

# DANMARKS NATIONALBANK

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## **Guidance for Danmarks Nationalbank's whistleblower scheme**



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The guidance for Danmarks Nationalbank's whistleblower scheme must be read in conjunction with the bank's whistleblower policy, which is available on Danmarks Nationalbank's website under Danmarks Nationalbank's whistleblower scheme ([link](#)).

## Who can use Danmarks Nationalbank's whistleblower scheme

Danmarks Nationalbank's whistleblower scheme can be used by Danmarks Nationalbank's employees, members of the Board of Governors, the Committee of Directors and the Board of Directors, trainees, persons working under the supervision and management of Danmarks Nationalbank's suppliers and partners in general, former employees and persons who have not yet commenced their employment. The latter group of persons, who comprise both persons subsequently employed by Danmarks Nationalbank and persons who do not achieve employment, may report breaches of which they have acquired knowledge during the employment process.

## Which matters may be reported?

Breaches of Union law covered by Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law (the Whistleblowing Directive) ([link](#)), including within the following areas:

- Public procurement
  - Financial services
  - Prevention of money laundering and terrorist financing
  - Protection of the environment
  - Radiation protection and nuclear safety
  - Public health
  - Protection of privacy and personal data, and security of network and information systems
- Breaches affecting the financial interests of the Union

- Breaches relating to the internal market, including breaches of Union competition and State aid rules

An exhaustive list of breaches of Union law covered by the whistleblower scheme follows from Article 2(1) of the Whistleblowing Directive. It is not a requirement that these breaches must be of a certain grossness nor that the breach must be severe.

Serious offences or other serious matters are also covered by the whistleblower scheme. Serious matters may be breaches of Danish law and breaches of Union law in other areas than those mentioned above.

Examples of serious offences:

- Breach of the provisions of the Danish Criminal Code (*Straffeloven*) on theft, embezzlement, fraud, data fraud, fraudulent abuse of position, hacking, bribery and forgery of documents
- Breach of duty of confidentiality
- Breach of the Danish Bookkeeping Act (*Bogføringsloven*)
- Sexual harassment (see the definitions in the Danish Equal Treatment Act (*Ligebehandlingsloven*))
- Serious harassment, for example due to race or political views or religious beliefs
- Gross or persistent breaches of the Danish Public Administration Act (*Forvaltningsloven*) or the Danish Access to Public Administration Files Act (*Offentlighedsloven*) or of principles of administrative law, including the inquisitorial principle, requirements for impartiality, the misuse of power doctrine and proportionality.
- Breach of rules on the use of force
- Deliberate misleading of citizens and partners
- Serious or persistent breaches of Danmarks Nationalbank's internal guidelines

The law firm chosen by Danmarks Nationalbank to receive reports will assess in each individual case whether the report concerns a serious offence or some other serious matter.

Staff-related conflicts are generally not covered by the whistleblower scheme. Nor can the whistleblower scheme be used to report purely HR-related matters, e.g. salary conditions, collaboration difficulties, dismissal or a manager's delegation of tasks. For such matters that fall outside the scope of the law, you must instead contact your immediate manager, HR or your union representative.

The whistleblower scheme is an independent channel that can be used to report matters that cannot immediately be dealt with through the regular channels. The scheme should therefore be seen as a supplement to the internal dialogue in Danmarks Nationalbank and to the bank's policy and procedure for prevention and handling of offensive behaviour.

#### **How to use the whistleblower scheme**

Reports can only be submitted in writing via the whistleblower portal on Danmarks Nationalbank's website. This means that you cannot, for example, submit reports orally or by email.

#### **How reports are processed**

Danmarks Nationalbank has chosen to let an external independent law firm, Lund Elmer Sandager, receive and follow up on reports.

The reporting procedure, a further description of the whistleblower portal and how your report is processed are described on Danmarks Nationalbank's website under Danmarks Nationalbank's whistleblower scheme ([link](#)).

You will receive confirmation of receipt of your report within seven days of the report having been received as well as feedback on the processing of the case within a reasonable time limit not exceeding three months from confirmation of receipt.

#### **Confidentiality and anonymity**

All reports are treated confidentially by Lund Elmer Sandager. When you report a matter to Danmarks Nationalbank's whistleblower scheme, you may choose to remain anonymous. You can read more about confidentiality and anonymity on Danmarks Nationalbank's website under Danmarks Nationalbank's whistleblower scheme ([link](#)).

#### **Other whistleblower schemes**

The Danish Data Protection Agency has established an external whistleblower scheme that can receive and process information about breaches of the matters mentioned above.

In addition, there are a number of sector-specific external schemes that can process reports on matters that fall within the special area of each scheme.

You can read more about the Danish Data Protection Agency's external whistleblower scheme on the Danish Data Protection Agency's website, including the procedure for using the scheme. The Danish Data Protection Agency's website also describes the sector-specific schemes The whistleblower scheme in the Danish Data Protection Agency ([link](#)).

It is optional whether you want to use an external scheme or Danmarks Nationalbank's internal scheme. If you wish to report matters relating to Danmarks Nationalbank, you are encouraged to use Danmarks Nationalbank's internal whistleblower scheme if any breach can be effectively addressed internally in the bank and you assess that there is

no risk of retaliation. As a general rule, Danmarks Nationalbank will have much better knowledge of the local conditions in the bank that may be relevant in connection with an investigation and will have a better opportunity to follow up on the report.

Internal and external whistleblower schemes do not restrict public servants' freedom of expression in general. Freedom of expression and right of notification still apply in accordance with the existing rules on this.

#### **Processing of personal data**

You can read more about the processing of your personal data on Danmarks Nationalbank's website under Danmarks Nationalbank's whistleblower scheme – 'Privacy policy' ([link](#)).

#### **Whistleblower protection**

If you are among the persons who can use Danmarks Nationalbank's whistleblower scheme, the legislation ensures that you are protected against retaliation, provided that you had reasonable grounds to believe that the reported information is correct and concerns matters falling within the scope of the scheme. This means that you must be "in good faith".

If you are in good faith, you are not regarded as having breached a statutory duty of confidentiality. Nor will you incur liability for having acquired access to the information that you are reporting unless you have acquired the information by a criminal offence (e.g. hacking or wiretapping).

If you knowingly report or publish false information, you are not protected. This may be punishable by fine and, depending on the circumstances, it may also constitute a criminal offence punishable under the Danish Criminal Code. It may also have consequences under employment law.

You can read more about protection and abuse of the scheme on Danmarks Nationalbank's website under Danmarks Nationalbank's whistleblower scheme ([link](#)).