

Slovakian Whistleblowing Policy

Concerning reporting antisocial activities in accordance with Act no. 307/2014 Coll. on certain measures relating to the reporting of antisocial activities

Foss Fibre Opticss.r.o., with its registered office at Odborárska 52, 831 02 Bratislava, Slovak Republic, Identification No.: 31 365 507, registered in Commercial Register of the District Court Bratislava I, Section: Sro, Insert No.: 6374/B (the “**Company**”) declares that, in executing its activities, it respects the rules of social conduct which constitute a common standard in the European Economic Area and agrees to act in accordance with those ethical principles.

The Company also requires its employees to adhere to and comply with these internal policies. The Company’s good reputation and loyalty of all interested parties are among the Company’s most important values.

Each employee is obliged to act in accordance with this internal policy, to maintain a high ethical standard in business dealings and work while protecting the Company’s good reputation and trustworthiness.

The Company complies with all conditions arising from the applicable legislation and agrees to carry out its activities in compliance with the laws of the Slovak Republic.

1. **DEFINITIONS OF BASIC TERMS**

- (a) “**whistleblower**” means an individual that files, acting in good faith, a report with an authority competent to receive such reports. A person close to a whistleblower¹ is also considered to be a whistleblower, if such person is employed by the same employer.
- (b) “**report**” means the statement of facts of which an individual gained knowledge in connection with their occupation, profession, position or office and which may significantly contribute or have contributed to clarifying serious antisocial activities or identifying or convicting its perpetrator.
- (c) “**antisocial activities**” means a culpable act such as an administrative delict. Under Act No. 583/2008 Coll. on the prevention of crime and other antisocial activities, as amended, antisocial activities are deemed to be any conduct which does not constitute an administrative delict but has an adverse effect on society.
- (d) “**designated officer**” means a person appointed by the employer, reporting directly to the employer’s statutory body. The role of a designated officer is to investigate complaints and reports within a prescribed period. Through the designated officer, the employer keeps a record of complaints and reports for the period of three years from the date of their delivery. The designated officers’s identity will be disclosed to all employees via e-mail or in any other standard way.
- (e) “**serious antisocial activities**” means unlawful conduct which qualifies as:

¹ A person close to a whistleblower includes a relative of direct descent, sibling or spouse. Other family members or similar relations shall be deemed to be a close person if an injury suffered by one is reasonably felt by the other as his/her own.

- (i) one of the criminal offences falling within the definition of “Damage to the financial interests of the European Union” under Sections 261 through 263 of the Criminal Code;
 - (ii) deceitful practices in public procurement and public auctions under Section 266 of the Criminal Code;
 - (iii) any of the Criminal offences committed by Public Officers under Title Two of Chapter Eight, of the Special Part of the Criminal Code, specifically: Abuse of Power by a Public Officer or Neglect of Duty by a Public Officer;
 - (iv) any of the Corruption criminal offences under Title Three of Chapter Eight of the Special Part of the Criminal Code specifically: Passive and Active Bribery or Trading in Influence;
 - (v) a criminal offence for which the Criminal Code imposes a maximum term of imprisonment exceeding three years; or
 - (vi) an administrative delict for which a fine of at least EUR 50,000 may be imposed (jointly with the antisocial activities under subsection 1(c) above as “**antisocial activities**”).
- (f) “**complaint**” means a report, including an anonymous report. A complaint also means a non-anonymous filing made by an individual in connection with other antisocial activities of which they gained knowledge in connection with their occupation, profession, position or office.
- (g) “**protected whistleblower**” means an employee who filed a request for the grant of protection for reporting serious antisocial activities qualifying as a criminal offence or an administrative delict. If a public prosecutor, a court or an administrative authority finds out that the person who filed the request for the grant of protection is a whistleblower, they will immediately inform the Labour Inspectorate, the employer and the whistleblower in writing that protection has been granted to the whistleblower.
- (h) “**employer**” means the Company.
- (i) “**acting in good faith**” means the acting of a person who, with regard to circumstances which are known to them and knowledge they possess at a given point, is convinced of the truthfulness of the stated facts. Any action by such person is regarded as having been taken in good faith, unless the opposite is proven.
- (j) “**anonymous report, filing or complaint**” means a report, filing or complaint that contains no name, surname or address of the person who files/submits it.

2. EMPLOYEE'S OBLIGATIONS

- 2.1 All employees are obliged to act in good faith in accordance with good morals (*dobré mravy*) in order to fulfil obligations arising from their employment.
- 2.2 Employees are obliged to adhere to and comply with this internal policy.
- 2.3 Employees are obliged to immediately report any breach of this internal policy or any antisocial activities to the designated officer.
- 2.4 Reporting antisocial activities is not regarded as a breach of the contractual obligation of confidentiality or a breach of the confidentiality obligation prescribed by law, if such obligation arises from an occupation, profession or an office and it is not:
 - (a) an obligation prescribed by law on the protection of classified information, mailing secret, trade secret, banking secret, telecommunications secret or tax secret;
 - (b) a disclosure of information from medical files;
 - (c) the confidentiality obligation of intelligence services members;
 - (d) the confidentiality obligation in the provision of legal services; or
 - (e) the obligation to report or prove criminal offences.

3. PERSONAL DATA PROCESSING AND EMPLOYEE PROTECTION

- 3.1 The protection of employees' privacy is secured by the legal regulation of the Slovak Republic as well as the Company's internal policies, which define what kind of information and personal data the Company may request from its employees along with procedures for its processing.
- 3.2 Processing information relating to the employees' personal life or belief is prohibited. Under the Company's internal policies, disclosing any information or personal data without the prior consent of the relevant person is prohibited unless the personal data is disclosed in compliance with the legal regulation of the Slovak Republic.
- 3.3 The Company shall protect the moral integrity of its employees and shall guarantee working conditions respecting human dignity.

4. SYSTEM FOR FILING, HANDLING AND INVESTIGATING COMPLAINTS

- 4.1 Employees are obliged to report any breach of this policy and any antisocial activities to the designated officer by filing a complaint or reporting such activities. Complaints may be made on an anonymous basis.
- 4.2 If an employee believes that they have been a victim of any harassment or discrimination on the grounds of age, gender, race, sexual orientation etc. they have the right to report this to the designated officer who will examine whether there has been a breach of policy.
- 4.3 Employees can submit a complaint or report via the external confidential reporting line, Safecall. Safecall provide an independent confidential reporting line where employees can raise concerns and be assured they will be fully addressed. Reports

are handled by skilled staff and will be treated in complete confidence. All matters reported will be referred to the designated officers. Safecall will not disclose an employee's name to the Company if they wish to remain anonymous. Employees can contact Safecall at any time on the Freephone number: 0800 004996. The Safecall line is available 24/7 365 days. Alternatively, Safecall can be contacted via the web www.safecall/co.uk/report.

- 4.4 The role of the designated officer is to accept and investigate complaints and reports within a prescribed period of 90 days from the date they are filed with a possible extension of a further 30 days. In the case of non-anonymous complaints, the person who filed the complaint will be notified of such extension, including the reasons for granting it.
- 4.5 The employer is obliged to keep a record of the complaints and reports through the designated officer for a period of 3 years from the date they are filed. The employer will inform the person who filed the complaint of the outcome of the investigation into the complaint within 10 days, through the designated officer.

5. KEEPING WHISTLEBLOWER'S IDENTITY CONFIDENTIAL

While investigating non-anonymous complaints, the employer and the designated officer are obliged to ensure that the whistleblower's identity is kept confidential. Neglecting this obligation will be considered a gross breach of the designated officer's duties.

6. RECORD-KEEPING OF COMPLAINTS

The employer will keep records of complaints, through the designated officer, for the period of 3 years from the date they are filed including the following details:

- (a) date of delivery;
- (b) name, surname and residence of the person who filed the complaint; in the case of anonymous complaints a note should be entered indicating that the complaint is anonymous;
- (c) subject of the complaint;
- (d) outcome of the investigation into the complaint; and
- (e) date of closing of the investigation of the complaint.

7. PROTECTION OF WHISTLEBLOWERS

- 7.1 The employer may only perform a legal act or issue a decision in relation to an employment contract (the "**employment-related act**") against a protected whistleblower with the whistleblower's consent or with the prior consent of the Labour Inspectorate.
- 7.2 No consent of the Labour Inspectorate is required if the employment-related act relates to the satisfaction of an employee's entitlement or the termination of employment that is not related to the employer's consideration of the whistleblowing report.
- 7.3 Before issuing a decision on whether to grant consent, the Labour Inspectorate will give the protected whistleblower an opportunity to provide a statement in relation to the proposed employment-related act. In simple matters, in particular where it is

possible to issue a decision on the basis of the employer's request and the protected whistleblower's statement, the Labour Inspectorate will issue its decision in relation to the request for the grant of consent without undue delay. In other circumstances, the Labour Inspectorate will decide within 30 days from the date of the request.

- 7.4 The Labour Inspectorate will grant consent to the employment-related act proposed by the employer in relation to a protected whistleblower only if the employer proves that there is no causal link between the proposed employment-related act and the report, otherwise the Labour Inspectorate will reject the request.
- 7.5 Both the employer and the protected whistleblower may appeal against the decision of the Labour Inspectorate.
- 7.6 A legal act to which the Labour Inspectorate did not grant consent is invalid.
- 7.7 Protection afforded to a protected whistleblower ceases to exist:
- (a) upon the delivery to the Labour Inspectorate of a written notice waiving the whistleblower's protected status;
 - (b) upon the termination or expiry of the protected whistleblower's employment contract;
 - (c) upon the termination of criminal proceedings or proceedings concerning administrative delicts that were the subject of the report; however, the protection will not cease to exist if the criminal proceedings are terminated upon the matter being reported to another authority;
 - (d) upon the sentencing of the protected whistleblower for the criminal offence of false accusation or perjury in connection with the filing of the report; or
 - (e) if it is proven that the report was not filed in good faith.

- 7.8 Whistleblowers that are not protected whistleblowers can apply to the Labour Inspectorate to suspend an employment-related act within seven days of the whistleblower becoming aware of the employment-related act.
- 7.9 Without undue delay, the Labour Inspectorate will suspend the employment-related act if the seven day time limit was adhered to and if there is a justified suspicion that such an action was taken in connection with the filing of a complaint. The effect of this is that the enforceability of decisions in relation to employment matters will be suspended.
- 7.10 The ability to request the suspension of an employment-related act also applies to anonymous whistleblowers. In such a case, the whistleblower will request that a written confirmation of their whistleblower status be sent to them.
- 7.11 The law grants protection to a whistleblower from the moment that the whistleblower decides to defend itself against the employer's acts. For this purpose, a person who filed a request for the grant of protection may ask a public prosecutor or a court (in judicial proceedings) or an administrative authority to issue a confirmation that such person is a whistleblower; the public prosecutor, the court or administrative authority will recognise their whistleblower status, but their identity will not be disclosed. Such confirmation may be used to request the suspension of an employment-related act.

8. INFORMING WHISTLEBLOWERS OF THE OUTCOME OF INVESTIGATING A COMPLAINT

The designated officer will inform the person who filed the complaint in writing or by e-mail of the outcome of the investigation into the complaint within 10 days from investigating the complaint.

9. EFFECTIVENESS OF THE INTERNAL POLICY

This policy is effective and binding upon all employees from the date of its issuance by the Company's statutory body.