

RULEBOOK ON THE PROTECTED INTERNAL REPORTING IN PUBLIC SECTOR INSTITUTIONS

Article 1

This regulation prescribes the protected internal reporting in institutions in the public sector.

Article 2

- (1) The management person in the institutions in the public sector to which the whistleblower made a protected internal report (hereinafter: the management person) appoints an authorized person for receiving reports submitted for the purpose of protected internal reporting (hereinafter: authorized person).
- (2) The managing person may appoint several authorized persons, by determining which of them is responsible for summarizing the data and for preparing and submitting a half-yearly report on received reports from whistleblowers.
- (3) In institutions where there is no authorized person, the protected internal reporting is done to the managing person.
- (4) The manager prescribes internal procedures for receiving reports from whistleblowers, separating and processing the data from the reports and takes measures to ensure the protection of personal and other data relating to whistleblowers and reports from whistleblowers, applying the regulations for the protection of personal data and protection of classified information.
- (5) The manager submits to the State Commission for the Prevention of Corruption the following data for the authorized person:
 - name and surname;
 - workplace;
 - contact phone number;
 - postal address and e-mail address for receiving applications;
- (6) The data from paragraph (5) of this article shall be published on the website of the institution in which an authorized person is appointed or otherwise made publicly available.

Article 3

When appointing an authorized person, the manager is guided by the following:

- that the person is employed in a managerial position;
- to have completed higher education in the field of legal, security or economic sciences;
- to possess a security certificate with a degree depending on the degree of classification of the information available to the institution for which the person is appointed;

- to have work experience in dealing with reports, i.e. petitions, working with parties, performing supervision, undertaking investigative i.e. inspection actions, performing audits or internal control or other work experience in performing confidentiality duties, obtaining and sending data to other institutions and referral to parties.

Article 4

(1) The management person ensures the independence and smoothness of the work of the authorized person.

(2) To ensure secrecy and protection of personal and other data received and processed by the authorized person, the managing person, in accordance with the regulations for the protection of personal data and the regulations for the protection of classified information, provides and applies appropriate technical and organizational measures to protect data from their accidental or illegal destruction, or their accidental loss, falsification, unauthorized disclosure or access, especially when the processing involves the transfer of data over a network and protection against any illegal forms of processing.

(3) The manager provides the authorized person with space and equipment for work:

- work space suitable for the reception of parties;
- a separate computer provided with a unique username and password created by the authorized person and known only to them, with an Internet connection and a separate electronic mail box provided with a unique username and password created by the authorized person and known only to them;
- special receipt stamp;
- special ledger;
- a separate mailbox;
- special telephone line;
- document cabinet for secure storage of received applications, minutes, received and created documents and other materials related to the protected external application, the special ledger and the reception stamp;
- other equipment for the application of technical and organizational measures for the protection of personal and other data related to whistleblowers and reports, in particular the regulations for the protection of personal data and the regulations for the protection of classified information.

Article 5

(1) The authorized person receives reports submitted directly to them by a whistleblower for the purpose of a protected internal report in accordance with the law (hereinafter: report), individually or in groups, in written form submitted personally or through a separate mailbox or electronic mailbox or orally on a record.

(2) The authorized person registers the received reports by placing a special received stamp and recording them in the special ledger.

Article 6

(1) If the application was received verbally, the authorized person compiles a record containing the following data:

a) information about the whistleblower:

- name and surname,
- category of person who, according to the Law on the Protection of Whistleblowers, can appear as a whistleblower,
- request from the whistleblower to remain confidential and the extent to which he requires it;

b) data about the person, that is, the subject against whom the whistleblower reports;

c) description of criminal or other illegal and impermissible conduct that injures or threatens the public interest;

d) method and form of communication proposed by the whistleblower between the authorized person and the whistleblower;

d) attachments;

f) date and place of receipt of the application;

(2) The matching of the data from the oral report in the content of the minutes is confirmed by the personal signature of the whistleblower and the person authorized to receive reports submitted for the purpose of protected external reporting.

(3) The record from paragraph (1) of this article is recorded as a received report.

Article 7

(1) If the application is submitted in electronic form on an electronic record carrier, i.e. electronically, the authorized person prints the record that corresponds to the application according to the content, and the printed one with listed attachments received in the form of electronic records is certified as a received application.

(2) If printing the attachments from paragraph (1) of this article is uneconomical, the authorized person saves them in electronic form on the special computer provided with a password known only to them.

(3) When the authorized person forwards the application to another competent institution or when it is necessary to transfer the attached electronic records for the purpose of processing the application, in the case of paragraph (2) of this article, the authorized person performing the obligations and responsibilities in application of provided technical and organizational measures for data protection in accordance with the regulations governing the protection of personal data, copies the electronic records to an electronic record carrier and attaches it to the application.

Article 8

- (1) On the same day after receipt, the authorized person files the application with all attachments, reviews it, studies its content and acts in accordance with the law.
- (2) If the authorized person determines that the received document or record does not represent, or does not refer to, a report from a whistleblower, he immediately makes a note about the same in the case, which is recorded in the special ledger, keeps a copy of the case, and the case with the attached documents in the original submits it with a cover letter to the registry office of the competent institution.
- (3) Regarding the actions taken from paragraph (2) of this article, the authorized person without delay informs the complainant if he is known.

Article 9

- (1) After receiving and filing the report, the authorized person without delay evaluates the content of the report to determine whether it is logical and reasonable, whether it is a report by a whistleblower in accordance with the Law on the Protection of Whistleblowers, and whether the report contains enough elements to be forwarded for further action.
- (2) In performing the assessment from paragraph (1) of this article, the authorized person may request additional information from the whistleblower if he is known and consult with other persons, while paying attention to the protection of the identity of the whistleblower.
- (3) After carrying out the assessment from paragraph (1) of this article, the authorized person makes conclusions for further action on the application, which refer to the competence or lack of competence to act on the institution where it is appointed and the necessary measures to act on the application.

Article 10

- (1) The authorized person shall notify the management person without delay about the allegations from the content of the application and the conclusions from Article 9 paragraph (3) of these regulations.
- (2) As an exception, if the authorized person in carrying out the assessment from Article 9 of this regulation ascertains that the allegations from the content of the report are directly or indirectly directed against the managing person, he forwards the report to the competent institution in accordance with the law.

Article 11

- (1) The authorized person in the institution to which a report has been submitted, on which another institution is competent to act in accordance with the law, records the report and forwards it to the competent institution no later than eight days from the day of receipt.
- (2) If a crime has been reported against the state, against humanity and international law, in the area of organized crime and for which the Criminal Code prescribes a prison sentence of at least four years, the proof of which is followed by disproportionate

difficulties or cannot be carried out without a statement of the whistleblower who, due to the possible danger of being exposed to intimidation, threat of retaliation or danger to life, health, freedom, physical integrity or property of a larger scale, does not agree to give a statement as a witness, the authorized person with obtained written consent of the whistleblower shall be delivered without delay:

- to the Ministry of Internal Affairs or a competent public prosecutor, an initiative for submitting a written request for submitting a Proposal for inclusion in the Protection Program in accordance with the Law on Witness Protection or

- to the Public Prosecutor of the Republic of Macedonia, an initiative to submit a Proposal for inclusion in the Protection Program in accordance with the Law on Witness Protection.

(3) For the forwarding of the report from paragraph (1) of this article and for the submission of the written request from paragraph (2), paragraphs 1 and 2 of this article, the authorized person simultaneously informs the whistleblower if he is known.

Article 12

(1) After receiving a report that has been sent to the authority of an institution, which, according to the assessment from Article 9 of this regulation, has been determined to be logical, rational and contains sufficient elements for further action, the authorized person takes measures within his competence to act on the report that is, he forwards the report to the official in the institution responsible for dealing with the area to which the report was submitted, after having previously separated from the report the personal data and the data that may reveal the identity of the whistleblower if the whistleblower requested to remain confidential.

(2) The authorized person, at the whistleblower's request, informs them of the progress and actions taken in the proceedings following the report and enables the whistleblower to inspect the files of the case established on the basis of his report in accordance with the law.

(3) If enabling the inspection from paragraph (2) of this article, i.e. access to the information regarding the handling of the report, may have harmful consequences for the course of the procedure, the authorized person separates that information and informs the whistleblower about it and enables them insight into the rest of the content of the report, that is, into the rest of the files of the case.

(4) The authorized person informs the whistleblower about the outcome of the procedure for the case established after the report, if known.

Article 13

(1) The authorized person prepares a half-yearly report on received reports from whistleblowers, which contains general statistical data and data on established cases based on received reports.

(2) General statistical data that must be reported with a semi-annual report are:

- a) the total number of applications received;

- b) number of applications received, according to the following parameters:
- form and method of delivery of application (oral record, written by mail, written by e-mail),
 - reported criminal or impermissible conduct,
 - category of persons in the capacity of a whistleblower,
 - position/job of registered persons,
 - confidential whistleblowers,
 - anonymous whistleblowers,
 - whistleblowers who are not anonymous and who did not ask to be confidential;
- c) total number of whistleblowers;
- d) number of anonymous whistleblowers;
- e) number of confidential whistleblowers;
- f) number of reports that have been forwarded to an institution for competent action; g) number of reports on which the institution acted within its competences;
- (3) Data on completed cases according to received reports are:
- a) the total number of applications received;
- b) number of applications received according to the parameters:
- form and method of delivery of application (oral on record, written by mail, written by e-mail),
 - reported criminal or impermissible conduct,
 - category of persons in the capacity of a whistleblower,
 - position/job of registered persons,
 - confidential whistleblowers,
 - anonymous whistleblowers,
 - whistleblowers who are not anonymous and who did not ask to be confidential;
- c) total number of whistleblowers who have submitted reports on which cases have been established;
- d) number of anonymous whistleblowers who submitted reports on which cases were established;
- e) number of confidential whistleblowers who submitted reports on which cases were established;
- f) number of cases formed according to applications received;
- g) measures taken to act upon received reports;
- h) status of the cases formed after received reports and outcome of the action on the cases.

Article 14

This regulation enters into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Macedonia", and will begin to be applied on the day of the commencement of the application of the Law on the Protection of Whistleblowers ("Official Gazette of the Republic of Macedonia" number 196/15). No. 01-1122/1.

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Skopje

Minister of Justice,
Dr. Adnan Jašari, s.r.