

# FAQ ADA Whistleblowing System

## **What should I do if I become aware of a concrete case of suspicion that falls under a reporting category?**

A report can be made to the internal ADA Integrity Officers or the Ombudsperson.

Partners of ADA are contractually obliged to report to ADA and the partners are specifically informed about ADA's whistleblowing system in the course of the conclusion of the respective contract. Partners of ADA are also obliged to pass on the information about ADA's Whistleblowing System to their subcontractors. Not only ADA-employees, but also ADA's contractual partners and any other natural person may submit a report via ADA's whistleblowing system.

In addition, according to the Austrian Whistleblower Protection Act, certain violations of the law, such as acts of corruption, can also be reported to the Austrian Federal Bureau of Anti-Corruption (<https://www.bak.gv.at>).

However, reporting persons are encouraged to submit a report primarily to the internal information points, respectively to the ADA Integrity Officers or the Ombudsperson. Only if this is not possible, appropriate or reasonable, or has proven unsuccessful, reports should be addressed to the Austrian Federal Bureau of Anti-Corruption.

## **When should I report to the ADA Integrity Officers and when to the external Ombudsperson? What is the difference between these two reporting options?**

It is up to the reporting person to choose between a report to the ADA Integrity Officers or the Ombudsperson. The ADA Integrity Officers are specially trained lawyers from the ADA Executive Unit Law. The Ombudsperson is a lawyer working in a law firm specialized in the field of Compliance, who is appointed by ADA on the recommendation of the ADA Integrity Officers and the ADA Works Council following a procedure that complies with public procurement law.

Both the ADA Integrity Officers and the Ombudsperson investigate independently and are not bound by any instructions. After the investigations have been concluded, a report will be submitted to the managing director. The Ombudsperson is obliged not to disclose the identity of the reporting person to the ADA Integrity Officers or to any other person at ADA, if this is the wish of the reporting person. There is no contractual relationship between the Ombudsperson and a reporting person and the submission of a report is in any case free of charge for the reporting person.

The ADA Integrity Officers and the Ombudsperson are obliged to refrain from processing a report in the event of a conflict of interests..

## **I do not wish to report to either the ADA Integrity Officers or the Ombudsperson, but would like to discuss the matter with my supervisor. Am I thereby violating my obligation to report?**

No, anyone who informs his/her supervisor of a case of suspicion has fulfilled his/her reporting obligations. In such a case the supervisor will be obliged to submit a report of the received information via the ADA Whistleblowing System.

Supervisors and all other persons who become aware of the content of a report may only inform the ADA Integrity Officers or the Ombudsperson of the report and the identity of the reporting person. Any other transmission is prohibited.

## **I do not wish to be known as a reporting person. How is my identity protected?**

Both the ADA Integrity Officers and the Ombudsperson are obliged to maintain special confidentiality regarding the identity of the reporting person. This may only be disclosed - also in accordance with the relevant EU regulations and the Austrian Act on Whistleblower Protection - in exceptional cases, such as in the event of a legal obligation to an administrative authority, a court or the public prosecutor's office in the context of a investigation or administrative or judicial proceedings.

ADA also accepts anonymous information. The electronic input masks of ADA's Whistleblowing Portal and of the Ombudsperson are particularly useful in this respect. In both cases not even the IP address of the reporting person can be traced.

## **How can I, as a non-lawyer, differentiate between the individual reporting categories or classify my report correctly? What happens if I submit a report that retrospectively turns out to be incorrect?**

The reporting categories are described and specified in Annex 1 to the company agreement and in the training on ADA's Whistleblowing System. Information on this can also be found under "What can be reported?" on the landing page of the Whistleblowing Portal. These categories are based on cases where there is a suspicion that criminal law has been breached or that other serious breaches of the law have been committed in relation to professional conduct in relation to the projects and business of ADA. However, an initially incorrect categorization by the reporting person does not do any harm: Each report is received and processed by the ADA Integrity Officers or the Ombudsperson. The initial categorization by the reporting person is always legally verified. The reporting person will not be reproached for alleged misconduct, if the allegation cannot be verified afterwards.

In case of doubt, it is always advisable to seek an advisory discussion with the ADA Integrity Officers, the Ombudsperson or your supervisor before submitting a report.

However, ADA will not tolerate knowingly defamatory false reports and reserves the right to take measures against the defamer in such cases.

## **Who is informed about my report?**

The report will be investigated by the ADA Integrity Officers or the Ombudsperson, depending on who has been notified. The process is also described in detail in the company agreement on the Whistleblowing System. When processing the report, additional persons may be involved in the investigation on the basis of their professional expertise, who will only be informed of the report to the extent that is absolutely necessary for their contribution to the clarification of the case. The managing director is only informed of relevant notifications whose facts have been clarified.

## **How is a report dealt with that is directed against employees of the Executive Unit Law, the Head of Departments in ADA, the Managing Director or the members of the Supervisory Board?**

Such information will, without exception, be passed on to the Ombudsperson for investigation. If a report is submitted concerning the Managing Director, the results of the investigation will be submitted to the Chairperson of the Supervisory Board after the facts of the case have been clarified.

## **I have made submitted a report and received the message that this report is not relevant. What does this mean?**

The relevance check is the first step in the processing of the information by the ADA Integrity Officers or the Ombudsperson. The central question is whether the report should be further examined in the Whistleblowing System. If this is denied, i.e. a report is classified as not relevant, this can have several reasons: For example, the report concerns a matter outside the reporting categories or the allegation is not sufficiently concrete to allow an investigation. If necessary, the ADA Integrity Officers or the Ombudsperson will ask the reporting person questions before they classify a report as relevant or not relevant. If the report concerns a topic that falls within the competence of another unit of ADA (e.g. problems with supervisors, harassment by colleagues which does not reach the severity of a reporting category), the report will be assessed as not relevant and the ADA Integrity Officers or the Ombudsperson will inform, if necessary, about the competent unit to which the report can be made (in our example, the Unit Human Resources and Organisation Management).

## **I have been informed by the ADA Integrity Officers that I have been accused of a violation in the meaning of a reporting category and I am now being questioned about it. What are my rights?**

First of all, during the whole investigation process, an affected person is in no way considered guilty. The presumption of innocence applies until there is actual proof of misconduct in regard to one of the reporting categories. The ADA Integrity Officers are obliged to follow up on any relevant information and to investigate a report thoroughly. Only those persons whose expertise is necessary for the clarification of the matter are involved in the investigation and these persons are only informed to the extent necessary for their contribution ("need-to-know principle"). Affected persons are given the opportunity to comment on the allegations. They can also consult the works council. Their statement will be examined and evaluated fairly and objectively. Upon request of the affected person, they will also be categorically informed about the data source of the report (e.g. report from the circle of ADA employees) - unless, of course, the identity of the person providing the report can already be deduced from this information.

## **I have heard from colleagues that something is going wrong in Project XY and that there is a suspicion of corruption. Do I have to report these rumours?**

No, mere rumours do not have to be reported. However, if you are responsible for the project in question, you should check the rumours and if necessary - if there are concrete indications of misconduct concerning a reporting category - you should submit a report.

## **I have further questions about the Whistleblowing System, who can I contact?**

You can always contact the ADA Integrity Officers or the Ombudsperson. ([integritaet@ada.gv.at](mailto:integritaet@ada.gv.at); further contact details on the ADA integrity website <https://www.entwicklung.at/en/ada/integrity>), if you have further questions.