

# WHISTLEBLOWING EXTERNAL REPORTING MANUAL REGARDING THE LAW ON THE PROTECTION OF PERSONS REPORTING BREACHES OF UNION AND NATIONAL LAW 2022 (L. 6 (I)/2022)

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## **1. Short Title**

Following the publication of the "Law on the Protection of Persons Reporting Breaches of Union and National Law 2022 (L.6(I)/2022) (hereinafter "the Law") and in accordance with Article 59(6)(b) of the Law on Prevention and Combating of Money Laundering of 2007 (L.188 (I)/2007), this Manual is issued, which concerns the implementation of a proper and secure whistleblowing framework for the reporting of information/elements that come to the attention of employees within their workplace in relation to specific violations of EU and/or national law within the framework of the relevant Law.

The current Manual is issued to provide a sound and secure reporting environment within the framework of the relevant Law for the protection of the employees, who report any information and/which relate to specific breaches of the union and/or national law.

Because of the abovementioned, members of the Cyprus Bar Association (CBA), pursuant to this Manual, will be able to submit relevant reports of incidents they identify in the course of their employment activities to the qualified person/department of the Bar as designated by the CBA through the external reporting procedure as set forth below.

## **2. Scope**

The purpose of the reporting procedure is to enhance the disclosure framework for incidents of corruption and for transparency, by encouraging persons to report suspicious incidents of serious breaches and to disclose cases of fraud, corruption, harassment, or other breaches of natural or legal persons who are members of CBA.

## **3. Definitions**

For the interpretation of this Manual and the purpose of completing the relevant external breach report, which is attached as Appendix A, the following definitions shall apply:

“CBA” means the Cyprus Bar Association (CBA).

“Reporting Person” means a person who reports a breach or possible breach of CBA’s Manual.

“Person concerned” means a person that is accused by the reporting person of breaching or potential breaching the Manual.

“Report of a Breach” means the report submitted by the reporting person to CBA of a breach or a potential breach of the Manual.

“CBA’s Appointed Person/Department” means the qualified person/specialized department appointed to handle the reports of breaches within CBA.

“External Reporting” means named/anonymous provision of information provided by the reporting person to CBA in its capacity as a competent authority receiving reports, information or has the responsibility to supervise and/or investigate any violations of an act contained in the complaint.

“Internal Reporting” means the named/anonymous provision of information by the reporting person to a department or person designated by CBA to receive and examine the complaints as the responsible person.

“Public Disclosure” means the public disclosure in relation to the breaches in accordance to article 16 of the relevant Law.

#### **4. Report of Breaches to CBA**

4.1. The reports can be submitted by name or anonymously.

4.2. CBA notes that the appointed person/department of CBA shall provide to every interested person information regarding the process of his/her report of the breaches and shall receive the reports and maintain a relevant communication with the reporting person (provided that they have provided details of their identity).

4.3. CBA has set the following dedicated reporting channels for receiving and following up “external reports” of breaches and for communicating with the appointed person/department on behalf of CBA.

4.3.1. Telephone line +357 22 711600. Conversations while using the abovementioned telephone line are recorded only with the consent of the reporting person. The recorded conversations shall be deleted within three (3) months of the date of the conclusion of the final outcome of the report.

4.3.2. E-mail: [whb@cba.org.cy](mailto:whb@cba.org.cy)

4.3.3. Postal address: Cyprus Bar Association, Florinis 11, 1st Floor, Flat 101, 1065 Nicosia marked as «CONFIDENTIAL» for Mr. Christos Lazanias, Officer of the CBA.

4.4. The reporting persons may submit a written report of breaches by completing the “Whistleblowing External Reporting Form” (**Appendix A**) and sending it through the communication channels as stated above.

4.5. CBA, may request (provided that the reporting person has revealed his identity and has provided his contact details) as follows:

a) orally, contacting the reporting person by telephone, if a postal or electronic address has not been provided or

b) in writing, to the postal or electronic address of the reporting person, to provide additional information that is available to the reporting person or to clarify the information disclosed to the appointed person/department of CBA that is required to review the report, to assess the accuracy of the claims and the possibility of taking action against the reported breach.

4.6. CBA informs the reporting person, upon receipt of an oral or written report, of the specific time within which they will receive information regarding the results of the investigation of the report to the postal or email address, if such has been provided, and ensures that the relevant information is sent within the defined deadline.

In case the reporting person has not provided a postal or email address as contact information, CBA will provide the above information orally to the reporting person (provided that a telephone number has been provided). In case the reporting person has not provided any contact details, then they can receive the above information orally, by contacting CBA's appointed person/department.

4.7. The qualified person/department of CBA notifies the President, the Vice-President and the Chief Executive Officer of CBA about the results of the investigation in case he considers that further investigation is required by other competent authorities, bodies and agencies as the case may be. CBA may, following a relevant unanimous decision of the President, the Vice-President and the Chief Executive Officer, transmit a breach report in due time to other competent authorities, bodies, agencies on a case-by-case basis for further investigation, as defined by the relevant Law.

4.8. In cases where the reports, repeat the same events or reports have already been made or in the eventuality of minor importance reports that do not need to be monitored or where they are outside the competence of CBA, the appointed person/department of CBA informs the reporting person accordingly with a duly justified decision.

4.9. In case where the reporting person has simultaneously submitted an external report to more than one competent authority, they shall inform them of the fact, and the competent authorities shall coordinate with each other to handle the reported breach.

## **5. Record Keeping**

5.1. Upon receipt of the report, and within seven (7) days, an acknowledgment of

receipt is communicated to the reporting person to the postal or electronic address of the reporting person, unless explicitly stated and otherwise requested by the reporting person or if CBA reasonably believes that the acknowledgment of the report may endanger the protection of the reporting person's identity.

5.2. Where a recorded telephone line is used for reporting, subject to the consent of the reporting person, CBA shall have the right to document the oral reporting in one of the following ways:

- By making a recording of the conversation in a durable and retrievable form only if the reporting person has provided his written consent for such recording or
- through a complete and accurate transcript of the conversation prepared by CBA's appointed person/department.

In cases where the reporting person has provided his contact details, CBA provides the reporting person the opportunity to check, rectify and agree the transcript of the call by signing it.

5.3. Where an unrecorded telephone line is used for reporting, due to the non-consent of the reporting person for recording the conversation, CBA has the right to document the oral reporting in the form of accurate minutes of the conversation written by the appointed person/department responsible for the handling of the report. In cases where the reporting person has provided their contact details CBA shall offer the reporting person the opportunity to check, rectify and agree the minutes of the conversation by signing them.

5.4. Personal data collected in the context of reports, are deleted within three (3) months from the date of completion of the procedure, as provided by the relevant Law. In the case that judicial or disciplinary proceedings have been initiated against the person concerned or the reporting person, personal data shall be retained for the entire duration of the proceedings and shall be deleted one (1) year after their conclusion of the procedures.

## **6. Duty of Confidentiality**

CBA notes that it is prohibited to reveal the identity of the reporting person and the person concerned or any other information from which the identity of the reporting person may be directly or indirectly deduced.

CBA also notes the following cases, in relation to the duty of confidentiality applied in the breach reports, where the confidential information of a reporting person may be disclosed:

6.1. In the context of a civil or criminal or other legal proceedings or arbitration or out of court settlement, where CBA is called upon to provide evidence or give testimony, or during the deposition in criminal or disciplinary proceedings.

6.2. In the case that CBA proceeds to report to any other competent authorities, institutes, organizations, or bodies in the Republic or abroad.

6.3. Within the framework of the right of the reported person to be heard, or any other person called for representations by CBA, providing the involved persons, access to the relevant information relating to the report, without any unnecessary disclosure of information as explicitly provided by the Law.

## **7. Processing of personal data**

Any processing of personal data shall be carried out in accordance with the General Data Protection Regulation (GDPR) and any other relevant legal or regulatory frameworks.

## **8. Protection Measures and procedures against retaliation**

CBA, also informs that the reporting person has the right to protection and access to support measures, according to the provisions of the Law, where applicable, provided that:

- a) had reasonable grounds to believe that the reporting of breaches was true at the time of reporting and that this information falls within the scope of the Law, and
- b) the report was submitted internally or externally, as provided by the Law or made a public disclosure.

It is provided that where a person anonymously reported a breach or made information public in relation to a breach and has subsequently been identified, the reporting person has the right to protection provided the conditions of the present article are met.

Specifically, the reporting person who submits a report according to the provisions of the Law, is automatically protected from a series of actions that could be characterized as vindictive behaviors or retaliation, while, at the same time they enjoy important protection measures such as:

- Judicial measures to stop retaliatory conduct and claim compensation damages.
- Protection from any civil liability.
- Witness protection in criminal proceedings against the person referred to in the report.
- Employer's obligation to contribute to the protection of the employee.

Further information regarding the procedures and remedies that are applicable for protection against retaliation and the rights of reporting persons, is available on the website of the Ministry of Justice and Public Order in the form of «Guidelines».