

## WHISTLEBLOWING POLICY (Protocol for reporting unlawful acts and irregularities)

### 1. LEGAL BASIS AND NATURE OF THE INSTITUTE

SISSA, in implementation of Article 1, paragraph 51 of Law 190/2012 (the so-called Anti-Corruption Law), on the basis of Article 13 of Legislative Decree 24/2023, establishes the procedure for reporting unlawful acts and irregularities identified in the course of work activities by employees and collaborators of the School.

With Legislative Decree No. 24 of 10 March 2023, implementing Directive (EU) 2019/1937 in Italy, the Legislator amended the previous regulations (see Law 179/2017), establishing a system of greater protections for individuals reporting unlawful acts (whistleblower being the English term now commonly used).

The protocol was developed on the basis of the “Guidelines on the protection of persons reporting violations of Union law and protection of persons reporting violations of national regulatory provisions” issued by ANAC in order to better clarify the scope of the regulatory interventions.

The conduct of the whistleblower is protected by the legal system insofar as it pursues the public interest in the proper functioning of public administration.

If not adequately protected, the reporting person might refrain from reporting for fear of discriminatory measures or retaliation against them.

Reporting is an act of civic responsibility. Those who report contribute to bringing to light and preventing risks and harmful situations not only for the administration to which they belong, but also for the collective public interest.

Reports must be made to an authority that has the power to act effectively in response.

The whistleblowing protocol consists of regulatory and procedural management activities aimed at encouraging and protecting such reports.

Through the whistleblowing protocol, concrete protection is provided to the reporting person.

## 2. SUBJECT MATTER OF WHISTLEBLOWING

Although there is no exhaustive list of crimes or irregularities that may constitute whistleblowing, reports concerning conduct involving risks, crimes, or irregularities, whether completed or attempted, to the detriment of the public interest, are considered relevant when the employee has become directly aware of them by reason of the employment relationship or through information acquired during and/or because of the performance of their duties, even accidentally.

All situations in which, within the scope of work activities, an abuse of power is identified aimed at obtaining private advantages by a person in carrying out functions connected to their role within the institution fall within the scope of whistleblowing.

The report may concern actions or omissions, committed or attempted, which—regardless of their criminal relevance—highlight malfunctioning of the administration due to the use of assigned functions for private purposes or external interference in administrative action, whether such action succeeds or remains at the attempt stage.

By way of example only, reports may concern actions carried out in violation of the Code of Conduct or other provisions in force within the School, actions capable of causing financial or reputational harm to the Administration, actions likely to endanger the health or safety of staff, students, and citizens, or actions capable of causing environmental damage.

It should be emphasized that this institution does not concern complaints, claims, or requests of a personal nature by the reporting person, or relationships with supervisors/colleagues, for which reference must instead be made to employment regulations and procedures under the competence of other bodies such as, for example, the Disciplinary Board, the Office for Disciplinary Proceedings, the Director, the Secretary General, the Single Guarantee Committee, the Trusted Advisor, and the Ombudspersons.

## 3. SUBJECTS OF WHISTLEBLOWING

For the purposes of this procedure, reports of unlawful acts may be made by teaching staff, research staff as defined by Article 2, paragraph 11 of the Statute, permanent and fixed-term technical-administrative staff employed by the School, and the School's students.

The right to report unlawful acts is also extended to consultants and collaborators in any capacity, as well as collaborators of companies supplying the School.

It should be specified that extending confidentiality protection measures to such persons does not imply extending to them the forms of protection against discrimination that the Department of Public Administration guarantees to public employees.

#### 4. RECIPIENT OF WHISTLEBLOWING REPORTS

As provided by the aforementioned ANAC Guidelines, the person designated to receive reports is the Head of Corruption Prevention and Transparency. The RPCT receives the reports and guarantees their confidentiality through the identification and oversight of procedural management [Portale Trasparenza Scuola Internazionale Superiore di Studi Avanzati - Regolamenti per la prevenzione e la repressione della corruzione e dell'illegalità](#) .

#### 5. CONTENT OF THE WHISTLEBLOWING REPORT

The whistleblower must provide all useful elements enabling the Head of Corruption Prevention and Transparency to carry out the appropriate checks and investigations to verify the validity of the facts reported.

For this purpose, the report must contain the following elements:

- identification details of the reporting person, including their position or function;
- a clear and complete description of the facts subject to the report;
- the time and place circumstances in which the facts occurred;
- identification details or other elements (such as position and department) enabling identification of the person(s) responsible for the reported acts;
- indication of any other persons who may provide information about the reported facts;
- indication of any documents that may confirm the validity of such facts;
- any other information that may provide useful confirmation regarding the existence of the reported facts.

The report must be signed by the reporting person.

Reports under this procedure must be submitted exclusively by completing the attached form.

Anonymous reports will not be taken into consideration.

## 6. METHODS OF WHISTLEBLOWING

Persons entitled to make reports (see point 3), should they intend to report unlawful acts or irregularities of which they became aware by reason of the employment relationship, in compliance with Legislative Decree No. 24/2023, must primarily use the dedicated digital channel:

<https://sissa.whistleblowing.it>

The report must be addressed to the Head of Corruption Prevention and Transparency and may also be submitted in the following ways:

A. by external or internal postal service; in such cases, in order to benefit from confidentiality guarantees, the report must be placed in a sealed envelope bearing the wording “For the attention of the Head of Corruption Prevention and Transparency of SISSA – confidential/personal” on the outside, addressed to: via Bonomea 265, 34136 Trieste

B. through an oral statement at the request of the reporting person by means of a direct meeting, to be held within a reasonable period of time, either inside or outside the institution’s premises, guaranteeing confidentiality of both the person and the content of the report, which the Head of Corruption Prevention and Transparency shall transcribe into minutes to be signed also by the reporting person.

If the report concerns the holder of the functions of Head of Corruption Prevention and Transparency, it must be sent by post to the Chair of the Board of Directors.

Upon receiving the report, the Head of Corruption Prevention and Transparency identifies the reporting person based on identity, qualification, and role, and immediately separates such identifying data from the content of the report by assigning a specific substitute code in place of identifying data, so that the report may be processed anonymously and later associated with the identity of the reporting person only where strictly necessary, as provided by law.

If the reporting person holds the status of public official or person entrusted with a public service, submission of the report to the Head of Corruption Prevention and Transparency does not exempt them from the obligation, where the specific conditions apply, to report criminally relevant facts to the competent judicial authority.

Likewise, where there is a hypothesis of financial damage to the public treasury, reporting pursuant to this procedure does not exempt those public administration subjects legally obliged to do so from filing a report with the Public Prosecutor's Office of the Court of Auditors.

## 7. ACTIVITIES TO VERIFY THE VALIDITY OF THE REPORT

The management and verification of the validity of the circumstances represented in the report are entrusted to the Head of Corruption Prevention and Transparency, who shall act in compliance with the principles of impartiality and confidentiality, carrying out all activities deemed appropriate, including personal hearings of the reporting person and any other individuals who may provide information regarding the reported facts. Where, following verification, the report is found to be well-founded, the Head of Corruption Prevention and Transparency, depending on the nature of the violation, shall:

- inform the Legal Representative of SISSA for any consequent actions necessary to protect the Administration;
- communicate the outcome of the investigation to the subjects identified as competent (e.g. Office for Disciplinary Proceedings, Disciplinary Board), as well as to the Head of the structure to which the author of the ascertained violation belongs, so that appropriate measures may be adopted, including disciplinary action where applicable.

## 8. FORMS OF PROTECTION FOR THE WHISTLEBLOWER

A) Confidentiality obligations regarding the identity of the whistleblower and exemption of the report from the right of access

The confidentiality of the whistleblower's identity is ensured at every stage of the procedure following the report. Therefore, the identity of the reporting person may not be disclosed without their explicit consent, and all those who receive or are involved, even accidentally, in the management of the report are required to protect the confidentiality of such information.

Violation of the confidentiality obligation constitutes grounds for disciplinary liability, without prejudice to further forms of liability provided for by law.

For exceptions to the above principle, the Head of Corruption Prevention and Transparency shall comply with the provisions established by legislation, case law, and ANAC on the matter.

In any disciplinary proceedings following a report, the identity of the reporting person may not be disclosed without their consent, unless such knowledge is absolutely indispensable for the defense of the accused. This circumstance, for which adequate justification shall be provided within the proceedings, shall be assessed by the competent parties responsible for imposing the disciplinary sanction and verified by the Head of Corruption Prevention and Transparency. The above-mentioned parties are required to provide adequate justification both for granting and for rejecting the request, giving appropriate notice thereof to the interested parties.

The whistleblower's report is also exempt from the right of access provided for by Articles 22 et seq. of Law 241/1990, as amended and supplemented. Therefore, the document may not be viewed or copied by applicants, as it falls within the exclusion cases referred to in Article 24, paragraph 1, letter a), of Law no. 241/90, as amended and supplemented.

## B) Prohibition of discrimination against the whistleblower.

Pursuant to Chapter III of Legislative Decree no. 24/2023 and under this procedure, no form of retaliation or discriminatory measure, direct or indirect, affecting working conditions for reasons directly or indirectly related to the report, is permitted or tolerated against the reporting person. Discriminatory measures include unjustified disciplinary actions, workplace harassment, and any other form of retaliation that results in intolerable working conditions.

Protection is limited to cases in which both the reporting person and the reported person are employees of the School. The regulation does not provide for the extension to consultants and collaborators in any capacity, or to employees of the School's supplier companies, of the forms of protection against discrimination that the Department of Public Administration guarantees to public employees.

An employee who believes they have suffered discrimination as a result of having made a report of wrongdoing must provide detailed notice of the

discrimination suffered to the Head of Corruption Prevention and Transparency who, having assessed the existence of the relevant elements, shall report the alleged discrimination:

A. to the Head of the department to which the employee responsible for the alleged discrimination belongs. The Head of the department shall promptly assess the appropriateness/necessity of adopting acts or measures to restore the situation and/or remedy the negative effects of the discrimination administratively, as well as whether there are grounds to initiate disciplinary proceedings against the employee responsible for the discrimination;

B. to the Disciplinary Proceedings Office/Disciplinary Board, which, for proceedings within its competence, shall assess whether there are grounds to initiate disciplinary proceedings against the employee who carried out the discrimination, and to the Inspectorate of the Department of Public Administration.

## 9. LIABILITY OF THE WHISTLEBLOWER

This procedure does not affect the criminal and disciplinary liability of the whistleblower in the event of a slanderous or defamatory report pursuant to current legislation.

Protection of the reporting person cannot be ensured, and their liability remains unaffected, where the report constitutes slander or defamation under current legislation.

Should internal investigations reveal that the report is manifestly unfounded and made for opportunistic purposes solely to harm the reported person or other parties, and in any other case of improper use or intentional misuse of the mechanism covered by this procedure, liability actions in disciplinary proceedings and before other competent authorities shall be considered against the reporting person.

## 10. MANAGEMENT OF PERSONAL DATA

The processing of personal data relating to the receipt and management of reports is carried out by the receiving party, as data controller, in compliance with the principles set out in Articles 5 and 25 of Regulation (EU) 2016/679,

adopting appropriate measures to safeguard the rights and freedoms of the data subjects.

Through this protocol, SISSA defines the model for receiving and managing internal reports, identifying technical and organizational measures suitable to ensure a level of security appropriate to the specific risks arising from the processing carried out, based on a data protection impact assessment, and regulating the relationship with any external providers processing personal data on its behalf pursuant to Article 28 of Regulation (EU) 2016/679 or Article 18 of Legislative Decree no. 51 of 2018.

The reports received, investigation activities, and communications between the reporting person and the receiving person are documented and stored in compliance with confidentiality and data protection requirements.

Reports contain personal data and may only be processed and retained for the time necessary for their handling: this period includes analysis, investigation activities, and communication of outcomes, as well as any additional period for possible further comments. Personal data that are clearly not useful for processing a specific report are not collected or, if accidentally collected, are deleted immediately.

Once the report management activities have been completed, the receiving party shall delete both the report and the related documentation no later than five years after communication to the reporting person of the final outcome of the reporting procedure. However, records and documents relating to proceedings initiated and actions taken by the employer (for example, disciplinary proceedings; transmission of documents to the competent authorities; etc.) originating wholly or partly from the report may be retained. This is in consideration of the fact that such records and documents generally do not contain specific references to the reporting person, without prejudice to the provisions of Article 12, paragraph 5, of Legislative Decree no. 24/2023.

The information pursuant to Articles 13-14 of EU Regulation no. 679/2016 is published on the SISSA website and is also accessible in the data submission form through the computerized written reporting channel.

With regard to access to personal data, these are known only to the receiving party and, if specified in a specific organizational act, to members of the support staff managing the report, authorized pursuant to Article 2 quaterdecies of Legislative Decree 196/2003.

During investigation activities, the receiving party may share with other functions of the entity information previously anonymized and minimized in relation to the specific activities within the competence of the latter.

Where access to the internal computerized reporting channel is mediated by firewall or proxy devices, the data controller must guarantee the non-

traceability of the reporting person at the moment the connection is established, including through the use of tools for anonymizing navigation data (e.g., access through the TOR network).

The rights referred to in Articles 15 to 22 of Regulation (EU) 2016/679 may be exercised within the limits provided for by Article 2-undecies of Legislative Decree no. 196 of 30 June 2003.