

Whistleblowing Policy

We are convinced that whistleblowers make a great contribution to democracy and the rule of law through their courageous efforts. Pointing out breaches of the law and serious abuses must not itself be a breach of the law. We therefore jointly advocate better legal protection for whistleblowers and want to live up to this conviction in our own organizations. We are therefore committed to complying with this policy.

We understand the statute and adherence to these rules as a commitment to internal organizational democracy. We will therefore give effect to this policy in the legal and working relationships of our organizations. To this end, we will inform everyone who works in or with our organization of its validity. We agree to continuously develop this policy in order to promote civil courage within our organizations.

We invite all civil society organizations to join us in practicing intra-organizational democracy and freedom of expression.

1. We ensure that individuals working in or for our organizations do not suffer reprisals for justified whistleblowing. Instead, we ensure that their indications of significant misconduct are followed up in an orderly manner.
2. Whistleblowers can report information that relates to criminal conduct, conduct prohibited as discriminatory under the General Equal Treatment Act, other significant violations of law, or other significant misconduct in our organizations (all collectively: "**significant misconduct**").
3. **Whistleblowers within the meaning of this Policy** may be: All employees, trainees, interns, association members, service providers and volunteers of our organizations. This policy also applies to persons whose employment relationship has not yet begun and who have obtained information about significant misconduct during the hiring process or other pre-contractual negotiations, as well as to persons whose employment relationship has already ended.
4. Whistleblowing is justified within the meaning of this Policy if whistleblowers could assume in **good faith** (i.e. without any knowing or grossly negligent errors of judgment) that the information they provided was true and covered by this Policy. Whistleblowers are also justified in obtaining information in good faith that they deem necessary for this purpose. The motivation for whistleblowing, if justified, is irrelevant to the protection of whistleblowers.

5. Whistleblowers can report significant misconduct both within their organization (internal) and to government authorities (external). They are free to choose whether to report internally or externally. Disclosure of information about significant misconduct is only authorized under additional conditions (see section 8).
6. We set up a **joint internal reporting office**. To this end, we involve a person of trust who assumes the tasks of the internal reporting office for our organizations. They must receive all reports of significant misconduct. It also accepts anonymous reports. The internal reporting office must investigate reports and recommend follow-up measures to the management level of the organization concerned. This only does not apply if the misconduct is obviously minor or the reports are recognizably knowingly false or originate from persons who have no closer relationship to the organization. In this case, the decision shall be explained to the whistleblowers in writing upon request. Each participating organization shall issue rules of procedure for internal reports and publish them on its website. The confidentiality requirement applies; without the express consent of the whistleblowers, the person of trust may not disclose personal information, such as the identity of the whistleblowers or circumstances that allow conclusions to be drawn about the identity, to third parties, unless it is required to do so by law. The identity of the accused person(s) will also be treated confidentially and disclosed exclusively for purposes that serve to clarify the facts of the case. The person of trust can also be contacted by whistleblowers to advise them on whether a whistleblowing they are considering would be justified. Other internal reporting channels and rights of complaint (e.g. works council, anti-discrimination officers) remain unaffected. The persons concerned are also free to choose whom they contact in this respect.
7. **External reporting bodies** include public prosecutors' offices, the authorities mandated by the German Implementation Act to implement Chapter III of the Whistleblowing Directive (2019/1937), and other authorities responsible for the respective legal violations.
8. The **public disclosure of information** about significant misconduct is justified if the whistleblower had a good-faith belief that no appropriate follow-up action would be taken within the applicable time limits (in the case of internal reporting, see the Rules of Procedure). A disclosure is also justified before or at the same time as a report if the whistleblowers were entitled to assume in good faith that the internal or external report, for example due to a lack of implementation of this Policy, there was little prospect that effective action would be taken against the reported significant misconduct on the basis of the internal or external report, or that the previous internal or external report would be punished with reprisals. The same applies if they were entitled to assume in good faith that a significant risk to the organization, its employees, third parties or the general public would arise if the internal or external report had been made previously, for example

because an emergency situation exists or because irreparable damage would result without immediate disclosure. The same applies if the reported significant misconduct is so serious or repeated that the public has a legitimate interest in learning about it.

- 9.** Based on justified whistleblowing, we may **not take any reprisals** such as suspensions, dismissals, negative performance appraisals, claims for damages, salary reductions, disciplinary measures, non-conversion of a fixed-term employment contract into a permanent employment contract or similar measures. If such action is taken against whistleblowers in close temporal relation to their legitimate whistleblowing, it is presumed to be a prohibited reprisal. We must also protect whistleblowers from other forms of discrimination, such as bullying, intimidation and discrimination.
- 10.** The Policy will enter into force on October 4, 2023. In the months following the adoption of this Policy, we intend to develop a system for **evaluating** compliance with the rules set forth herein. We will inform everyone who works in our organization about the validity of this Policy after its adoption.

on behalf of the Board of Directors

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Executive Director, The Document Foundation

Appendix: Rules of Procedure for Internal Reports

The Rules of Procedure are based on the proposal of the “Gesellschaft für Freiheitsrechte“ (Society for Civil Liberties) before the Whistleblower Protection Act (HinSchG) came into force and therefore could not take its provisions into account. The Rules of Procedure must therefore be applied in such a way that they provide protection to at least the same extent as would apply if there were an existing obligation to set up an internal reporting office in accordance with the HinSchG.

§ 1 Whistleblowers can contact the reporting office at any time with their **report**, either verbally or in writing, in analog or digital form. The whistleblower should state in the report whether their identity should be treated openly or confidentially, or whether they wish to remain anonymous to the reporting office. The report should contain:

- a) the nature and circumstances of the reported misconduct,
- b) the persons responsible for the misconduct, if known,
- c) the facts and evidence, if any, that the whistleblower believes establish significant misconduct and the responsibility of the named individuals,
- d) the nature and whereabouts of any other evidence that would support the whistleblower's allegations, if known.

§ 2 The reporting office must confirm receipt of the report to the whistleblower in writing in a timely manner, but no later than seven working days after **receipt of the report**. At the same time, this confirmation should contain possible follow-up questions or requests for additional information on the report within the meaning of § 1 letters a) to d).

§ 3 After receipt of the report, the reporting office shall offer the whistleblower the **possibility of an oral hearing**, in which follow-up questions and additional information can also be clarified. The whistleblower shall be kept informed of the status of the proceedings throughout the entire procedure, unless otherwise requested. However, they are not obliged to participate in the further proceedings, in particular to make further statements, to attend oral hearings, or to confront the person responsible for the reported misconduct.

§ 4 After receiving the report, the internal reporting office must **investigate**. To this end, it may inspect internal organizational documents, summon the persons concerned to hearings and appear at management level meetings, such as board meetings. Internal organizational secrets do not prevent investigations. Subpoenaed persons are required to appear within a reasonable period of time to be determined. Each organization shall designate a contact person to assist the internal unit in the investigation and to be available to answer questions.

§ 5 Promptly after the internal reporting unit has completed its investigation, but no later than four weeks after receipt of the report, the internal reporting unit shall prepare a **final report**. This final report must contain:

- a) the information from the original notification to a significant misconduct,
- b) a statement of all relevant findings of fact that have arisen in the course of the investigation, as well as all evidence on which these findings are based, insofar as this does not disproportionately burden personal rights,
- c) The significant misconduct identified by the reporting office (including the harm caused, if any, and the impact on the organization and other affected parties) or reasoned notification that no significant misconduct has been identified,

- d) Recommend actions based on these conclusions to remedy, sanction and prevent the identified significant misconduct in the future (follow-up actions).

The final report must be forwarded to all persons affected by it, the whistleblower and the management level of the organization concerned, such as the association's board of directors.

§ 6 The management level of the organization concerned, e.g. the board of directors of the association, must issue a **statement** on the final report in a timely manner, but no later than four weeks after receipt of the final report from the internal reporting office. In duly justified cases, the reporting office may, upon request, extend the deadline to three months. The whistleblower must be informed of the extension of the deadline. The statement shall contain information as to whether and what follow-up measures will be taken. The taking or omission of all follow-up measures recommended in the final report shall be justified in the statement. The statement shall be forwarded to all persons concerned, the whistleblower and the internal reporting office.

§ 7 The whistleblower and the internal reporting office have the right of **appeal** against the statement, either individually or jointly. The complaint can be filed within four weeks after delivery of the statement. In this case, the complainants must be heard by the management level, such as the association's board of directors. The management level, e.g. the board of directors of the association, shall decide on the complaint in a timely manner, but no later than four weeks after receipt.

§ 8 If at the beginning or during the procedure the **suspicion of bias** of one of the decisive persons in the internal reporting office or in the management level of the organization, such as the board of directors of the association, arises, this can be reprimanded by the whistleblower or the internal reporting office. If the reprimand concerns a person in the internal reporting unit, the reprimand shall be decided by the management level of the organization, such as the board of directors of the association. If the reprimand concerns a person belonging to the management level, such as the board of directors, the management level shall decide on the reprimand excluding this person. If the complaint concerns all persons of the management level, the internal reporting office also decides on the complaint raised by it. The person making the complaint and the person to whom the complaint relates must be heard. The decision must be made promptly, but at the latest within five working days of receipt of the complaint. A person is to be declared biased if, based on the plausible presentation of the person making the complaint, it appears to be possible that they were involved in the alleged significant misconduct, i.e. that they committed it, concealed it or otherwise aided and abetted it. Involvement does not have to be proven; concrete suspicion is sufficient. If the deciding body establishes bias, it must ensure that the person concerned no longer plays a decisive role in the further proceedings and, if necessary, appoint a replacement for them. The person concerned may also report the suspicion of their own bias themselves. In this case, the provisions on reprimands under this rule shall apply accordingly.