

**INTERNAL REGULATION**  
**Institute of Biophysics of the Academy of Sciences of the**  
**Czech Republic**

**ON THE PROTECTION OF PERSONS WHO REPORT BREACHES OF THE LAW**  
**OF THE CZECH REPUBLIC AND THE EUROPEAN UNION**

**Article I.      Introductory statement**

1.      This internal regulation is issued for the purpose of specifying the rights and obligations of the staff of the Institute of Biophysics of the Academy of Sciences of the Czech Republic, v. v. i. in connection with the protection of persons who report violations of the law of the Czech Republic and the law of the European Union regulated by the directly applicable Directive (EU) 2019/1937 of the European Parliament and of the Council of 23. 10. 2019.
  
2.      In this internal regulation, the designation of persons in the masculine gender is used for the purpose of increasing the clarity and comprehensibility of the text (e.g., an employee of the IBP, employee, volunteer, etc.). This is not an expression of the disregard of meaning or discrimination against gender.

**Article II.      Definitions**

1.      For the purposes of this internal regulation, the interpretation of the following terms shall be determined:
  - a)      **IBP** means the Institute of Biophysics of the Academy of Sciences of the Czech Republic, v. v. i.
  
  - b)      **An employee of the IBP means** any employee working for the IBP on the basis of an employment contract, an agreement on work activity or an agreement to perform work regardless of his status, type of work or size of working time, as well as self-employed person, volunteer, trainee, job seeker, and other persons, if they are in the work center of the Institute of Employment.
  
  - c)      **Unlawful conduct** means an act or omission made in violation of the legal order of the Czech Republic and/or in violation of the legal order of the European Union.
  
  - d)      **Whistleblowing** means the existence of the possibility for an employee of the IBP to report unethical or unlawful conduct within the IBP without the notifier being under a threat of retaliation by the IBP, consisting for example in pressuring in the workplace, in the reduction of wages, in the so-called bossing, mobbing, etc., i.e., it is a mechanism for communicating concerns of the IBP employees regarding the functionality and effectiveness of the management and control system of the IBP.
  
  - e)      **Notifier** means a natural person, an employee of the IBP, who, in connection with work or

other similar activity performed in connection with work for the IBP, has learned of an unlawful act and wants to report or has already reported this fact through an internal notification system or an external notification system, or directly to public authorities (e.g., police authority, state prosecutors, etc.) or publication.

- f) **Notification** means notification by the notifier of an unlawful act or an alleged unlawful act.
- g) **An internal notification system** means a set of internal procedures and tools for receiving notifications, handling notifications, protecting the identity of the notifier and other persons, and protecting information.
- h) **A competent person** means a natural person responsible for receiving and handling notifications within the internal notification system.
- i) **An external notification system** means a set of procedures and tools for receiving notifications, handling notifications, protecting the identity of the notifier and other persons, and protecting information operated by the Ministry of Justice.
- j) **Publication** means any disclosure of the information contained in the notification to the public, for example, through websites, social networks, television broadcasts, radio broadcasts, etc.

### **Article III. Basic principles for the protection of persons who report breaches of the law**

1. This internal rule shall be governed by the principle of protection of the confidentiality of the notifier, the third parties concerned by the notification, and the information communicated in the notification. No data may be requested from the notifier unless the data are related to the notification and its investigation.
2. It is forbidden to stigmatize and diminish the importance of notifiers or the need to protect them.
3. There is no charge for the notification.

### **Article IV. The material scope of the internal regulation**

1. This internal regulation shall apply to notifications relating in substance to:
  - a) public procurement,
  - b) financial services, financial products, and markets,
  - c) money laundering and terrorism,
  - d) security,
  - e) environmental protection,
  - f) radiation protection and nuclear safety,
  - g) safety of food, feed, animal health, and welfare,
  - h) public health,
  - i) consumer protection,
  - j) protection of privacy and personal data
  - k) and the security of network and information systems.

## **Article V. Choice of notification method and notifier protection**

1. The notifier is entitled to file a notification through the internal notification system, the external notification system, by publication or filing with public authorities (police authority, public prosecutor's office, etc.).
2. If the notifier has reasonable grounds to believe that the reported information on an unlawful act was true at the time of notification (i.e., the notifier must not knowingly make a false notification) and that this information fell within the material scope of this internal regulation, the notifier shall not be liable for the submitted notification, with the exception of breach of the obligation of confidentiality pursuant to Art. III. Para. 4. and Para. 5. of this internal regulation.
3. Towards the notifier and other natural or legal persons (other employees of the IBP, persons close to the notifier, etc.), retaliation cannot be applied. Retaliation means any direct or indirect act or omission occurring in a work-related context triggered by an internal or external notification or publication and which cause or may cause unjustified harm to the notifier. Such a measure may be, in particular, but not limited to, termination of an employment relationship or non-renewal of the fixed-term employment relationship, termination of the legal relationship established by an agreement to perform work or an agreement on work activity, dismissal from the position of a senior employee, reduction of wages or salary, remuneration or non-granting of the personal allowance, discrimination, transfer or transfer to another job, negative work assessment, ostracism, failure to allow professional development, change in working time patterns, requiring a medical opinion or occupational medical examination, interference with the right to protection of personality, etc.
4. It is not possible to report information that is protected by a special law as classified information, information whose disclosure could endanger already ongoing criminal proceedings, and special facts that are subject to protection under the legal regulation governing crisis management.
5. The notifier may not breach the obligation of confidentiality in the performance of the activities of a notary, public prosecutor, attorney at law, private enforcement officer, judge, tax advisor, and in the provision of health services.
6. The notifier may breach the obligation of confidentiality relating to banking secrecy relating to the contract in which the obligation of confidentiality is contractually agreed, arising from the Tax Code and from other legal regulations governing work or other similar activities. The notifier is not liable to any penalty for breaching such confidentiality in accordance with Directive (EU) 2019/1937 of the European Parliament and of the Council of 23. 10. 2019.
7. The notifier is also pursuant to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23. 10. 2019 is not liable to any penalty for any unlawful act committed in connection with discovering information necessary for the notification or by the notification itself. This does not apply if the notifier, by acting in connection with discovering information necessary for a notification, has committed a criminal offense.
8. The right to notifier's protection cannot be waived and cannot be limited contractually.

## **Article VI. Internal notification system**

1. Ensuring the proper functioning of the internal notification system is the responsibility of the IBP.

### **Section A Competent person**

1. The competent person must be of legal age, must have the legal capacity, and must be of good repute, i.e., according to the extract from the criminal register; the competent person has not been convicted of an intentional crime.
2. The competent person is bound by the duty of confidentiality of all facts that he has learned in connection with the activities of the competent person.
3. As the competent person is appointed doc. RNDr. Stanislav Kozubek, DrSc.
4. The competent person is obliged to proceed in the matter of whistleblowing conscientiously, carefully, at his own best discretion, and completely independently of the IBP, especially regardless of the instructions of the management of the IBP and regardless of the position of the IBP as an employer.
5. The IBP is not entitled to give any instructions to the competent person in matters of whistleblowing and must not influence or threaten his impartiality in any other way.
6. The relevant person shall receive notifications in the manner specified in Section B.
7. The competent person shall investigate the veracity and reasonableness of the notification in the manner specified in Section C.
8. The competent person is obliged, if he finds that the notification is true and reasonable, to propose to the director of the IBP appropriate measures to remedy the situation in the manner specified in Section D.

### **Section B Notification**

1. Notification to the competent person may be made orally or in writing, in person at the IBP workplace, by telephone, e-mail message, or by mail sent through a postal service provider.
2. Information on the methods of notification will be published in writing in the premises of the IBP on the bulletin board of the IBP management (ground floor of the main building A) and on the website of the IBP under the link [https:// www.ibp.cz/cs/o-instituci/hr-award/dokumenty-a-odkazy](https://www.ibp.cz/cs/o-instituci/hr-award/dokumenty-a-odkazy)
3. The notification can be made in person in the office of doc. RNDr. Stanislav Kozubek, DrSc., door number 102, every even Tuesday from 9:00 to 11:00, or at another time by mutual agreement between the competent person and the notifier.
4. Notifications can be made by telephone at telephone number +420 541 517 283.

5. Notifications can be made by an e-mail message to the e-mail address [BFU-whistleblowing@seznam.cz](mailto:BFU-whistleblowing@seznam.cz)
6. A notification can be made through a postal service provider to the address indicated on the envelope containing the notification as follows:  
Příslušná osoba  
doc. RNDr. Stanislav Kozubek, DrSc.  
Biofyzikální ústav AV ČR, v. v. i.  
Královopolská 135  
612 65 Brno.

The envelope containing the notification shall be marked with the words "CONFIDENTIAL" or "INTO THE HANDS OF THE COMPETENT PERSON ONLY."

7. If the notification is made orally (in person or by telephone), the competent person is obliged to make a sound recording of the notification with the consent of the notifier. If the notifier does not give his consent to the sound recording, the competent person must not make it. In such a case, the competent person shall draw up a written record of the submitted notification, which shall contain especially the place, time, and designation of the record, data allowing the identification of the persons present, a brief description of the course of the notification and an indication of the competent person. Data allowing the identification of a natural person are understood to be the name and surname. The record shall be signed by the competent person and, if possible, by the notifier.
8. Only the competent person can be acquainted with the notifications. To the telephone using the telephone number +420 541 517 283, to the e-mail address [BFU-whistleblowing@seznam.cz](mailto:BFU-whistleblowing@seznam.cz) and to the content of the consignments received at the address specified in Art. III., Section B, Para. 6 of this internal regulation, only the competent person shall have access.
9. The competent person is obliged to acknowledge receipt of the notification within 7 days from the date of receipt of the notification. This does not apply if the notification is made in person.
10. The identity of the notifier, the participation of third parties, and the information contained in the notification shall be subject to confidentiality. The identity of the notifier cannot be without the written consent of the notifier disclosed to a third party nor to a public authority, with the exception of statutory exceptions (e.g., in the case of a request from law enforcement authorities made under the Code of Criminal Procedure).
11. The competent person shall keep records of the data from the notifications to which only the competent person shall have access. The records contain especially information on the date of receipt of the notification, the name or names and surnames of the notifier, the contact address of the notifier, if known, a summary of contents of the notification and identification of the person or persons against whom the report may be directed if their identity is known, the date of completion of the assessment of the veracity and justification of the notification by the competent person and its result.
12. The competent person shall keep the notification in such a way that the confidentiality of the identity of the notifier, third parties, and information is not jeopardized. The notification shall

be kept only for as long as is necessary for the proper investigation and resolution of the case.

### **Section C Investigation of notifications**

1. The competent person shall be entitled to investigate notifications where they relate materially to public procurement, financial services, financial products and markets, money laundering and terrorism, safety, environmental protection, radiation protection and nuclear safety, food safety, feed safety, animal health, and welfare, public health, consumer protection and the protection of privacy and personal data and the security of network and information systems.
2. The competent person shall be obliged to investigate every single notification for its veracity and justification.
3. Upon receipt of a notification, the competent person must carry out a preliminary examination of the notification and determine whether the notification relates to the material scope of this internal regulation, whether the notifier makes the notification in the context of work for the IBP (work context), whether it is an unlawful act at the level of private or public law, whether it is a misdemeanor or a criminal offense and whether it is sufficient to resolve the notification internally. The competent person shall inform the notifier that it is not a notification covered by this internal regulation within three months of the date of acknowledgment of receipt of the notification or within three months of the date of receipt of the notification if the notifier has not been notified of the receipt of the notification.
4. If the competent person comes to the conclusion that a criminal offense or a misdemeanor has been committed, he is obliged to forward the notification to law enforcement or administrative authorities. The competent person shall inform the notifier of such a referral within three months of the date of acknowledgment of receipt of the notification or within three months of receipt of the notification, if the notifier has not been notified of the receipt of the notification.
5. If the competent person comes to the conclusion that the conditions for investigating the notification are met, and at the same time, there is no reason to refer the case pursuant to Art. V., Section C, Para. 4. of this internal regulation, he shall investigate the notification, for the purpose of which he is entitled to request the cooperation of the employees of the IBP in accordance with Art. V., Section C, Para. 6., Para. 7. and Para. 8. of this internal regulation.
6. Each employee of the IBP is at the competent person's inquiry obliged to provide him with information known to the employee regarding the query and to answer additional questions of the competent person.
7. Each employee of the IBP is obliged to hand over to the competent person documents or other important items requested by the competent person.
8. The competent person is entitled to enter all premises of the IBP. If the competent person requests entry to a specific area of the IBP, the employees of the IBP are obliged to allow this entry to the competent person.
9. If the competent person finds out that the notification was not true or reasonable, he shall

inform the notifier thereof within three months of the date of acknowledgment of receipt of the notification or within three months of the receipt of a notification, if the notifier has not been notified of the receipt of the notification.

#### **Section D      Corrective measures**

1. If the competent person finds that the notification was true and reasonable, he will recommend to the IBP adoption of corrective measures.
2. The recommendation shall not indicate who the notifier is. The recommendation shall not disclose other confidential information contained in the notification.
3. The competent person shall inform the notifier of the outcome of the investigation and of the planned and adopted measures within three months of the date of acknowledgment of receipt of the notification or within three months of receipt of the notification if the notifier has not been notified of the receipt of the notification.

#### **Article VII.      External notification system**

1. The Ministry of Justice has established and operates the external notification system.
2. The external notification system is available to the IBP employees on the website <https://oznamovatel.justice.cz/>

#### **Article VIII.      Publication**

1. The notifier shall be entitled to publish the notification if one or more of the following cases occur:
  - a. Following the submission of notification through the internal notification system, no appropriate remedial action was taken within the deadlines set.
  - b. The notifier's inaction could jeopardize an important public interest, especially because of the danger of delay.
  - c. It is not possible to submit a notification through the external notification system without taking the increased risk, especially when there is a risk of destruction of evidence, sanctioning of the notifier, or obstructing the proper assessment of the notification.
2. If it is revealed that the conditions for publication referred to in Art. VI. Para. 1. of this internal regulation has not been met, the notifier is responsible for his actions under the relevant legal regulations, for example, pursuant to Act No. 89/2012 Coll., the Civil Code (right to protection of personality, right to compensation for property damage and non-material damage), pursuant to Act No. 250/2016 Coll., on liability for misdemeanors and proceedings on them, pursuant to Act No. 251/2016 Coll., on certain misdemeanors, pursuant to Act No. 40/2009 Coll., the Criminal Code (the criminal offense of defamation pursuant to Section 184 of the Criminal Code, the criminal offense of false accusation pursuant to Section 345 of the Criminal Code, the criminal offense of spreading an alarm message pursuant to Section 357 of the Criminal Code).

**Article IX. Final provisions**

1. This internal regulation shall enter into force on 10.2. 2022 (see the Czech version).

Brno, 9.2.2022

Prof. RNDr. Eva Bártová, Ph.D., DSc.  
Director of the Institute of Biophysics of the Czech  
Academy of Sciences