



**PRAVILNIK O INTERNIH SISTEMIH ZA POROČANJE O
KRŠITVAH (ŽVIŽGAŠTVO)**

***RULES ON INTERNAL SYSTEMS FOR REPORTING
VIOLATIONS (WHISTLEBLOWING)***

Pričetek veljavnosti / <i>Effectiveness date</i> : 25.02.2021	Prejemniki / <i>Recipients</i> : Vsi zaposleni / All employees
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Na podlagi 26. in 31. člena statuta Banke Intesa Sanpaolo d.d. (v nadaljevanju: banke) je uprava banke v soglasju z nadzornim svetom sprejela:

Pursuant to Articles 26 and 31 of the Articles of Association of Banka Intesa Sanpaolo d.d. (hereinafter: the Bank), the Management Board of the Bank with the consent of the Supervisory Board has adopted:

Pravilnik o internih sistemih za poročanje o kršitvah (Žvižgaštvo)

Rules on internal systems for reporting violations (Whistleblowing)

I. SPLOŠNE DOLOČBE IN NAMEN / GENERAL PROVISIONS AND PURPOSE

I.1. Področje uporabe / The area of application

Pravilnik vsebuje določila, ki spodbujajo zaposlene, da poročajo o vseh dejstvih ali vedenju, ki bi lahko predstavljalo kršitev pravil, ki urejajo bančno poslovanje, kot tudi vsako neustrezno vedenje/ obnašanje, ki ga zaznajo.

Učinkovit interni sistem za poročanje o kršitvah ("Žvižgaštvo") podpira širitev kulture zakonitega poslovanja in je priložnost za izboljšanje poslovnega okolja tako iz organizacijskega kot tudi iz etičnega zornega kota.

Poročevalski sistem, ki ga ureja ta pravilnik, zagotavlja zaupnost glede identitete prijavitelja, pri čemer prijavitelj ne sme biti podvržen tveganjem, kaznovalnega, nepoštenega ali diskriminatornega ravnanja.

Ne glede na načela/ zadeve, ki jih ureja Kodeks ravnanja v banki, ta dokument opisuje metode in kanale za komunikacijo, ki jih prijavitelj lahko uporabi, in poročevalski proces/ proces prijave, ki se sproži, ko je poročilo/ prijava vložena. Dokument vsebuje tudi različne faze procesa, osebe, ki so v proces vključene, njihove vloge in odgovornosti, kot tudi primere o katerih mora Vodja sistema internega poročanja nemudoma obvestiti Upravo in Revizijsko komisijo.

The Rules contain provisions encouraging employees to report any facts or conduct that would constitute a breach of the rules governing banking activity and any other irregular conduct of which they become aware.

An effective internal system for reporting violations system (i.e. "Whistleblowing") supports the spread of a culture of legality and is an opportunity to improve the business environment both from an organizational and ethical perspective.

The reporting system governed by these Rules ensures the confidentiality of the informant, excluding the risk of punitive, unfair or discriminatory conduct.

Without prejudice to principles/ issues governed by the Code of Conduct of the Bank, this document describes the methods and channels of communication which the informant may use, and the reporting process which take place when a report is submitted. It also indicates the various stages of the process, the persons involved, including their roles and responsibilities, as well as the cases in which the "Head of Internal Reporting System" is required to provide immediate notice to the Management Board and Audit Committee.

I.2. Regulatorne reference / Regulatory references

Glavna pravila, ki zahtevajo sprejem internih postopkov za poročanje o nepravilnostih ali kršitvah zakonodaje so:

na evropski ravni:

- Člen 71 Direktive 2013/36/EU (CRD IV) o dostopu do dejavnosti kreditnih institucij in bonitetnem nadzoru kreditnih institucij in investicijskih podjetij;
- Člen 32 Uredbe (EU) No. 596/2014 (MAR) o zlorabi trga (uredba o zlorabi trga);
- Člen 24 Uredbe (EU) 2015/2365 "Securities Financing Transactions Regulation" (SFTR) o preglednosti poslov financiranja z vrednostnimi papirji in ponovne uporabe;
- Člen 61 Direktive 2015/849 (Fourth Anti-Money Laundering Directive) o preprečevanju uporabe finančnega sistema za pranje denarja ali financiranje terorizma
- Člen 5, 15 do 22 in 25 Uredbe (EU) 2016/679 Evropskega parlamenta in sveta z dne 27. aprila 2016 o varstvu posameznikov pri obdelavi osebnih podatkov in o prostem pretoku takih podatkov ter o razveljavitvi Direktive 95/46/ES (Splošna uredba o varstvu podatkov)

na slovenski lokalni ravni:

- 140. člen Zakona o bančništvu (Zban-2).

The main rules requiring the adoption of internal procedures for reporting irregularities or violations of the law are:

at European level:

- Article 71 of Directive 2013/36/EU (CRD IV) on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms;
- Article 32 of Regulation (EU) No. 596/2014 (MAR) on market abuse;
- Article 24 of Regulation (EU) 2015/2365 "Securities Financing Transactions Regulation" (SFTR) on transparency of securities financing transactions and of reuse;
- Article 61 of the Directive 2015/849 (Fourth Anti-Money Laundering Directive) on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing
- Articles 5, 15 to 22 and 25 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of individuals with regard to the processing of personal data, as well as on free movement of such data and which repeals Directive 95/46 /EC

at Slovenian domestic level:

- Article 140 of Banking Act (Zban-2).

I.3. Prejemniki / Recipients

Ta pravilnik se uporablja za vse zaposlene (in ostale osebe v podobnem razmerju) ter za zunanje sodelavce, ki so v poslovnem odnosu z banko.

Sektor notranje revizije periodično pošilja informacije (prejeta poročila oz. prijave/ preiskave v teku) vodstvu notranje revizije nadrejene banke.

Dokumentacija obsega tudi letno poročilo o ustreznem delovanju sistema za poročanje o kršitvah, ki vsebuje zbirne informacije o rezultatih aktivnosti, ki so bile opravljene po prejemu poročila/ prijave.

V primeru pomembnih kršitev mora direktor Sektorja notranje revizije nemudoma obvestiti tudi vodstvo notranje revizije nadrejene banke.

The Rules apply to all employees (and other persons in a similar relationship) and external collaborators who are in a business relationship with the bank.

Internal Audit Department shall periodically send information (reports received/ investigations in progress) to the Chief Audit Officer of the Parent Company.

This documentation shall also include the annual report on the proper functioning of the adopted system for reporting violations, containing the aggregate information on the outcome of the activities performed following the received reports.

In case of significant violations, the Director of the Internal Audit Department shall immediately inform the Chief Audit Officer of the Parent Company.

II. OPIS KRŠITEV / DESCRIPTION OF THE VIOLATIONS

II.1. Opis kršitev, ki so predmet poročanja/ prijave / Description of the violations subject to reporting

Predmet poročanja/ prijave so vse kršitve povezane z opravljanjem bančnih in finančnih storitev kot so opredeljene v Zakonu o bančništvu (ZBan-2), kot tudi vsaka kršitev, ki se nanaša na dejavnosti /posle povezane z/ ali pa so bistvenega pomena za banko (kot so kapitalski deleži lastnikov).

V sklop poročanja/prijav so zajete tudi naslednje vrste kršitev:

- kakršna koli kršitev glede internih pravil in/ ali postopkov banke, kot so interni Kodeks ravnanja, politika za preprečevanje korupcije, pravila glede nabave, transparentnost v promociji produktov in storitev, kot tudi upravljanje z darili in stroški banke;
- vsako ravnanje, ki privede do nasprotja interesov, ki izvira iz nespoštovanja pravil in kontrolnih postopkov za tovrstne situacije (npr. nasprotje interesov zaposlenca pri kreditnem poslu, kjer gre za osebni interes).

Kazniva dejanja, kot so: prevara, poneverba, kraja, korupcija, pranje denarja, lastno pranje, izsiljevanje, goljufija, ponarejanje, notranje informacije/ interno trgovanje, neustrezno upravljanje z investicijskim portfeljem, neustrezna obdelava osebnih podatkov, nepooblaščen pristop do IT sistemov in posredovanje lažnih informacij nadzornim organom lahko tudi sodi v področje t.i. "Žvižgaštva", če niso že vključene kot kršitve v okviru ostalih pravilnikov, ki urejajo bančno poslovanje.

V primerih suma prevare in/ ali prevare s strani tretjih oseb kot tudi zaposlenih banke se postopki izvajajo skladno z internimi akti, ki se nanašajo na področje preprečevanja in postopanje v primeru notranjih in zunanjih prevar.

Ta pravilnik se ne ukvarja z vprašanji posamičnih ali skupinskih pravic iz delovnega razmerja, saj so le te urejene v drugih notranjih ali zunanjih predpisih.

V primeru drugih kršitev, kot so:

- Spolna ali fizična zloraba zaposlenih – upošteva se postopek iz pravilnika: Pravilnik o prepovedi spolnega in drugega nadlegovanja ter trpinčenja na delovnem mestu;
- Diskriminacija na osnovi spola, rase, narodnosti, starosti, invalidnosti ali drugih temeljnih – upošteva se postopek iz akta: Etični kodeks banke.

Subject to reporting are all violations related to the banking and financial services as defined in the Banking Act (ZBan-2) as well as any violation related to activities connected with/ or instrumental to the bank (such as shareholdings stake).

The following types of reporting are also included within the scope of Whistleblowing reporting:

- any violation related to Bank internal policies and/ or procedures, such as the Code of Conduct, the Anti-Corruption Policy, rules related to procurement, transparency in promoting products and service as well as managing gifts and bank expenses;
- any conduct that leads to a conflict of interest, arising from the non-observance of the rules and control procedures for such situations (for example: an employee's conflict in a credit transaction where a personal interest is at stake).

Criminal offenses, such as swindle, embezzlement, theft, corruption, money laundering, self-laundering, extortion, fraud, forgery, insider/ internal dealing, inappropriate management of investment portfolios, improper handling of personal data, unauthorized access to IT systems and providing false information to the Authorities may fall within the scope of "Whistleblowing", if not already included as violations of the rules governing banking activities.

In cases of suspicion of fraud and/ or fraud from the third parties as well as from bank employees, procedures are carried out in accordance with internal acts relating to the area of prevention and procedures in case of internal and external fraud.

This Procedure does not address issues of individual or collective rights in labor relations as they are prescribed by other internal or external regulations.

In case of other irregularities, such as:

- sexual or physical abuse of staff – following procedure shall be used: Rules prohibiting sexual and other harassment and mobbing in the workplace;
- discrimination against any employee on the basis of gender, race, ethnicity, age, disability or other basis – following procedure shall be used: Ethical code of the bank.

III. VKLJUČENI AKTERJI / PLAYERS INVOLVED

III.1. Informator/ Prijavitelj / Informant

Poročilo/ prijavo lahko predložijo vsi zaposleni in zunanji sodelavci, ki so v poslovnem odnosu z banko. Prijavitelji so ustrezno zaščiteni pred nepoštenimi, maščevalnimi in diskriminatornimi posledicami, ki lahko izvirajo zaradi prijave.

Za prijavitelje, ki so lahko vključeni v kršitev mora biti dana možnost sprejetja posebne obravnave, skladno z veljavno regulativo.

All employees as well as those collaborators in a business relationship, outside of the organization may submit a report. The informants are properly protected from unfair retaliatory and discriminatory repercussions, which may result from reporting.

The possibility of adopting special treatment is considered for those informants who may be involved in the violation, consistent with the applicable regulations.

III.2. Vodja sistema internega poročanja/ Head of Internal Reporting System

Vodja internega sistema poročanja je direktor Sektorja notranje revizije, ki mora zagotoviti celovitost procesa.

Vodja internega sistema poročanja lahko delegira vse naloge, ki so navedene v naslednjih odstavkih enemu od zaposlenih v Sektorju notranje revizije (notranjemu revizorju) t.i. delegatu. Pri tem pa imenuje tudi njegovega namestnika.

Vodja internega sistema poročanja izvaja aktivnosti poročanja opisane v delu "IV.6 Nadzor nad procesom in poročanje".

The Head of Internal Reporting System who is the Director of the Internal Audit Department, must ensure the integrity of the process,

The Head of Internal Reporting System can delegate all the tasks set out in the following paragraphs to one of the employee in the Internal Audit Department (internal auditor), the so-called Delegate. He/she also appoints the deputy of the Delegate.

The Head of the Internal Reporting System also performs the reporting activities described in section "IV.6 Supervision of the process and Reporting".

III.3. Delegat / Delegate

Delegat je dolžan izvesti naslednje:

- sprejeti in evidentirati prejeta poročila/ prijave;
- zagotoviti zaupnost informacij in identiteto informatorja/ prijavitelja, s ciljem, da se ga obvaruje pred nepoštenimi, maščevalnimi ali diskriminatornimi posledicami, ki lahko izvirajo iz poročanja;
- opraviti začetni pregled izvedljivosti (ang. initial feasibility examination), pripraviti oceno pogojev z namenom, da se sprejme odločitev glede nadaljevanja z izvedbo ustreznih preiskovalnih dejanj ali pa se poročilo/ prijava le arhivira v primeru, da se poročilo/ prijavo zavrne kot neutemeljeno;
- odvisno od vrste/ razsežnosti kršitve, aktivirati/ sprožiti preiskavo, ki vključuje notranjo revizijo ali druge pristojne funkcije v banki;

The Delegate shall:

- receive and record the reports submitted;
- ensure the confidentiality of the information and the identity of the informant in order to protect him/ her from unfair, retaliatory or discriminatory repercussions which may result from the reporting;
- carry out an initial feasibility examination, assessing the conditions to decide whether to proceed with the appropriate investigations or only file the report in case that it is dismissed as unfounded;
- depending on the type/ scope of the violation, activate the investigations involving the relevant Audit structures or the other competent function;

- pridobiti rezultate preiskave, ki jo je izvajala imenovana funkcija iz točke III.4;
- obvestiti informatorja/ prijavitelja, da je zadeva/ spis poslana v preiskovalni postopek in ko je zaključena;
- nuditi podporo Direktorju Sektorja notranje revizije pri pripravi periodičnih informacij in letnega poročila glede ustreznega delovanja sistemov, ki vsebuje zbirne informacije o rezultatih aktivnosti, ki so bile izvedene na podlagi prejetega poročila/ prijave.
- acquire the results of the investigations conducted by the assigned Function from section III.4.;
- advise the informant when the file has been put under investigation and when it has been closed;
- support the Director of the Internal Audit Department in the preparation of periodic information and the annual report regarding the proper functioning of the systems, which contains aggregate information on the results of the activities undertaken based on the reports received.

III.4. Funkcija odgovorna za preiskavo / Function responsible for the investigation

Funkcije odgovorne za preiskavo so lahko Služba za skladnost poslovanja, Služba za preprečevanje pranja denarja, Sektor varnosti, in/ ali Sektor notranje revizije ter ostale funkcije, ki jih opredeli delegat na podlagi svojih pristojnosti. Funkcije odgovorne za preiskavo nadaljujejo s preiskavo, kot je navedeno v delu/ točki "IV.3. Preiskava".

The structures of the Compliance Office, AML Office, Cybersecurity and BCM Department-and/ or the Internal Audit Department as well as the other functions identified by the Delegate on the basis of their competence shall proceed with the investigation as indicated in paragraph "IV.3. Investigation".

III.5. Kadri / Human Resources

Služba upravljanja zaposlenih in nagrajevanja , ki jo vključi funkcija odgovorna za izvajanje preiskave, oceni in sprejme odločitev, kot to predpisujejo interni akti banke, v primeru, da obstaja podlaga za implementacijo kakršnih koli disciplinskih ukrepov ter obvesti osebo, zoper katero se preiskava izvaja, če ni bila že prej o tem obveščena.

The People Management & Remuneration Office, engaged by the Function responsible for carrying out the investigation, evaluates and decides, as required by bank regulations, if there are grounds to implement any necessary disciplinary measures and informs the person under investigation if not previously informed.

III.6. Ostale operativne funkcije, ki so potrebne za izvedo ukrepov / Other Operating Functions necessary for remediation

Pristojne operativne funkcije, ki jih vključi funkcija odgovorna za izvajanje preiskave, ocenijo in implementirajo ukrepe, ki so potrebni za ublažitev tveganj in odpravo nepravilnosti in o tem obvestijo funkcijo odgovorno za izvajanje preiskave kakor tudi Sektor notranje revizije.

The competent Operating Functions, engaged by the function responsible for conducting the investigation, evaluates and implements the necessary measures for the risk mitigation and remedy of the irregularities. The competent Operating Functions shall inform the function responsible for conducting the investigation and the Internal Audit Department.

IV. POROČANJE O KRŠITVI/ PRIJAVA KRŠITVE / REPORTING VIOLATIONS

IV.1. Poročanje/ vložitev prijave / Reporting

Vsakič, ko zaposlenec sumi, da je prišlo do kršitve, ali da bi do kršitve lahko potencialno prišlo, pošlje prijavo na enega izmed naslednjih načinov

- po elektronski pošti na naslov: prijava.krsitev@intesasanpaolobank.si do katerega ima dostop direktor Sektorja notranje revizije delegat in njegov namestnik;
- preko klasične pošte v zaprti kuverti s pripisi »NE ODPIRAJ«, »ZAUPNO« in »V ROKE NASLOVNIKU« na naslednji naslov:

Prijava kršitev
Direktor Sektorja notranje revizije
Pristaniška 14
6000 Koper

Kot alternativa je na voljo t.i. "backup" komunikacijski kanal: prijava.krsitev.ac@intesasanpaolobank.si ki se uporabi, ko informator/ oseba, ki informacijo posreduje meni, da bi lahko bil Sektor notranje revizije zaradi narave prijave, potencialno v nasprotju interesov. V tem primeru se poročilo/ prijava naslovi na Revizijsko komisijo, ki sprejme odločitev glede najbolj primerne načina za izvajanje aktivnosti, ki so običajno dodeljene delegatu/ pooblaščenca. Dostop do navedenega naslova imajo vsi člani revizijske komisije.

Prijava mora vsebovati:

- Opis kršitve
- Ozadje in zgodovina problematike, vključno z navedbo datumov
- Razlogi zakaj je prijavitelj zaskrbljen glede situacije
- Izjava ali prijavitelj želi, da je njegova prijava tajna / anonimna

Prijava mora vsebovati vse morebitne razpoložljive dokumente in drugo gradivo ali njihove kopije, ki potrjujejo izjavo prijavitelja. Uspešnost reševanja prijave bo namreč odvisna od kvalitete predloženih podatkov, dokumentov in drugega gradiva.

Izvedejo se tudi ustrezni ukrepi za učinkovito varovanje identitete informatorja/osebe, ki informacijo posreduje ter zagotovi zaupnost.

Poročila/ prijave se prejmejo prek posebnih kanalov, na ločen in neodvisen način v primerjavi z navadnimi komunikacijskimi kanali.

Whenever an employee suspects that a violation occurred, or could potentially occur, he/ she can report it by sending it in the following two ways:

- by an email to prijava.krsitev@intesasanpaolobank.si to which Director of the Internal Audit Department, Delegate and his/ her deputy have an access;
- by a letter in a sealed envelope with notes "DO NOT OPEN", "CONFIDENTIAL" and "HAND DELIVERY" at the following address:

Irregularity report
Director of the Internal Audit Department
Pristaniška 14
6000 Koper

As an alternative, a "backup" channel of communication is available: prijava.krsitev.ac@intesasanpaolobank.si which can be used when the informant feels that, because of the nature of the report, the Internal Audit Department could potentially be in conflict of interest. In this case, the report shall be addressed to the Audit Committee that decides on the most appropriate method to carry out the activities usually assigned to the Delegate. All members of the audit committee have access to this address.

The report must contain:

- the description of the irregularity
- the background and history of the problem, with relevant dates
- the reason why the whistle blower is strongly concerned about the situation
- statement on if the report should remain confidential / anonymous

The report must contain all potentially relevant documents and materials or copies thereof, which confirm the statements of the informant. The effectiveness of problem resolution shall depend on the quality of the submitted data, documents and other materials.

Appropriate measures will be taken to effectively protect the informant's identity and ensure confidentiality.

The reports are received through specific channels, in a separate and independent manner compared to the ordinary channels.

Prijavitelj mora izjaviti, če ima kakršen koli osebni interes povezan s poročanjem/prijavo.

The informant is obligated to declare if he/ she has any personal interest linked to the reporting.

IV.2. Prejem, evidentiranje in preiskovalna dejanja vezana na poročilo/prijavo / Receiving, recording and investigation of the report

Ob prejemu poročila/ prijave, delegat/ pooblaščenec po pregledu pošlje sporočilo informatorju/ prijavitelju v roku 3 dni, da ga obvesti, da je prijavo prejel, in prijavo evidentira/ vnese v posebno podmapo na skupni mapi Sektorja notranje revizije.

Upon receiving the report, the Delegate after viewing it, sends within 3 days' communication to the informant advising him/ her of the receipt and registers the report in the subfolder of the common folder of the Internal Audit Department.

Delegat/ pooblaščenec opravi preliminarno analizo prijave, da preveri, da je le-ta utemeljena. V kolikor je potrebno, kontaktira prijavitelja, da prijavo dopolni z manjkajočo dokumentacijo.

The Delegate performs a preliminary analysis of the report to verify the formal admissibility and pertinence and, if necessary, contacts the informant to request any missing documentation.

Utemeljeno poročilo/ prijava se nato posreduje ustreznim funkcijam iz točke III.4, ki sproži preiskavo.

The pertinent reports are then sent to the relevant Function stated in the section III.4 in order to begin with the investigation.

Poročila/ prijava za katere se meni, da niso utemeljene, se arhivirajo brez nadaljnega ukrepanja. Prijavitelja se obvesti, da se postopek skladno s tem pravilnikom ne bo začel in da je zadeva zaključena.

The reports considered irrelevant are filed without any further follow up action, after having advised the informant that the file is considered closed.

Čas trajanja celotnega postopka od sprejetja prijave do zaključka preiskave in seznanitve prijavitelja z zaključkom preiskave (glej odstavke 4.4), je nujno sorazmeren z zahtevnostjo pregleda, vendar traja največ 3 mesece. Čas trajanja je lahko podaljša, v kolikor nepravilnosti zahtevajo podrobnejši pregled.

The timing of the entire procedure, from the taking in charge of the report till the conclusion of investigations and the consequent release of closing communication of file to the informant (see par. 4.4), are necessarily commensurate with the complexity of the checks, however with a duration not exceeding 3 months. This term may be extended if the peculiarities of the detailed case studies require it.

Četrtno poročanje Revizijski komisiji o prejetih prijavah ter o preiskavah v teku (glej poglavje IV.6.) zagotavlja spremljanje časovnega okvira postopka.

The quarterly reporting to the Audit Committee of the reports received and the investigations in progress (see par. 4.6) ensures in any case the monitoring of the terms of the process.

IV.3. Preiskava/ Investigation

Preiskavo izvaja pristojna funkcija, ki jo določi delegat/ pooblaščenec. Funkcija pristojna za preiskavo v preiskavo vključi tudi osebo, ki se preiskuje zaradi kršitve, kar zahteva temeljito preiskavo in pojasnila. Funkcija odgovorna za preiskavo formalizira rezultate preiskave in spremlja izvajanje ukrepov.

The competent Function, identified by the Delegate, shall carry out the investigation, involving the person under investigation for violations that require in depth examination/ clarifications, formalizing the findings and the possible need to follow up.

Na podlagi odobritve Direktorja Sektorja notranje revizije lahko funkcija odgovorna za preiskavo stopi

Upon authorization of the Director of Internal Audit Department, the competent Function contacts the

v stik s prijaviteljem, v kolikor je to potrebno za pridobitev kakršne koli manjkajoče dokumentacije.

- Na podlagi opravljene presoje in izdanih ugotovitev, na podlagi katerih je potrebno izvesti ukrepe, se izvedejo naslednje aktivnosti:
 - skupaj s pristojnimi operativnimi funkcijami je potrebno identificirati vse možne ukrepe za zmanjšanje tveganj (organizacijski, IT, itn.);
 - v primeru kršitev vključiti Sektor pravnih poslov;
 - vključiti Službo upravljanja zaposlenih in nagrajevanja za izvedbo disciplinskih ukrepov;
 - poročati o relevantnih dogodkih Upravi in Revizijski komisiji;
 - poslati Delegatu/ pooblaščenцу poročilo o rezultati in sprejetih ukrepih.
- Ko poročila o preiskavah, ne vsebujejo ukrepov, se pošljejo delegatu/ pooblaščenцу za namen evidentiranja in arhiviranja.

informant, if necessary, to request any missing documentation.

- For the assessments requiring follow up action, upon formalization of the findings, the following actions shall be taken:
 - identify together with the competent Operational Functions, any eventual actions of risk mitigation (organizational, IT etc.);
 - involve the Legal Department - for any violations committed;
 - engage the People Management & Remuneration Office for any disciplinary actions to be taken;
 - report relevant events to the Management Board and Audit Committee;
 - send reports with the results and possible follow up requirements to the Delegate.
- The reports regarding investigations without follow up action are sent to the Delegate for filing.

IV.4. Komunikacija s prijaviteljem in z osebo, ki je v preiskavi / Communication to the Informant and to the person being investigated

Prijavitelj prejme obvestilo, ko se je poročilo/ prijava evidentirala/ registrirala in ko je zaključena. V primeru nadaljnje preiskave oziroma, ko se presodi, da je potrebno izvesti določene ukrepe, se prijavitelja obvesti, ko je zadeva/ spis zaključena.

Prijavitelja kontaktira Delegat, za katere koli osnovne elemente za katere se oceni, da so potrebni, ali pa funkcija, zadolžena za preiskavo, v času izvajanja le-te, v soglasju z Direktorjem Sektorja notranje revizije.

V primeru, da se za osebo, ki je v preiskavi ugotovijo kritični elementi in odgovornosti, se le-to obvesti o prijavi in izidu preiskave.

The informant receives notification when the report has been registered as well as when the file has been closed, once the possibility of following up is evaluated.

The informant will be contacted by the person in charge of receiving the report for any basic elements deemed necessary or by the Function that performs the investigation, during the course thereof, upon approval of the Director of the Internal Audit Department.

Regarding the person under investigation, if the findings show critical elements and responsibilities attributed to them, he/ she shall be informed of the report and the outcome of the investigation.

IV.5. Spremljanje reševanja problematike/ Follow up actions

Službo upravljanja zaposlenih in nagrajevanja, ki jo v preiskavo vključi funkcija odgovorna za preiskavo, oceni, ali obstajajo pogoji za kakršne koli disciplinske ukrepe in, če je to potrebno nadaljujejo s formalno komunikacijo z osebo, ki se preiskuje.

The People Management & Remuneration Office, engaged by the Function that performed the investigation, evaluates whether the conditions for any disciplinary actions exist and, if necessary, proceeds to formally communicate as such, to the person under investigation.

The relevant Operational Functions, engaged by the function responsible for carrying out the

Ustrezne operativne funkcije, vključene s strani funkcije, ki je odgovorna za preiskavo, ocenijo in implementirajo potrebne ukrepe za zmanjšanje tveganj (na primer: dopolnitev procesov, kontrol, sistemov, itn.), kot je to opredeljeno s strani funkcije, ki je odgovorna za preiskavo in o katerih je seznanjen tudi Sektor notranje revizije.

investigation, evaluate and implement the necessary risk mitigation measures (e.g. reinforcement of the processes, controls, systems etc.), as defined by the Function responsible for investigation and shared with the audit Function.

IV.6. Nadzor nad procesom in poročanje / Supervision of the process and Reporting

Vodja sistema internega poročanja zagotavlja pravilno izvajanje procesa v skladu z regulatornimi zahtevami in, v skladu s predpisi o varovanju osebnih podatkov in periodično (kvartalno) obvešča Revizijsko komisijo o prejetih poročilih/prijavah in o preiskavah v teku. Poleg tega pripravi tudi letno poročilo o ustreznem delovanju sistemov internega poročanja, ki vsebuje zbirne informacije o rezultatih aktivnosti izvedenih po prejetju poročila/prijave, ki ga odobri/ sprejme Uprava banke in je na razpolago vsem zaposlenim v banki.

The Head of the Internal Reporting System ensures the correct execution of the process in compliance with the regulatory provisions and, in accordance with the regulations on the protection of personal data, periodic (quarterly) updates the Audit Committee on the reports received and investigations in progress. He/ she also produces an annual report on the proper functioning of the internal reporting systems containing aggregate information on the outcomes of the activities following the reports received, which has to be approved by the Management Board and available to the Bank's employees.

V primeru pomembnih kršitev Sektor notranje revizije s podporo drugih kontrolnih funkcij nemudoma obvesti Upravo banke in revizijsko komisijo. Pristojna funkcija v banki, v primerih, ko je to potrebno, obvesti tudi nadzorne organe v Republiki Sloveniji (npr. Banko Slovenije).

In case of major irregularities, the Internal Audit Department, with the support of other control functions, shall immediately inform the Management Board and the Audit Committee. If necessary, the competent function of the bank informs the supervisory authorities in the Republic of Slovenia (e.g. Bank of Slovenia),

V. VAROVALNI UKREPI / PROTECTION MEASURES

V.1. Varovanje osebnih podatkov / Protection of personal data

Banka implementira ustrezne zaščitne ukrepe, da se zagotovi zaupnost osebnih podatkov za informatorja/ prijavitelja in domnevnega kršitelja.

The Bank implements appropriate safeguards to ensure the confidentiality of personal data for the informant and the alleged violator.

Informacije in vsi drugi osebni podatki, ki so pridobljeni na podlagi tega Pravilnika, se obravnavajo v skladu z EU predpisom 2016/679 v zvezi z zaščito osebnih podatkov in internimi akti banke s področja varstva osebnih podatkov.

The information and all other personal data acquired through these Rules are treated in compliance with EU Regulation 2016/679 on the protection of personal data and internal acts covering personal data protection area.

Skladno s 5. in 25. odstavkom EU predpisa 2016/679 osebni podatki, ki se obdelujejo za namene tega pravilnika, morajo biti:

Pursuant to art. 5 and 25 of EU Regulation 2016/679 the personal data processed for the purposes of these Rules must be:

- primerni, ustrezni in omejeni na podatke, ki so nujno potrebni, da se preveri veljavnost poročila/ prijave in za upravljanje le-tega;
- obravnavani skladno z zakoni, korektno in transparentno, upoštevajoč zaščito zaupnosti v zvezi s prijaviteljem ter osebo, ki je predmet preiskave, da se zagotovi zaščito obeh pred tveganji, katerim sta dejansko oba izpostavljena, zlasti ob upoštevanju tega vidika pri pošiljanju poročila tretjim osebam.
- adequate, relevant and limited to data strictly necessary to verify the validity of the report and for its management;
- treated lawfully, correctly and transparently, calibrating the protection of confidentiality granted to the informant to the one of the person being investigated, in order to protect both from the risks to which, in practice, these subjects are exposed, having particular regard to this aspect when forwarding the report to third parties.

Posamezniki, na katere se osebni podatki nanašajo, ne more uveljavljati pravic iz členov 15-22 Uredbe 2016/679, če bi uresničevanje teh pravic dejansko in konkretno vplivalo na zaupnost identitete prijavitelja.

The rights referred to in Articles 15-22 of Regulation 2016/679 may not be exercised by data subjects, if the exercise of these rights could actually and concretely interfere with the confidentiality of the identity of the informant.

Vendar pa osebi, ki je v preiskavi, domnevemu storilcu kaznivega dejanja, ni absolutno izključena možnost uveljavljanja pravic, zagotovljenih v zgoraj omenjenih členih Uredbe. V takšnih primerih se predmetne pravice lahko uveljavljajo prek pooblaščenca za varstvo osebnih podatkov v banki, ki presoja pravico, na katero se sklicuje prijavljena oseba, in potrebo po zaupnosti podatkov prijavitelja. V kolikor se oseba, ki je v preiskavi, ne strinja z odgovorom Pooblaščenca za varstvo osebnih podatkov, ima skladno z navedeno uredbo, pravico do pritožbe pri Informacijskem pooblaščenca.

However, the person under investigation, alleged perpetrator of the offense, is not absolutely excluded from the possibility of exercising the rights provided for in the above-mentioned Articles of the Regulation. In such cases, the rights in question may be exercised through the Personal Data Protection Officer of the bank, who assesses the right claimed by the reported person and the need for confidentiality of the informant data. If the person under investigation does not agree with the answer of the Personal Data Protection Officer in accordance with the said Decree, he/she has the right to appeal to the Information Commissioner.

Razume se, da v primeru sprožitve disciplinskega postopka, identitete prijavitelja nepravilnosti ni mogoče razkriti, kadar spor glede disciplinske obtožbe temelji na ločenih in dodatnih preverbah v zvezi s prijavo. Če spor v celoti ali delno temelji na poročanju in je za zaščito osebe, ki je v preiskavi, nujno poznavanje identitete prijavitelja, bo poročanje uporabljeno v disciplinske namene le, če je prijavitelj podal soglasje k razkritju svoje identitete. Identiteta prijavitelja nepravilnosti se lahko sporoči sodnemu organu, če ta to zahteva, v okviru preiskav ali kazenskih postopkov, ki se začnejo v zvezi z dejstvi, zajetimi v poročilu.

It is understood that in the event of disciplinary proceedings being activated, the identity of the informant cannot be revealed, where the dispute regarding the disciplinary charge is based on separate and additional assessments with respect to the report, even if consequent to the same. Should the dispute be based, in whole or in part, on the reporting and the knowledge of the informant identity is necessary for defending the person being investigated, the reporting will be usable for disciplinary purposes, only whether the informant released his /her consent to the disclosure of his/her identity. The identity of the informant may be communicated to the judicial Authority if the latter requires it, in the context of investigations or criminal proceedings started in relation to the facts covered by the report.

Osebe, ki prejmejo, obravnavajo/ preučujejo in pripravijo oceno poročila/ prijave, vodja internih sistemov poročanja in vsaka druga oseba, ki je vključena v ta proces, so obvezani, da zagotovijo zaupnost informacij, kot tudi identiteto informatorja/ prijavitelja, ki mora biti v vsakem primeru zaščiten pred maščevalnimi/ povračilnimi ukrepi, diskriminatornimi ali na drugačen način nepoštenimi posledicami, ki so rezultat poročanja/ prijave.

Subjects who receive, examine and evaluate the reports, the Head of the Internal Reporting Systems and any other person involved in the process have an obligation to ensure the confidentiality of information, as well as of the informant identity who, in any case must be protected from retaliatory, discriminatory or otherwise unfair repercussions as a result of reporting.

Vsi zaposleni imajo dostop do pravil za uporabo in varovanje osebnih podatkov, ki se obdelujejo ob uporabi tega pravilnika.

All employees have access to the rules for the use and protection of personal data processed in application of these Rules.

V.2. Značilnosti in obveznosti oseb, ki so vključene v proces/ Characteristics and obligations of the persons involved in the process

Osebe, ki so odgovorne za prejem, obravnavo in ocenjevanje poročila:

- ne smejo biti hierarhično in funkcionalno podrejene osebi, ki je potencialno v preiskavi;
- ne more biti domnevni kršitelj;
- ne morejo imeti nobenega potencialnega interesa v zvezi z zadevnim poročilom, ki bi lahko ogrozil nepristranskost procesa odločanja.

Poleg tega pa tiste osebe, ki so odgovorne za prejem, obravnavo/ preučitev in ocenjevanje poročila, ne morejo sodelovati v sprejemanju kakršnih koli ukrepov odločanja, in ki so dodeljene pristojnim funkcijam ali korporativnim organom ter so zavezani k obveznosti varovanja zaupnosti, kot je to navedeno v prejšnji točki.

The persons responsible for receiving, examining and assessing the reports:

- must not be hierarchically and functionally subordinated to the person potentially under investigation;
- cannot be the alleged violator;
- cannot have any potential interest connected to the report which could compromise the impartiality of the decision-making process.

In addition, those persons responsible for the receipt, examination and evaluation of the reports cannot participate in the adoption of any decision-making measures, which are assigned to the competent Functions or Corporate Bodies and are bound by the confidentiality obligations included in the previous point.