

**State Scientific Research Institute Nature Research Centre**

**DIRECTOR**

**ORDER**

**ON approval of the description of the procedure for the INTRODUCTION AND ENSURING THE FUNCTIONING OF INTERNAL CHANNELS FOR THE PROVISION OF INFORMATION ON INFRINGEMENTS AT State Scientific Research Institute Nature Research Centre**

27 May 2022 No V-51

Vilnius

Acting pursuant to the provisions of Article 16 (1) and (3) of the Law on the Protection of Whistleblowers of the Republic of Lithuania and the provisions of the Resolution of the Government of the Republic of Lithuania No. 1133 of 14 November 2018 "On the Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania", I hereby:

1. A p p r o v e the Description of the Procedure for the Introduction and Ensuring the Functioning of Internal Channels for the Provision of Information on Infringements at State Scientific Research Institute Nature Research Centre (attached hereto).

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2. A p p o i n t the Corruption Prevention Specialist, Lawyer of the State Scientific Research Institute Nature Research Centre to perform the functions of a competent authoruty specified in the Description of the Procedure for the Introduction and Ensuring the Functioning of Internal Channels for the Provision of Information on Infringements approved by the Resolution of the Government of the Republic of Lithuania No 1133 of 14 November 2018 "On the Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania".

Director Sigitas Podėnas

APPROVED

Director of the

State Scientific Research Institute

Nature Research Centre

27 May 2022

Order No V-51

**DESCRIPTION OF THE PROCEDURE FOR THE INTRODUCTION AND ENSURING THE FUNCTIONING OF INTERNAL CHANNELS FOR THE PROVISION OF INFORMATION ON INFRINGEMENTS AT State Scientific Research Institute Nature Research Centre**

**Chapter I**

**GENERAL PROVISIONS**

1. The Description of the Procedure for the Introduction and Ensuring the Functioning of Internal Channels for the Provision of Information on Infringement at State Scientific Research Institute Nature Research Centre (hereinafter, the "Description") establishes the procedure for the provision of information on in fringements that can possibly be committed, have been committed or are being committed at the State Scientific Research Institute Nature Research Centre (hereinafter, the "NRC"), for the receipt of information on violations through the internal channels for the provision of information on infringements at the NRC (hereinafter, the "internal channels"), for its assessment and for the decision-making.

2. The grounds for providing information on infringements and the circumstances under which information on infringements may be provided are laid down in the Law on the Protection of Whistleblowers of the Republic of Lithuania (hereinafter referred to as the "Law") and in the Description of the Procedure for the Introduction and Ensirung the Functioning of Internal Channels of Providing Information on Infringements , approved by the Resolution of the Government of the Republic of Lithuania No 1133 of 14 November 2018 "On the Implementation of the Law on the Protection of Whistleblowers of the Republic of Lithuania" (hereinafter referred to as the "Resolution").

3. Information received by the GTC on infringements shall be received, recorded, processed and measures for the protection of persons providing information on infringements shall be ensured in accordance with the Law, the Resolution, the Description and other legal acts. The procedures for handling requests, complaints and the treatment of persons by the GTC and other legislation shall apply to the extent that they do not conflict with the provisions on the protection of whistleblowers.

4. The terms used in the Description shall be understood as defined in the Law and the Resolution.

5. The GTC shall designate a competent entity (person, group of persons) to administer the internal channels for the submission of information on infringements, to deal with information on infringements received through them, and to ensure the confidentiality of the person submitting information on infringements. GTC employees working under an employment contract (hereinafter referred to as the "employees") who receive, evaluate, process information shall ensure the confidentiality of a person who submits a report through the internal whistleblowing channels and who has or had an employment or contractual relationship with the GTC (consultancy, contract, internship, apprenticeship, volunteering, etc.) and the information provided by him/her, except for the cases stipulated by the legislation.

**CHAPTER II**

**SUBMISSION, RECEIPT, TRANSMISSION AND RECORDING OF INFORMATION ON INFRINGEMENTS**

6. A person may submit a report of infringement:

6.1. by completing and signing the infringement report form set out in Annex 1 to the Regulation;

6.2. by submitting a free-form, signed notice stating that it is submitted under the Law.

7. A person submitting a free-form infringement report must specify in the report:

7.1. his/her name, surname, personal identification number, place of work, other contact details (at the perswon's option, email address, telephone number, address for correspondence);

7.2. information he /she knows on who, when, how and by what means has committed, is committing or is about to commit the infringement; the date and circumstances of the knowledge of the infringement; whether the infringement has already been notified by the person; if so, to whom it has been notified and whether any reply has been received;

7.3. any other available documents, data or information which may reveal the elements of a possible infringement.

8. A person may submit a report to the GTC through internal channels in the following ways:

8.1. come directly to the GTC during its official opening hours to see the competent authority;

8.2. send a report to the GTC by e-mail pranesk@gamtc.lt;

8.3. send a signed report by post to GTC at the address Akademijos St. 2, LT-08412 Vilnius. When sending the report by post, the envelope must be marked "To the competent authority in person" after the name of the GTC.

9. The data of the person submitting the report shall be processed in accordance with the procedure laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC, and other legal acts governing the processing of personal data. The personal data requested in the report form are necessary for the identification of the person for the purpose of deciding whether to grant him/her whistleblower status and shall be kept for a period of three years from the date of receipt.

10. Reports shall be received and recorded in the Register of Reports of Infringements received through the GTC's internal channels by the competent authority which administers the GTC's internal channels and is responsible for the enforcement of the requirements of the Law. The competent authority shall submit the report received to the Director of the GTC, who shall decide whether or not to deal with the report submitted through internal channels. Following the decision to process the report, the Director of the GTC shall create a task and record a resolution on the execution of the task, indicating the responsible executor and executors.

11. If an infringement report complying with the requirements of the Law is received by the GTC at an e-mail address other than the one specified in sub-paragraph 8.2 of the Description or by post, it shall not be registered and shall be immediately forwarded to the e-mail address specified in sub-paragraph 8.2 of the Description or forwarded to the competent authority, without disclosing the information received to third parties. Information received and/or forwarded to any other e-mail address shall be deleted immediately.

12. The competent authority or another GTC staff member with due competence shall be designated as the responsible executor for the handling of reports of irregularities complying with the provisions of this Description. The responsible executor and executors shall comply with the provisions of the Law and the Description.

13. The letters to be sent in connection with the processing of reports subject to the requirements of the Law and this Description shall be drafted by the responsible executor of the btask. The letters sent shall be registered in the Register of Reports of Infringements received through GTC channels by the competent authority.

14. Replies shall be sent in the manner in which the report was received, unless the person making the request specifies a different method of reply. Information on the progress and outcome of the examination of the report and other information specified in the Description shall be provided to the persons who submitted the report only if their contact details are provided.

15. The documents signed with an electronic signature or signed scanned PDF documents shall be sent by e-mail. Upon preparation of letters to be sent by post, the competent authority shall hand over the letter to be sent in a sealed envelope to the GTC Internal Administration and Public Communication Department, which shall be responsible to the entities providing sending services.

**Chapter III**

**ASSESSING INFORMATION ON INFRINGEMENTS, DECISION-MAKING**

16. The competent authority shall, upon receipt of information through internal channels about a breach, immediately assess:

16.1. whether the person reporting the infringement is not anonymous and meets the definition of the whistleblower;

16.2. whether the requirements set out in points 6 to 7 of the Description have been complied with in the report.

17. If the report of a breach complies with the requirements laid down and the person should be considered a whistleblower, the competent authority shall ensure the confidentiality of the person making the report from the moment of receipt of the report. The requirement of confidentiality shall not apply where the person submitting or having submitted the information on the infringement requests it in writing or where it is not possible to identify the person.

18. If the submitted report needs to be clarified due to non-compliance with the requirements for its submission, the procedure for clarification of the data (except in cases where the person has not provided contact data) shall be applied as set out in the Rules for the Examination of Requests and Complaints and the Servicing of Persons in the Entities of Public Administration approved by the Resolution of the Government of the Republic of Lithuania No. 875 of 22 August 2007 on the Approval of the Rules for the Examination of Requests and Complaints and the Servicing of Persons in the Entities of Public Administration (hereinafter, the "Rules"). Additional information is provided to the GTC through internal channels.

19. If the information received on an infringement gives rise to reasonable grounds to believe that a criminal offence, an administrative offence or any other irregularity is being prepared, is being committed or has been committed, the responsible executor shall, not later than 2 (two) working days from the date of receipt of this information or of the information clarifying it, forward the information received on the infringement to the authority authorised to investigate the information without the consent of the person who has submitted the information on the infringement and shall inform the person concerned in writing thereof. Reprts shall also be forwarded in the cases provided for in Article 7 of the Law.

20. The person shall be informed in writing of the decision to examine/refuse to examine his/her report submitted through internal channels no later than within 5 working days from the date of receipt of the report or of the data clarifying the report (if the information and data have been clarified), or from the date of the discovery of the information constituting the grounds for not examining the notification.

21. A decision not to examine a report must be reasoned and may be taken:

21.1. when it is established that the information provided about the infringement does not comply with the provisions of the Description and the Law;

21.2. when information submitted in respect of the infringement has already been investigated or is being investigated;

21.3. on other grounds established by law.

22. If the report does not comply with the provisions of the Description and the Law, but the GTC is authorised to investigate the possible infringements identified in the notification:

22.1. a letter shall be sent to the person within 5 working days of receipt of the notification, requesting information within 5 working days about consent to the processing of the notification without whistleblower protection (unless the person has already expressed his/her consent in the report or no contact details are available), informing him/her that in the absence of such consent, the report will not be processed;

22.2. if the person gives his/her consent within 5 working days, the Director of the GTC shall create an assignment for the competent GTC staff to investigate the possible irregularities identified in the report;

22.3. if the person's consent is not given within the time limit, or if the person has not provided any contact details and it is not possible to obtain the consent, or if the person has given a clear disagreement, the report shall not be examined.

23. The responsible executor shall, after examining the report in accordance with the provisions of the Description and the Law, submit a reply within the time limit set out in the Rulers and inform the person who provided the information about the infringement of the following:

23.1. what was the outcome of the examination of the information submitted;

23.2. what action has been taken or is planned;

23.3. what decision was taken by the competent authority;

23.4. what liability was imposed after the fact of infringement was established;

23.5. what is the procedure for appealing against the decision.

24. If, for objective reasons, the time limit for submitting a reply to the person may be longer than the time limit set out in point 23 of the Description, the time limit for examining the report may be extended in accordance with the procedure laid down in the Rules.

25. If the person who has submitted the report has not received a reply or if the GTC has not taken action in response to the information submitted, as well as on other grounds set out in Article 4(3) of the Law, the person shall have the right to apply directly to the competent authority - the Public Prosecutor's Office of the Republic of Lithuania - and to submit a notification of infringement to it.

**CHAPTER Iv**

**FUNCTIONS OF THE COMPETENT AUTHORITY**

26. The competent authority shall perform the following functions:

26.1. examine reports as instructed by the Director of the GTC;

26.2. manage internal channels;

26.3. ensure the confidentiality of the person who has provided information about the breach through internal channels, except in cases provided for by law;

26.4. cooperate with GTC staff and competent authorities in providing and/or obtaining necessary information;

26.5. collect and compile depersonalised statistics on the number of reports received and the outcome of their handling. In January of the current year, it shall summarise the previous year's data on the receipt, investigation and handling of information on infringements covered by the requirements of the Law;

26.6. ensure that the breach information and related data received is kept in a safe manner and is accessible only to those persons entitled to handle the breach information;

26.7. perform other functions as set out in the Law and the Description.

27. The competent authority shall have the rights set out in the Law, Regulation, and Description in the exercise of the functions assigned to it.

**CHAPTER V**

**FINAL PROVISIONS**

28. Documents relating to the implementation of the provisions of the Description shall be kept by the competent authority in accordance with the documentation plan. The report and the documents and personal data relating to its examination shall be kept for 3 years from the date of receipt of the last document.

29. A person who has provided information about an infringement shall, from the date on which the information is provided, be subject to the provisions of the Law prohibiting such persons from exercising any adverse influence. A person who has provided information on an infringement may consult the competent authority on ways or means of redress in respect of any adverse effects which may or may be caused to him as a result of the fact that he/she has provided information on an infringement, and may, in accordance with Article 11(2) of the Law, apply to the competent authority for recognition as a whistleblower. GTC employees who, in the course of their duties, have access to information subject to confidentiality requirements under the Law, are made aware of their liability for violation of the whistleblower protection requirements laid down in the Law and in other legislation, are obliged to sign a Confidentiality Undertaking (Annex 2 to the Description) and undertake not to disclose such information or data to third parties, and to notify the competent authority of any situation which they have observed or learned of that may jeopardise the security and confidentiality of the information.

30. Persons who violate the provisions of the Description shall be liable in accordance with the procedure laid down by law.

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Description of the Procedures for the Introduction and Ensuring the Functioning of Internal Channels for Provision of Information on Infringements at the State Scientific Research Institute Nature Research Centre

Annex 1

**(Infringement report form)**

**INFRINGEMENT REPORT**

\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(location)

|  |  |  |
| --- | --- | --- |
| Details of the person reporting the infringement | | |
| Name, surname |  | |
| Personal code |  | |
| Place of employment (service, employment or contractual relationship with the institution) |  | |
| Responsibilities |  | |
| Telephone No (contact notes) |  | |
| Personal email or residential address |  | |
| Information about the infringement | | |
| 1. What infringement are you reporting? What is the nature of the infringement? | | |
| 2. Who committed this infringement? What could have been the person's motives in committing the infringement? | | |
| 3. Place and time of the infringement. | | |
| Details of the person or persons committing the infringement | | |
| Name, surname |  | |
| Workplace |  | |
| Responsibilities |  | |
| 4. Are there any other persons who were or could have been involved in the infringement? If yes, please specify who they are. | | |
| 5. Are there any other witnesses to the infringement? If yes, please provide their contact details. | | |
| Details of the witness or witnesses to the infringement | | |
| Name, surname |  | |
| Responsibilities |  | |
| Workplace |  | |
| Telephone No. |  | |
| Email |  | |
| 6. When was the infringement committed and when did you become aware of it or notice it? | | |
| 7. What supporting data could you provide to help investigate the infringement? Please indicate any attached written or other data relating to the infringement. | | |
| 8. Have you already reported this infringement to anyone? If you have, who was notified and did you receive a reply? If you have received a reply, please state the substance of the reply. | | |
| 9. Additional notes and comments. | | |
| ☐ I confirm that I am aware of the legal consequences for providing false information and that the information I provide is correct.  If my report is not found to comply with the requirements of the Law on the Protection of Whistleblowers of the Republic of Lithuania, I agree that it will be considered in accordance with the general provisions of the legislation, without being subject to the protection of a whistleblower (choose one):  ☐ Yes  ☐ No | | |
| Data | | Signature |
|  |  |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Description of the Procedures for the Introduction and Ensuring the Functioning of Internal Channels for Provision of Information on Infringements at the State Scientific Research Institute Nature Research Centre

Annex 2

**(Confidentiality undertaking form)**

**State Scientific Research Institute Nature Research Centre**

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*(name of administrative unit and function)*

**CONFIDENTIALITY UNDERTAKING**

\_\_\_ \_\_\_\_\_\_\_\_\_\_ 20 \_\_ No. \_\_\_

Vilnius

1. I understand that in the course of my duties at the State Scientific Research Institute Nature Research Centre, I will have access to information about persons who, in accordance with the provisions of the Law on the Protection of Whistleblowers of the Republic of Lithuania, are subject to confidentiality requirements. This information may only be disclosed or communicated to authorised persons or institutions in cases provided for by the laws of the Republic of Lithuania.

2. I am aware that confidential information consists of the data of the person who, in accordance with the procedure laid down in the Law on the Protection of Whistleblowers of the Republic of Lithuania, has provided information on the violation and other information that directly or indirectly identifies him/her.

3. I undertake to maintain confidentiality and not to disclose or pass on any information subject to confidentiality under the Law on the Protection of Whistleblowers of the Republic of Lithuania to any person who is not authorised to use this information both inside and outside the State Scientific Research Institute Nature Research Centre. I also undertake to inform the competent authority of any situation observed or of which I become aware that may threaten the security and confidentiality of such information.

4. I understand that this undertaking will remain in force for the duration of my employment with the State Scientific Research Institute Nature Research Centre and in the event of my transfer to another post or the termination of my service, employment or contractual relationship.

5. I am familiar with the requirements for the protection of whistleblowers set out in the Law on the Protection of Whistleblowers of the Republic of Lithuania and other legal acts.

6. I am warned that if I violate this undertaking, I may be liable for violation of the requirements for the protection of whistleblowers as laid down in the Law on the Protection of Whistleblowers of the Republic of Lithuania and/or in other legal acts.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(signature) (name and surname)*

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