

## **Information for Whistleblowers Resulting from Act No. 54/2019 Coll. on the Protection of Whistleblowers of Anti-Social Activity and on Amendments and Additions to Certain Acts (hereinafter referred to as "the Act")**

In accordance with Section 10 (5) of the Act, the Slovak National Theatre (hereinafter also referred to as "SND") discloses the following information:

### **Identification of the Responsible Person:**

SND Chief Controller

The Slovak National Theatre

Pribinova 17, 819 01 Bratislava

**A whistleblower** is a natural person who, in good faith, makes a disclosure to the authority responsible for receiving the disclosure or to the employer.

**A natural person** who makes a disclosure in good faith and whose employment relationship or other similar relationship has ended **shall also be deemed to be a whistleblower** if he or she became aware of information about anti-social activity during the duration of that employment relationship or other similar relationship,

- he/she makes a disclosure and his/her employment relationship or other similar relationship has not yet been established if he/she has become aware of information about anti-social activity during the recruitment procedure or in the context of a pre-contractual relationship,
- made a disclosure anonymously, and her/his identity was revealed,
- disclosed information about anti-social activities which came to his/her knowledge during the recruitment procedure or in the context of pre-contractual relations and his/her employment relationship or other similar relationship has not yet come into existence or during the duration of the employment relationship or other similar relationship or after the termination of the employment relationship or other similar relationship on the grounds that:
  - he/she made a disclosure through the internal system for verification of disclosures and was not informed of the outcome of the verification or appropriate action was not taken, and subsequently made such a disclosure to the authority responsible for receiving the disclosure and was not informed of the status of the verification or the outcome of the verification within a reasonable period of time,

- has made a disclosure to the authority responsible for receiving the disclosure and has not been informed of the status of the verification or the result of the verification within a reasonable period of time,
- there is a reasonable concern that the anti-social activity may constitute an imminent or obvious threat to the public interest, or,
- there is a reasonable concern that he or she would be subject to a sanction if he or she were to make a disclosure to the authority responsible for receiving the disclosure, or, in the particular circumstances of the case, that the authorities responsible for receiving the disclosure would not provide for an impartial and independent verification of the facts set out in the disclosure,

Where the identity of the whistleblower can be inferred from the content of the disclosure or from the information contained in the disclosure, the person responsible shall not communicate such information to the staff member concerned or to the Director General but shall invite him/her only to state or provide the facts necessary for reliable verification of the disclosure.

In the case of applications for disclosing information under Act No. 211/2000 Coll. on Free Access to Information and on Amendments and Supplements to Certain Acts (Act on Freedom of Information), as amended, the responsible person shall not disclose data on the whistleblower or the subject matter or other personal data to the applicant.

### **Methods of Making Disclosures:**

**The employees of the SND, natural persons whose employment relationship or other similar relationship has ended if they have become aware of information about antisocial activity during the duration of this employment relationship or other similar relationship, and natural persons whose employment relationship or other similar relationship has not yet been established, if they have become aware of information about antisocial activity during the recruitment procedure or within the framework of pre-contractual relationships, may submit a disclosure of antisocial activity to the responsible person in the following ways:**

- electronically to the e-mail address: kontrolor@snd.sk, which is available 24 hours a day,
- in writing to the following address: Slovak National Theatre, Pribinova 17, 819 01 Bratislava, in a properly sealed envelope marked "A DISCLOSURE OF ANTI-SOCIAL ACTIVITY - DO NOT OPEN",
- in person to the SND office in a properly sealed envelope marked "A DISCLOSURE OF ANTI-SOCIAL ACTIVITY - DO NOT OPEN", on working days between 9.00-12.00 and 12.30-15.00.

## **Information on the Procedures for Making such Disclosure to the Authority Competent to Receive the Disclosure:**

### **The Authority Competent to Receive the Communication is:**

- the Whistleblower Protection Office,
- the public prosecutor's office or
- the agency competent for the proceedings for an infringement which constitutes a serious antisocial activity under **Section 2(d)(3) and (4) of the Act**; or
- the competent institution, body, office or agency of the European Union.

The authority competent to receive the disclosure under Section 22(5) of the Act shall indicate in a concise and comprehensible form in a section accessible from the front page of its website:

- (a) an electronic address, a postal address and a telephone number for making the disclosure,
- (b) the procedure for receiving and verifying the disclosure and the action to be taken by the authority competent to receive the disclosure in response to the disclosure,
- (c) remedies and procedures to protect against employment actions without the consent of the Office, if consent is required, or other sanctions against the whistleblower, information about where to turn, how to deal with a particular situation, and contact details of the Office for the purpose of providing advice under Section 13(6)(g),
- (d) an indication of the conditions under which Section 1(4) and Section 2(a)(4) apply to the whistleblower,
- (e) the conditions for protection under this Act,
- (f) information on the processing of personal data under special regulations.<sup>17a)</sup>

The Office for the Protection of Whistleblowers receives information on anti-social activities:

- electronically with a certified signature via the Central Portal of Public Administration [www.slovensko.sk](http://www.slovensko.sk),
- by post to the address: Úrad na ochranu oznamovateľov, Námestie slobody 29, 811 06 Bratislava and
- in person at the Office's registry.

Reporting of antisocial activities can also be made using the form published on the Authority's website <https://www.oznamovatelia.sk/chcem-oznamit/> or by calling the free info-line 0800 221 213.

## **Information on the Possibilities of Protection under Sections 3, 5 and 12 of the Act:**

### **Providing Protection in Criminal Proceedings**

#### Section 3

(1) A claim for protection in the case of a reporting of a serious anti-social activity which constitutes a criminal offence may be made by the reporting party at the same time as the reporting or during the criminal proceedings; the application shall be made to the public prosecutor in writing or verbally on record. If a claim for whistleblower protection is made to another public authority, the authority shall immediately forward the request to the public prosecutor.

(2) A claim for protection under subsection (1) shall include the name, surname, date of birth and residence of the whistleblower making the application, the place of work of the whistleblower and the name of the whistleblower's employer; the application shall also include the details of a close person if he or she is in an employment relationship with the same employer as the whistleblower, or is in an employment relationship with an employer who is dependent in relation to the employer of the whistleblower and the whistleblower is applying for the protection of that close person as well.

### **Providing Protection in Administrative Offence Proceedings**

#### Section 5

(1) A claim for protection upon the disclosure of a serious anti-social activity which constitutes an administrative offence may be made by the whistleblower at the same time as the report or during the administrative offence proceedings; the claim for protection shall be made in writing or verbally on the record to the authority competent for the administrative offence proceedings (hereinafter referred to as the "agency"). If a request for whistleblower protection is made to another public authority, the authority shall immediately forward the request to the competent authority referred to in the first sentence.

(2) A claim for protection under subsection (1) shall include the name, surname, date of birth and residence of the whistleblower making the application, the place of work of the whistleblower and the name of the whistleblower's employer; the application shall also include the details of a close person if he or she is in an employment relationship with the same employer as the whistleblower, or is in an employment relationship with an employer who is dependent in relation to the employer of the whistleblower and the whistleblower is applying for the protection of that close person as well.

## **Section 12 Suspension of an Employment Act**

(1) If the whistleblower believes that an employment action has been taken against him or her in connection with the disclosure with which he or she disagrees, the whistleblower may apply to the Authority within 15 days of the date on which he or she became aware of the employment action to have the employment action withheld from taking effect.

(2) The Authority shall immediately suspend the effect of an employment action under paragraph (1) if the time limit under paragraph (1) has been complied with and the employer fails to prove within a reasonable time specified by the Authority that the employment action is not causally related to the disclosure. The Authority shall issue a confirmation of the suspension of the employment act and deliver it to the employer and the whistleblower.

(3) The confirmation under subsection (2) shall state the name, surname, date of birth and residence of the whistleblower, the name of the employer and the employment act, which shall be inoperative. If the Authority does not comply with the request under paragraph 1, it shall notify the applicant in writing of the reasons for not suspending the employment act.

(4) The suspension of the employment act shall commence on the date of the delivery of the confirmation under subsection (2) to the whistleblower. A decision which is an act of employment law shall be deferred from being enforceable by suspension.

(5) On delivery of the confirmation under paragraph (2), the Authority shall inform the applicant in writing of the possibility of filing a petition for an urgent measure with the court and of the related consequences under paragraph (6).

(6) The period of employment suspension shall end on the expiry of 30 days from the date of the delivery of the confirmation under subsection (2) to the whistleblower. The delivery of the application for an interim measure to the court during this period extends the duration of the suspension of the employment act until the court's decision on the application becomes enforceable.

(7) The provisions of paragraphs (1) to (6) shall also apply mutatis mutandis to persons referred to in Section 1(4).

## **Information on the Internal System for Verifying Disclosures:**

The SND Directive No. 10/2023 Internal System for Receiving, Verifying, Registering and Processing Notifications of Anti-Social Activity regulates the details of:

- filing, verifying, registering and processing of disclosures of antisocial activities under Section 2(b) of the Act (hereinafter referred to as the "disclosure"),

- the rights and obligations of the responsible person when verifying disclosures under Section 10 of the Act,
- confidentiality of the identity of the whistleblower under Section 2(a) of the Act and the identity of the data subject under Section 2(h) of the Act,
- informing the whistleblower of the outcome of the verification of his/her disclosure,
- processing of personal data referred to in the disclosure,
- taking measures to eliminate shortcomings identified during the verification of the disclosure (hereinafter referred to as "the measure"), communicating with the disclosing party regarding these measures and taking measures against the obstruction of the reporting of anti-social activities.