

NOVA'S WHISTLEBLOWER PORTAL

Procedure



April 2023

TECHNICAL DATA

Title

NOVA Whistleblower Portal Procedure

Editor

Rectory of the NOVA University of Lisbon

Contact

Campolide Campus
1099-085 Lisboa
Telephone: +351 213 715 600
Fax: 213 715 614
Email: denuncias@unl.pt
www.unl.pt

Version Control

Versions	Reason for Amendments	Approval Date
1	First Version	April 2023

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1 FRAMEWORK

In December 2021, the legislation implementing the National Anti-Corruption Strategy 2020-2024 was published, namely Decree-Law 109-E/2021, of 9 December (which creates the National Anti-Corruption Mechanism (MENAC) and establishes the General Regime for the Prevention of Corruption (RGPC)), and Law No. 93/2021, of 20 December (establishing the General Regime for the Protection of Whistleblowers - RGPDI - , transposing 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 European Union law), mandating the implementation of whistleblowing channels.

The present document aims to define and regulate the implementation, at NOVA University of Lisbon (henceforth simply referred to as NOVA), of an internal channel for reports, materialising the provisions resulting from the above-mentioned legislation, guaranteeing confidentiality, impartiality, security and rigour in the analysis and processing of the reports of infringements received.

In addition to complying with the above-mentioned legislation, the NOVA's Whistleblowing Portal is extended to moral and/or sexual harassment and discrimination.

The Whistleblowing Portal is prepared to receive and process internal reports, in an impartial, independent and confidential way, from teachers, non-teaching staff, students, researchers, scholarship holders, trainees or any third party who has a commercial, business or partnership relationship with NOVA, namely as a service provider or supplier.

In the receipt, storage and processing of reports of infringements covered by this document, all legal regulations in force regarding the protection of personal data shall be complied with.

2 OBJECTIVES

This document aims to safeguard the secure reporting of violations and acts of corruption or related offences, in accordance with Article 2 of the General Regime for the Protection of Whistleblowers, Article 8 of the General Regime for the Prevention of Corruption and the existence of conflicts of interest, ensuring the completeness, integrity and preservation of the report, the confidentiality of the identity or anonymity of the whistleblowers and the confidentiality of third parties mentioned, preventing access by unauthorised persons.

3 SCOPE OF THE NOVA'S WHISTLEBLOWER PORTAL

The NOVA's Whistleblowing Portal is only intended for the communication of all reports that are covered (i) by the scope of application of the General Regime for the Protection of Whistleblowers (RGPD), approved by Law No. 93/2021, of 20 December, which transposed into national law Directive (EU) 2019/1937 of the European Parliament and of the Council, of 23 October 2019, on the protection of persons who report violations of European Union law; (ii) by the scope of application of the General Regime for the Prevention of Corruption (RGPC), approved by Decree-Law no.109-E/2021, of 9 December; (iii) moral and/or sexual harassment and discrimination based on gender, ethnicity, sexual orientation, national origin, religious beliefs and/or political convictions.

Regardless of its typology, the complaint may refer to offences committed, in the course of being committed or which may reasonably be foreseen, as well as attempts to conceal such offences.

I. Matters covered by Law no. 93/2021, of 20 December, - RGPD

According to Article 2 of the General Regime for the Protection of Whistleblowers (RGPD), covered infringements that may be the subject of a whistleblowing complaint are considered:

a) The act or omission of rules contained in European Union acts, national rules implementing, transposing or complying with such acts or any other rules contained in legislative acts

implementing or transposing them, including those providing for criminal offences or administrative breaches relating to

- i) Public procurement;
 - (ii) Financial services, products and markets and the prevention of money laundering and terrorist financing;
 - (iii) Product safety and compliance;
 - (iv) Transport safety;
 - (v) Protection of the environment;
 - (vi) Radiation protection and nuclear safety;
 - (vii) Food and feed safety, animal health and animal welfare;
 - (viii) Public health;
 - (ix) Consumer protection;
 - (x) Protection of privacy and personal data and security of network and information systems;
- (b) the act or omission contrary to, and detrimental to, the financial interests of the European Union referred to in Article 325 of the Treaty on the Functioning of the European Union (TFEU), as specified in the applicable Union measures;
- (c) the act or omission contrary to the internal market rules referred to in Article 26(2) TFEU, including competition and state aid rules, as well as corporate tax rules;
- d) Violent, especially violent and highly organized crime, as well as the crimes provided for in Article 1(1) of Law No. 5/2002 of 11 January establishing measures to combat organized and economic-financial crime; and
- (e) the act or omission contrary to the purpose of the rules or regulations covered in subparagraphs (a) to (c).

In the fields of national defence and national security, only acts or omissions contrary to the procurement rules contained in the acts of the European Union referred to in Part I. A of the Annex to Directive (EU) 2019/1937 of the European Parliament and of the Council, or contrary to the purpose of those rules.

II. Matters covered by Decree-Law 109-E/2021, of 9 December, - RGPC

According to Articles 3 and 8 of the General Regime for the Prevention of Corruption (GCPR), the crimes of corruption, receiving and offering undue advantage, embezzlement, economic participation in business, extortion, abuse of power, prevarication, influence peddling, laundering or fraud in obtaining or diverting a subsidy, grant or credit, provided for in the Criminal Code, approved as an annex to Decree-Law No. 48/95 of 15 March 1995, as amended. No. 48/95 of 15 March, as amended, Law No. 34/87 of 16 July, as amended, the Military Code of Justice, approved in annex to Law No. 100/2003 of 15 November, Law No. 50/2007 of 31 August, as amended, Law No. 20/2008 of 21 April, as amended, and Decree-Law No. 28/84 of 20 January, as amended.

III. Situations of moral and/or sexual harassment and discrimination based on gender, ethnicity, sexual orientation, national origin, religious beliefs and/or political convictions.

a. Harassment

Harassment is defined as unwanted behaviour, particularly when based on any discriminatory factor, with the purpose or effect of affecting the dignity of a person, which may result in physical, sexual, psychological or economic harm and falls within the definition of bullying, sexual harassment and discrimination.

Bullying is a set of unwanted behaviours perceived as abusive, practised persistently and repeatedly, and may consist of a verbal attack with offensive or humiliating content, or in subtle acts, which may include psychological or physical violence. It aims to lower the self-esteem of the target person/s and ultimately to undermine his/her attachment to the workplace/education. The victims are involved in situations in which they generally find it difficult to defend themselves.

Sexual harassment is a set of unwanted behaviours perceived as abusive, of physical, verbal or non-verbal nature, and may include attempts at disturbing physical contact, requests for sexual favours, with the aim or effect of obtaining advantages, blackmail and even the use of force or strategies to coerce the will of the other person. They are usually repeated, and may also be unique and of explicit and threatening character.

b. Discrimination

Discriminatory behaviour exists when a person is privileged, favoured, disadvantaged, deprived of any right or exempted from any duty because of ancestry, race, colour, ethnicity, age, health status, marital status, migrant or refugee status, language, territory of origin, religion, political or ideological beliefs, education, economic situation, sex, gender identity, gender expression, or sexual orientation.

Matters not the subject of the complaint:

- Reports submitted that exceed the scope of the matters identified above are excluded and cannot be reported or processed through the Whistleblower Portal;
- For reports on issues not covered by the Whistleblowing Portal or suggestions, you should use the UNL Compliments, Suggestions and Complaints page, available at <https://www.unl.pt/elogios-sugestoes-e-reclamacoes-1>

4 WHO CAN BE CONSIDERED A WHISTLEBLOWER

According to the RGPD, whistleblowers are natural persons in good faith who report an infringement based on information obtained in the course of their professional activity, regardless of the nature of this activity and the sector in which it is carried out, even if such relationship with NOVA has already ceased, namely:

- a) Workers, teaching and non-teaching staff of NOVA;
- b) Students, researchers and scholarship holders of NOVA;

- c) Service providers, contractors, subcontractors and suppliers, as well as any person acting under the supervision and direction of NOVA;
- d) Persons belonging to administrative or management bodies or to supervisory or controlling bodies of NOVA, including non-executive members;
- e) Volunteers and interns, paid or unpaid;
- f) Participants in recruitment processes at NOVA.

5 FORM OF PRESENTATION OF INTERNAL REPORTS

The whistleblower (anonymous or identified whistleblower, according to his/her choice) must act in good faith and have a serious basis to believe that the information is, at the time of reporting, true.

The communication of the irregularity must be concrete and objective, taking into account criteria of relevance of the facts, substantiality, good faith and veracity. It should be as detailed as possible, transmitting the facts of which it is aware, and documents or other evidence may be submitted.

For the presentation of internal reports, NOVA makes its Whistleblower Portal available at: https://whistleblowersoftware.com/secure/canal_de_denuncia_UNL , in which the form provided therein must be completed and submitted, as well as the supporting documents for the complaint in digital format.

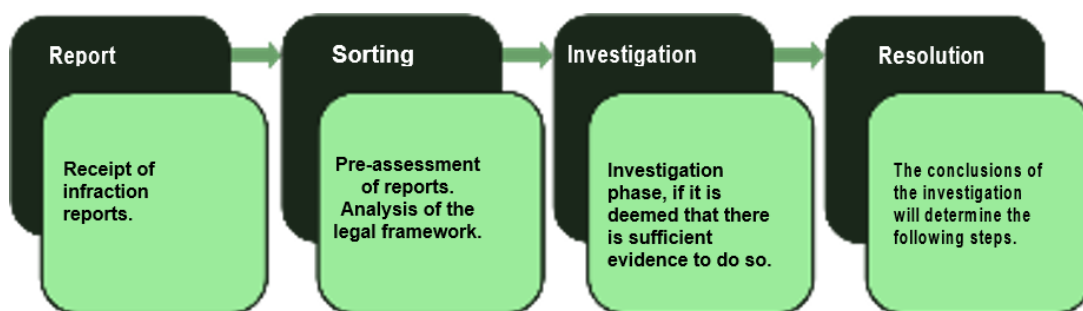
The report must always be presented through the Whistleblower Portal available in the NOVA's institutional page, which guarantees the completeness, integrity and conservation of the report, the confidentiality of the identity or anonymity of the whistleblowers and the confidentiality of the identity of third parties mentioned in the report and prevents access by unauthorised persons.

The complaint may be submitted confidentially or anonymously, i.e. the whistleblower may choose to identify him/herself or remain anonymous.

The complaint may be submitted, through the platform, in writing, by filling in the form with the full description of the facts, or orally, in a distorted voice, by recording the description of the facts.

6 HANDLING OF INTERNAL REPORTS

The complaint process adopted by NOVA includes four phases, as represented in the flow chart below:



a. Receipt and Follow-up of Internal Reports

The NOVA's Whistleblowing Portal is operated internally, and it is the exclusive responsibility of those appointed for that purpose by the Rector of NOVA to receive and follow up on the reports received in the Whistleblowing Portal. According to the information received from the whistleblower, the appropriate and necessary actions are developed for the initial confirmation of the existence of sufficient grounds for the process of the complaint to fall within the scope of the RGPDI.

Within seven days after receiving the report or complaint, the whistleblower is notified, through the Whistleblowing Portal, of the receipt of the same and the possibility of additional elements being requested that may be necessary for an adequate analysis of the reported actions or omissions, and informed, in a clear and accessible manner, of the legal framework of the complaint submitted. Once the existence of sufficient grounds is confirmed, the whistleblowing manager will process the complaint, in

accordance with the RGPDI, and forward it to the respective Constitutive Entity (CE) for support in the analysis, investigation and follow-up with the competent services.

Within a maximum period of three months from the date of receipt of the report or complaint, the whistleblower shall be informed, through the Whistleblowing Portal, of the measures envisaged or adopted to follow up on the complaint and the respective grounds. The whistleblower may request, at any time, that the result of the analysis carried out be communicated to him/her within fifteen days of its conclusion.

b. Confidentiality

The reports received in the Whistleblowing Portal will be treated confidentially and with restricted access, and all persons who have access to the information in the reports via the platform, namely the persons responsible for the management of the reports, are obliged to keep it confidential.

The confidentiality of the whistleblower, as well as the content of the allegation made, shall always be ensured, and its disclosure to third parties not involved in the management of the allegation is forbidden, as it cannot be revealed, under any circumstances, to the parties involved. Under the legal terms, the identity of the whistleblower may only be disclosed as a result of a legal obligation or judicial decision.

c. Processing of personal data

The processing of personal data in the complaint files, including the exchange or transmission of personal data, shall be carried out in accordance with the General Data Protection Regulation (GDPR). Please check below in annex I the Privacy Information for the purposes of article 13 of the General Data Protection Regulation.

Personal data which is clearly not relevant for the processing of the complaint shall not be kept and shall be deleted immediately.

The metadata will be automatically deleted in the Whistleblowing Portal.

d. Preservation of report files

The officers appointed for this purpose by the Responsible for Regulatory Compliance shall file and keep an updated record of all communications received, including:

- ✓ Identification number of the communication;
- ✓ Date of receipt;
- ✓ Summary description of the situation reported;
- ✓ Measures adopted as a result of the communication;
- ✓ Status of the matter (under review, filed or forwarded).

The register of reports received shall be kept and maintained for at least five years and, irrespective of that period, for as long as judicial or administrative proceedings relating to the complaint are pending.

e. Prohibition of retaliation against the whistleblower

Acts of retaliation against the whistleblower are prohibited. Retaliation is considered to be any act or omission that, directly or indirectly, in a professional context and motivated by the complaint, may cause or actually causes economic or non-economic damage to the whistleblower. Threats or attempts thereof are also considered acts of retaliation. The practice of retaliation entails the obligation to compensate the whistleblower.

The following acts are presumed to be retaliation until proven otherwise, when practiced up to two years after the report:

- Changes in working conditions, such as duties, hours, place of work or remuneration, non-promotion of the employee or failure to fulfil work duties;
- Suspension of employment contract;
- Negative performance evaluation;
- Non-renewal of a fixed-term employment contract;
- Dismissal.

7 SUPPORT MEASURES FOR WHISTLEBLOWERS

Under the RGPDI, whistleblowers benefit from the following support measures:

- Legal protection;
- Witness protection measures in criminal proceedings;
- Assistance and collaboration with the competent authorities and other entities to ensure the protection of the whistleblower against acts of retaliation, including through certification that it is recognised as such under the RGPDI whenever the whistleblower requests it;
- Access to the law and the courts to defend their legally protected rights and interests.

8 LIABILITY OF THE WHISTLEBLOWER

The whistleblower will not incur liability for breach of confidentiality or other duties, provided that the report is made in accordance with the requirements imposed by the RGPDI, namely:

- It does not constitute grounds for disciplinary, civil, administrative or criminal liability;
- It shall not be liable for the violation of any restrictions on the communication or disclosure of information contained in the complaint or in the public disclosure, without prejudice to the secrecy regimes safeguarded in Article 3(3) of the RGPDI;
- It is not responsible for obtaining or accessing the information giving rise to the complaint, except in cases where obtaining or accessing the information constitutes a criminal offence.

The foregoing shall be without prejudice to any liability that whistleblowers may have for acts or omissions that are not related or necessary to the reporting or public disclosure of a breach under the RGPDI.

9 CONCLUDING REMARKS

It is NOVA's responsibility, as the competent entity, to publish in NOVA's institutional website (www.unl.pt), the information provided for in the RGPD, namely the legal protection of whistleblowers and the regime of confidentiality and treatment of personal data.

NOVA is also responsible for disclosing the Procedure related to the Whistleblowing Portal to all employees and remaining interested parties, through internal and external communication channels.

This document will be reviewed whenever appropriate and necessary, preferably every three years.

Annex I

PROCESSING OF PERSONAL DATA

(Privacy Information for the purposes of article 13 of the General Data Protection Regulation)

The information communicated within the scope of this Procedure implies the processing of personal data as per the terms below.

Responsible for Treatment	Universidade Nova de Lisboa, legal entity no. 501559094, with headquarters at Campolide Campus, 1099-086 Lisbon
Data Protection Officer	Rodrigo Adão da Fonseca, with the following email address: dpo@unl.pt .
Data Collected	Personal data relating to the holders identified below; identification, contact and other data related to the content of the reports.
Types of Holders	Whistleblowers, defendants and third parties who may be identified in the complaints.
Goal	Management and processing of complaints submitted to the internal reporting channel of Universidade Nova de Lisboa, the NOVA Complaints Portal, in matters within (i) scope of application of the General Regime for the Protection of Whistleblowers of Infractions (RGPD), approved by Law no. 93/2021, of December 20, which transposed into the national legal order Directive (EU) 2019/1937 of the European Parliament and of the Council, of October 23, 2019, on the protection of people who report violations of Union Law European; (ii) scope of application of the General Corruption Prevention Regime (RGPC), approved by Decree-Law No. 109-E/2021, of December 9; (iii) moral and/or sexual harassment and discrimination based on gender, ethnicity, sexual orientation, national origin, religious beliefs and/or political beliefs.
Foundation	<ul style="list-style-type: none">• Compliance with legal obligations (Decree-Law No. 109-E/2021, of December 9th and Law No. 93/2021, of December 20th);• Legitimate interest of Universidade Nova de Lisboa under article 6, paragraph 1, letter f) of the GDPR.• Consent required under article 20, no. 3, of Law no. 93/2021, of December 20, and article 9 of the GDPR.
Data Retention Term	Pursuant to article 20, no. 1, of Law no. 93/2021, of December 20, complaints will be kept for a minimum period of five years. Regardless of this period, reports are kept during the pendency of judicial, administrative or disciplinary proceedings initiated based on the reports. The above provisions are without prejudice to the archival conservation rules of judicial courts and administrative and tax courts.
Data Transmission	Authorities competent to investigate infringements, namely, but not exclusively: <ul style="list-style-type: none">• Public Prosecutor's Office, criminal police bodies, Banco de Portugal, Court of Auditors, independent administrative authorities, public institutes, general inspectorates and similar entities and other central services of direct State administration with administrative autonomy, local authorities and public associations.

	<ul style="list-style-type: none"> • Institutions, bodies or bodies of the European Union.
Rights of Personal Data Holders	<p>In accordance with the Personal Data Protection Law, data subjects are guaranteed the right to access, update, rectify, delete, portability, limit and erase personal data. Likewise, the right to lodge complaints with the National Data Protection Commission (CNPd) is guaranteed.</p> <p>The exercise of these rights must be carried out via the following email address dpo@unl.pt.</p>