



COLLECTION OF DECISIONS AND ORDINANCES OF THE UNIVERSITY OF SOUTH BOHEMIA IN ČESKÉ BUDĚJOVICE

No R 529

Date 19. 9. 2023

Rector's Ordinance on the internal notification system

PART ONE GENERAL PROVISIONS

Article 1 Legal regulation

1. The reporting of possible infringements is regulated by:
 - a) [Directive \(EU\) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of whistleblowers](#) ('the Directive'); and
 - b) [Act No 171/2023, on Whistleblower Protection](#) (hereinafter referred to as the 'Act').
2. The latest version of EU legislation is available at <http://eur-lex.europa.eu/cs/index.htm>. An unofficial up-to-date version of Czech legislation is available e.g. at <https://www.aspi.cz/menu/search>.

Article 2 Subject and purpose of the regulation

1. This measure regulates the submission and assessment procedure for notifications of possible infringements.
2. The purpose of this measure is to ensure a high level of protection for the whistleblower and others by establishing an effective, confidential, and secure internal whistleblowing system and ensuring that whistleblowers are afforded effective protection.

Article 3 Material scope

This measure relates to a possible infringement that:

- a) has the characteristics of a crime,
- b) has the characteristics of a misdemeanour for which the law sets a fine of at least CZK 100,000,
- c) violates the whistleblower protection act, or



- d) violates another legal regulation or a regulation of the European Union in the field of:
- i. financial services, due diligence and other assurance services, financial products, and financial markets
 - ii. corporate income tax,
 - iii. prevention of money laundering and terrorist financing,
 - iv. consumer protection,
 - v. compliance with product requirements, including product safety,
 - vi. transport, traffic and road safety,
 - vii. environmental protection,
 - viii. food and feed safety and animal health,
 - ix. radiation protection and nuclear safety,
 - x. competition, public auctions, and public procurement,
 - xi. protection of internal order and security, life and health,
 - xii. protection of personal data, privacy and security of electronic communications networks and information systems,
 - xiii. protection of the European Union's financial interests,¹ or
 - xiv. the functioning of the internal market,² including the protection of competition and state support under European Union law.

Article 4 **Personal scope**

1. A whistleblower is a natural person who has made a report of a possible infringement falling within the material scope of this measure that has occurred or is about to occur at USB,
 - a) for which the whistleblower, even indirectly, has performed or is performing work or other similar activity; or
 - b) with whom the whistleblower has been or is in contact in connection with the performance of work or other similar activity.
2. For the purposes of this ordinance, work or other similar activity means
 - a) dependent work performed in a basic employment relationship,
 - b) service,
 - c) volunteering, or
 - d) professional practice, internship.
3. For the purposes of the regulation, work or other similar activity includes applying for a job or other similar activity.

¹ Article 325 of the Treaty on the Functioning of the European Union.

² Article 26(1) and (2) of the Treaty on the Functioning of the European Union.



Article 5

Definition of certain terms

For the purposes of this ordinance, it means:

- a) possible unlawful acts or omissions within the material scope of this ordinance, which are unlawful or frustrate the object or purpose of the rules falling within the material scope of this regulation,
- b) information about possible infringements information, including reasonable suspicion, about actual or potential infringements that have occurred or are likely to occur on USB and attempts to conceal such infringements,
- c) disclosing or making available to the public information about possible wrongdoing.

Article 6

Competent person

1. Only a natural person who is of good character, of legal age and fully capable of exercising his/her legal capacity may be a competent person. The integrity of the competent person and its proof is regulated by Section 10 of the Act.
2. The competent person and the substitute competent person shall be appointed, and their appointment revoked by the Rector. The tasks of the competent person shall be carried out by the competent person; if there is no competent person or if there is reason to believe that there is a conflict of interest, the tasks of the competent person in relation to the notification in question shall be carried out by the substitute competent person. What is said in this ordinance about the competent person shall apply mutatis mutandis to the substitute competent person.
3. The competent person is bound by confidentiality with regard to the performance of his/her tasks pursuant to Section 11 of the Act. The obligation of confidentiality of the competent person shall continue even after the revocation of his designation. The competent person shall not be sanctioned for the proper performance of activities under this regulation.

PART TWO

INTERNAL NOTIFICATION SYSTEM

Article 7

Information on the option to report

In particular, the competent person shall publish the following on the USB website regarding the reporting of possible infringements:

- a) an invitation to report through the internal report system if the possible infringement can be effectively addressed internally and if the whistleblower believes that there is no risk of retaliation,
- b) information on how to report through the internal report system and how to report to the Ministry of Justice,



- c) the name of the person concerned, his or her telephone number and e-mail address or other address for service,
- d) a statement that USB excludes the receipt of notifications from a person who does not perform work or other similar activity for USB under section 2(3)(a), (b), (h) or (i) of the Act,
- e) a statement that USB will not consider an anonymous report of a possible violation,
- f) reference to this ordinance, the Act and the Directive.

Article 8

Requirements for the internal report system

1. The internal report system for receiving reports shall be designed, implemented, and operated in a secure manner that protects the confidentiality of the identity of the whistleblower and any third parties mentioned in the report and prevents access by unauthorised persons.
2. The operator of the internal report system shall be technically responsible for the operation of the internal report system on the basis of a contract with USB, in accordance with the instructions of the competent person.

Article 9

Particulars of the report

The report shall contain the name, surname and date of birth or other information from which the identity of the whistleblower can be inferred; the information concerning the identity of the whistleblower shall be presumed to be true. The report need not contain the particulars referred to in the first sentence if it is made by a person whose identity is known to the person concerned.

Article 10

Report submission

1. Reports via the internal report system can be submitted in writing via the Oznam.to application available on the website: <https://oznam.to/> or to the USB headquarters at Branišovská 1645/31a, 370 05 České Budějovice, in the hands of the relevant person.
2. Reports through the internal report system can be made verbally by calling the relevant person.
3. Reports by the internal report system may be made in writing or orally in person to the competent person by prior agreement; personal submission shall be allowed no later than 14 days from the date on which the whistleblower so requests.

Article 11

Recording of oral reports

1. The oral report shall be audio-recorded or a record shall be made which faithfully captures the substance of the oral report. An audio recording of the oral report may be made only with the



- consent of the whistleblower.
2. The competent person shall give the whistleblower the opportunity to comment on the recording or transcript of the sound recording, if made; the whistleblower's comments shall be attached to the recording or transcript.

Article 12

Acknowledgement of receipt of report

The competent person shall notify the whistleblower in writing of the receipt of the report within 7 days of its receipt, unless

- a) the whistleblower has expressly requested the person concerned not to notify him or her of the receipt of the report; or
- b) it is clear that the report of receipt of the report would reveal the identity of the whistleblower to another person.

Article 13

Deadline for the assessment of legitimacy

1. The competent person shall assess the legitimacy of the report without undue delay, and no later than 30 days from the date of receipt of the report.
2. In cases of factual or legal complexity, the time limit referred to in paragraph 1 may be extended by up to 30 days, but not more than twice. The competent person shall inform the whistleblower in writing of the extension of the time limit and the reasons for it before the expiry of the time limit, unless the reason for not acknowledging receipt of the report pursuant to Article 12 prevents this.

Article 14

Assistance in the assessment

USB employees, members of the USB bodies and students are obliged to provide the relevant person with assistance in assessing the validity of the report, to provide him/her with documents or copies of relevant documents and other documents necessary for the assessment of the report, or to provide explanations upon written request.

Article 15

Evaluation of the report

1. If the competent person, when assessing the legitimacy of a report, finds that it is not a report under this ordinance, he shall inform the whistleblower in writing without undue delay.
2. If the report is found to be legitimate, the competent person shall propose USB measures to prevent or remedy the infringement. If the whistleblower does not carry out work or other similar



activity for USB, the competent person shall propose remedial measures to the person for whom the whistleblower carries out work or other similar activity unless the nature of the matter precludes it. If USB does not accept the measures proposed by the competent person, it shall take other appropriate measures to prevent or remedy the unlawful condition.

Article 16

Feedback

1. The USB body shall immediately inform the person concerned of the measure taken, who shall inform the whistleblower in writing without undue delay unless this is prevented by the reason for not acknowledging receipt of the report pursuant to Article 12.
2. If the report is not found to be justified, the competent person shall inform the whistleblower in writing without undue delay that, on the basis of the facts stated in the report and the circumstances known to him, he does not suspect that an infringement has been committed, or that the report is based on false information, and shall instruct the whistleblower of his right to file a report with a public authority or with a USB body.

Article 17

Maintaining confidentiality

1. The competent person shall not provide information that could defeat or undermine the purpose of the report. This obligation shall also apply to any third party who gains access to reports or records of data on reports received in contravention of section 21(3) of the Act.
2. Information about the identity of the whistleblower and the person referred to in Section 4(2) of the Act may be provided only with their written consent unless the person concerned is obliged to provide such information to the relevant public authorities under other legal regulations. The same applies to any other information from which the identity of these persons could be inferred, directly or indirectly.
3. If the competent person provides information on the identity of the whistleblower to a public authority pursuant to paragraph 2, he shall inform the whistleblower thereof in advance, together with the reasons for which he is obliged to provide the information on the identity and allow the whistleblower to comment on the provision of the information.
4. Personal data which are manifestly irrelevant to the processing of the report shall not be collected and, if obtained by accident, shall be deleted without undue delay.

Article 18

Recording and retention of reports

1. The competent person is obliged to keep an electronic record of the data on the reports received,



- to the extent of
- a) the date of receipt of the report,
 - b) the name, surname, date of birth and contact address of the whistleblower or other information from which the identity of the whistleblower can be inferred if known,
 - c) a summary of the content of the report and identification of the person against whom the report was directed if his identity is known,
 - d) the date of completion of the assessment of the validity of the report by the competent person and its outcome.
2. The competent person shall keep the report submitted through the internal report system and the documents related to the report for 5 years from the date of receipt of the report.
 3. Only the competent person shall have access to the records referred to in paragraph 1, to the documents relating to the report and to the reports kept pursuant to paragraph 2 in the case of reports made through the internal report system.

PART THREE PROHIBITION OF RETALIATION

Article 19 Prohibition of retaliation

1. For the purposes of this ordinance, a retaliatory measure means an act or omission in connection with the whistleblower's work or other similar activity that was triggered by the making of a report and that may cause harm to the whistleblower or a person referred to in section 4(2) of the Act.
2. Any form of retaliation, including threats and attempts at retaliation, is prohibited.
3. A retaliatory measure may be, in particular:
 - a) termination of the employment or non-renewal of the fixed-term employment relationship,
 - b) exemption from service, out-of-service assignment or termination of service,
 - c) the termination of a legal relationship based on an agreement to perform work or an agreement to work,
 - d) removal from the post of senior staff member or from the post of superior,
 - e) the imposition of a disciplinary measure or disciplinary penalty,
 - f) a reduction in salary, wages or remuneration or the non-award of a personal allowance,
 - g) transfer or reassignment to another job or post,
 - h) a service appraisal or performance review,
 - i) not allowing professional development,
 - j) change of working or service hours,
 - k) requiring a medical report or an occupational health examination,
 - l) notice or withdrawal from the contract, or
 - m) interference with the right to protection of personality.



PART FOUR FINAL PROVISIONS

Article 20 Repeal provisions

Rector's Ordinance No R 485, on the report of breaches of EU law through an internal channel, is repealed.

Article 21 Effect

This ordinance shall enter into force and effect on the date of its publication in the collection of the Rector's decisions and ordinances in the public section of the USB website.

prof. PhDr. Bohumil Jiroušek, Dr.
Rector

Prepared by: Legal Office

Distribution list: USB management, Deans of Faculties, Directors of other USB units, faculty secretaries