

**SLEZSKÁ
UNIVERZITA**



Methodological Instruction of the Rector No. 1/2022

Notification of Infringements of EU Law

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Article 1

INTRODUCTORY PROVISIONS

- 1) This guideline governs the way in which the conditions for fulfilling the duties of the Silesian University in Opava (hereinafter referred to as “the University”) arising from Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons, i.e. the obligation to ensure and organize the protection of persons who report the infringements of European Union law (hereinafter referred to as the “EU Directive”) are established.
- 1) The notifier of a breach of EU law may be a natural person, in particular an employee, a student, a job seeker or a student, a trainee, a supplier, or a candidate for a public contract. The notification may also be made anonymously.
- 2) The subject of the notification is information about a possible infringement that the notifier has learned about in connection with work or other similar activity that has the characteristics of a crime or offence or violates EU law or regulation in one of the areas defined by the EU Directive.
- 3) The main objective of protection of a notifier is to enable the detection of infringements taking place at a university or in the course of work (or other similar activities) of which employees and persons in a similar position do not routinely inform the employer, in particular for fear of losing their job or other penalties.
- 4) Accordingly, and in accordance with the EU Directive:
 - a) the Rector shall designate a person (hereinafter referred to as the "designated person") who shall be entitled at the university-wide level to receive notifications, investigate, and assess their legitimacy and veracity, and to propose remedial measures, and shall be

responsible for notifying the notifier within the specified time limits, and shall be responsible for keeping the notifications and keeping their records,

- b) notifiers shall be given the opportunity to submit a notification in such a form as to be accessible only to a designated person, thereby ensuring the protection of their identity and that of other persons and information included in the notification (confidentiality).
- 5) The designated person must be independent and trustworthy, must be properly instructed in his/her function and must have the appropriate conditions for the performance of his/her duties. He/she is obliged to maintain confidentiality about the notifications received and the results of the investigation, even after the completion of this activity.
- 6) A secure channel for receiving, processing, recording, and storing notifications is a secure communication platform of FaceUp Technology s.r.o. (hereinafter referred to as the "Secure Application").

Article 2

Modalities and Conditions for the Submission of Notifications

- 1) Internal processes related to the receipt of notifications, technical conditions and the method of organizational security are set up in such a way that they guarantee anonymity for the notifier as well as for the management of individual submissions and allow setting deadlines for the processing of notifications.
- 2) Notifications of infringements of EU law may be made:
 - in writing to the address of the university registry in a sealed envelope, which must be legibly marked "NOTIFICATION OF INFRINGEMENT OF EU LAW – DO NOT OPEN";
 - electronically via a secure application available on the University's website (web form or voice recording);
 - by phone to the designated person on working days from 8 a.m. to 4 p.m. on the phone number: 553 68 4010;
 - in person (after the prior agreement with the designated person).
- 3) All notification channels, including electronic ones, shall be secured so that only a designated person has access to them. The Bursar is responsible for the appropriate setting of the secure application in cooperation with the Head of the Legal Department of the Rector's Office.
- 4) Information on the possibilities of submitting notices is publicly available on the University's website in the About the University/Further links/Official notice board and information to be published/ Submission of notices, suggestions, and complaints / Infringement of EU law.
- 5) Submissions made orally on the basis of a personal or telephone conversation must be recorded in writing by the designated person, which in terms of content reasonably corresponds to the protocol under Section 18 (2) of the Code of Administrative Procedure and faithfully reflects the essence of the oral notification. In such a case, the notifier shall be given the opportunity to comment, and his/her comments shall be attached to the record.
- 6) In addition to the above methods, the notification may be submitted via an external notification system of the Ministry of Justice or subject to the fulfilment of legal conditions by publication.

Article 3

Handling, Processing, and Storage of Notifications

- 1) The designated person is obliged to comply with the EU directive and the available methodology issued by the Ministry of Justice or other competent institutions, and to follow binding procedures for the handling, processing, and storage of notifications.
- 2) Received notifications, regardless of the form of submission, are registered in a secure application and are not subject to registration in the IS SU according to the File Regulations of the University of Silesia in Opava.
- 3) The designated person shall notify the notifier of the receipt of the notification no later than 7 days after the date of receipt of the notification.
- 4) Subsequently, the designated person carries out a preliminary assessment of the notification, i.e., whether it is a notification under the EU Directive, whether the facts stated therein have been established in connection with the work or other similar activity, what type of infringement it is, and whether the reported conduct can be resolved internally within the university.
- 5) If the designated person concludes that the notification is not an EU Directive notification, he/she must inform the notifier within 3 months of notification of receipt of the notification or, if the notifier has not been notified of receipt, of receipt of the notification.
- 6) Where the notification complies with the conditions set out in paragraph 4, the designated person shall examine the information contained in the notification. To do so, he/she is entitled to require documents or other things necessary for the assessment, explanation, access to offices and other premises of the University, etc.
- 7) All employees of the University are obliged to provide sufficient cooperation in the investigation of the notification.
- 8) Where possible and meaningful following an examination of the notification, the designated person shall propose to the Rector a recommendation for corrective action, which shall not make it clear who the notifier is, nor shall it disclose any other information contained in the notification.
- 9) The designated person shall at all times inform the notifier of the outcome of the investigation and of the measures planned or taken, within the time limits specified in paragraph 5.
- 10) In justified cases, the designated person is obliged to forward the notification to law enforcement authorities, administrative punishment authorities or other relevant public authorities. For this procedure, the designated person shall seek the opinion of a lawyer of the University, without prejudice to the protection of the notifier or to the confidentiality of the notification.
- 11) At the end of each calendar quarter, the designated person shall provide the Rector with summary information on the cases investigated in which the outcome of the corrective action has not resulted, while respecting the principles of the protection of the notifier and the confidentiality of the notification.
- 12) The designated person is obliged to keep records of notifications and related data and keep them in a secure application. The notification record shall contain the following information:
 - date of receipt of the report,
 - the name, names where appropriate, surname, date of birth and contact address of the notifier, if known,
 - a summary of the content of the notification and the identification of the person against whom the notification was made, if known,
 - assessment of the reasonableness of the notification and its outcome,
 - the date of completion of the investigation of the notification.
- 13) In the event of further inquiries (or by other public authorities), the period of imposition is specified

for 5 years. After this period, the designated person archives notifications and shreds related documentation in a secure application.

- 14) In the event of the termination of the designated person's activity, the designated person must be denied access to the secure application, and the new designated person must be granted access, including any details of pending or stored notifications. Should such a person not be designated, all documents must be packaged and secured against unauthorised access and handed over to the data protection officer for storage.

Article 4

Common and Final provision

This instruction shall enter into force on the day of publication on the Intranet and shall take effect on 1.6.2022.

In Opava, date

doc. Ing. Pavel Tuleja, Ph.D.
Rector

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