation laid down in Article 5 of this Regulation.

10. The responsible person shall be entitled to invite the notifier, the identified employee or the statutory representative to cooperate in the examination of the notification to the extent necessary, together with the determination of a reasonable period of time for providing assistance.

11. The responsible person draws up a written record on the result of the examination of the notification, summarizing the facts indicated by the notifier and commenting on each fact, both in terms of verifying the truthfulness of the alleged facts and assessing their legal relevance in relation to the possible fulfillment of the illegal element.

12. Before making a record of the outcome of the examination of the notification, the responsible person shall allow the notifier to comment on the findings. If the notifier discloses new facts or disagrees with the findings, the responsible person must deal with those facts and objections in a written record of the outcome of the examination of the notification, stating whether those facts and objections are well founded.

13. The submission of a notification shall not constitute an incentive or reason for concluding any consequences, which would cause any harm to the notifier.

Article 5

Confidentiality of the Identity of the Notifier

1. The examination of the notification shall use an abstract or, where possible, a copy of the notification, without giving details, which would identify the notifier. Anyone who knows the identity of the notifier is obliged to maintain the confidentiality of his/her identity.

2. If the subject-matter of the notification does not allow its examination without disclosing any of the particulars of the person of the notifier, the responsible person shall notify the notifier thereof without undue delay.

Article 6

Informing the Notifier of the Outcome of the Examination of its Notification

1. The responsible person shall postpone the examination of the notification, if:

a) It concerns repeated notification – notification by the same notifier repeatedly on the same matter, unless the notifier has indicated new facts therein;

- b) The notifier has failed to cooperate with the responsible person, or has failed to cooperate within the period as referred to in Article 4 (10) of this Regulation, and the notification cannot be examined without such cooperation;
 - c) The notifier has died and the notification cannot be examined without his/her cooperation;
 - d) The employment relationship with the notifier has ceased and the notification cannot be examined without the cooperation of the notifier;
 - e) The notifier withdrawn the notification and other circumstances do not indicate that the withdrawn notification could indicate any anti-social conduct.
2. The responsible person shall notify the notifier in writing of the postponement of the notification and the reasons for its postponement under a), b) and e) (1) of this Article.
 3. The responsible person is obliged to send the outcome of the examination of the notification in a form of a written record no later than ten (10) days after its examination (or postponement).
 4. If the outcome of the examination of the notification indicates that a criminal offense has been committed, the responsible person shall notify the law enforcement authorities and the notifier pursuant to the par. 3 of this article.
 5. If the outcome of the examination of the notification indicates that an administrative offense has been committed, the responsible person shall notify the law enforcement authorities and the notifier pursuant to the par. 3 of this article.

Article 7

Registration of Notifications

1. The responsible person is obliged to keep records of notifications according to the pattern referred to in the Annex 3, in which it records the following data:
 - a) The date of receipt of the notification;
 - b) The name, surname, and residence of the notifier;
 - c) The subject of the notification;
 - d) The outcome of the examination of the notification;
 - e) The date of closure of the notification.
2. Any newly received notification shall be immediately registered by the responsible person in the register of notifications under the notification number, which shall consist of the serial number of its delivery and the year of delivery.
3. The employer shall keep the information referred to in paragraph 1 in the register of notifications for three (3) years from the date of receipt of the notification.

Article 8

Processing of Personal Data Included in the Notification

1. For the purposes of keeping records of notifications, the employer shall be entitled to process the personal data referred to in the notification, in particular to the extent as follows:

- a) The title, first name, surname, address of the notifier;
- b) Particulars of the person(s), against whom the notification was made;
- c) Particulars of the person(s) invited to examine the notification;
- d) Particulars of person(s), who participated in the examination of the notification (they worked on the examination).

2. Furthermore, the employer shall be entitled to process the following personal data without the consent of the natural person concerned:

- a) Which have already been published in accordance with the legislation in force and duly marked as published by the controller;
- b) The processing of which is necessary to protect the rights and legally protected interests of the controller, in particular the personal data processed in the context of the protection of the controller's assets, financial or other interests, and the personal data processed to ensure the security of the controller; however, this shall not apply if the fundamental rights and freedoms of the data subject that are subject to protection under the applicable legislation prevail in the course of such processing of personal data.

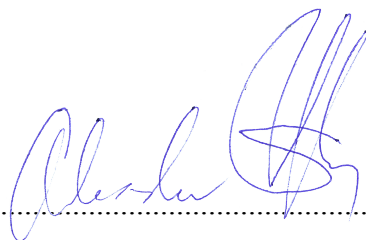
3. When making familiar with the contents of the notification, the responsible person is obliged to ensure the confidentiality of the identity of the notifier and the protection of the personal data according to the applicable legislation.

4. The protection of personal data that are processed when examining/handling/recording notifications is governed by the employer's internal regulations regarding the personal data protection agenda.

Article 9

Final Provisions

- 1. This Regulation shall enter into force on 01/09/2019
- 2. This Regulation is binding on all employees and statutory representatives of the Company.


.....