



MINISTRY OF FOREIGN AFFAIRS
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WHISTLEBLOWER POLICY

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FOREWORD BY THE SENIOR MANAGEMENT

The Ministry of Foreign Affairs of Denmark (MFA) is committed to maintaining the highest standards of integrity and professionalism among our staff and in our organisation, and thereby ensuring the proper administration of public funds. To achieve these aims, it is important that we have an organisational culture at the MFA that ensures openness about mistakes, enabling us to learn from them and make improvements for a better workplace that delivers better services.

It is our impression that MFA staff are largely comfortable with contacting their immediate manager or trade union representative to point out errors, negligence or inappropriate behaviour. However, there may be cases of such serious suspected illegalities or irregularities (e.g. criminal offences, serious violations of internal guidelines or sexual harassment) that an employee has reason to prefer using the MFA's whistleblower mechanism. The whistleblower mechanism is thus a supplement to the open day-to-day communication that already exists at the MFA.

This policy, which is relevant for all MFA staff, provides a detailed description of the whistleblower mechanism. The mechanism ensures that all reports are treated seriously and with the highest possible safety for both the whistleblower and the person or persons being reported. Employees, who report through the mechanism and wish to remain anonymous, can do so without fear that their identity will be revealed to anyone other than the employees who process the report.

It is in the interests of the MFA that we identify errors, illegalities and undesirable conduct. Experiences from the MFA whistleblower mechanism show that that it is a relevant and useful channel for taking action in certain cases, learning from them, and thereby improving the organisation. Fortunately, the majority of cases are handled through day-to-day channels in the relevant unit – and this is the way we should continue to deal with such issues. However, if the circumstances warrant, all MFA staff are encouraged to make use of the whistleblower mechanism. This is our shared responsibility.

1 INTRODUCTION

The [Danish Whistleblower Act](#) became effective on 17 December 2021. Provisions of the act include among other things the requirement to establish whistleblower mechanisms in public sector workplaces. This policy outlines the implementation of the law by the Ministry of Foreign Affairs of Denmark (MFA).

Refer also to the guidelines issued by the [Danish Ministry of Justice](#), the whistleblower site on [um.dk](#) and [UMbrella](#), and the [external whistleblower mechanism](#) operated by the Danish Data Protection Agency.

2 PURPOSE

The purposes of the MFA's whistleblower mechanism are:

- To expand opportunities for MFA staff and partners to speak out about impermissible circumstances in the MFA without a fear of negative consequences.
- To protect people who report information through the whistleblower mechanism.
- To detect errors and neglect within the MFA and thereby improve the quality of the MFA's administration and services.

3 WHO CAN REPORT INFORMATION THROUGH THE WHISTLEBLOWER MECHANISM

The MFA's whistleblower mechanism can be used by the following persons:

- Current employees, i.e. all employees at the ministry in Copenhagen, persons who work for the MFA at Danish missions abroad, including staff employed by missions, interns, special attachés, employees in administrative units, short- and long-term advisors and seconded national experts.
- Former employees.
- Persons not yet employed, who are reporting information in relation to the hiring process or other pre-contractual negotiations.
- Employees of partners with whom the MFA has a more formalised and continuous cooperation.

4 WHAT INFORMATION CAN BE REPORTED?

The MFA's whistleblower mechanism can only be used to report serious offences or suspicion of serious offences of importance to the MFA's performance of its own tasks. This means that information can only be reported regarding offences that have taken place or will take place in the MFA. The person reporting the information must have specific knowledge or a reasonable suspicion of an offence.

The MFA's whistleblower mechanism processes reports relating to information about violations of EU law¹ that are within the scope of the EU Whistleblower Directive, serious offences and other serious issues (see Box 1 for examples).

The whistleblower mechanism cannot be used to report classified information falling within the framework of the Security Circular (CIR1H no. 10338 of 17 December 2014 on

the protection of classified information of common interest to the countries in NATO or the EU, and other information that is to be protected for security interests).

The whistleblower mechanism is a supplement to the existing channels, i.e. immediate manager, unit manager, trade union representatives, HR, the local Joint Consultative Committee, and the Mediator for mission staff. Matters not relating to a criminal offence or serious issues (e.g. violation of internal guidelines on matters such as sick leave, smoking, dress code, etc. and general dissatisfaction with management, conflicts between two employees and less serious personal conflicts) should not be reported through the whistleblower mechanism, but instead resolved through the existing channels.

BOX 1: EXAMPLES OF CIRCUMSTANCES THAT MAY BE REPORTED:

- **Criminal offences**, e.g. breaches of confidentiality, misuse of funds, theft, fraud, embezzlement, bribery, etc. Examples include improper disclosure of information about Denmark's foreign policy interests, unauthorised disclosure of companies' operational and trade secrets in connection with Trade Council activities, and unauthorised disclosure of information about the private affairs (criminal record, health, etc.) of individuals in connection with consular activities. Another example is abuse of entrusted power in violation of the MFA anti-corruption policy, including personal enrichment in connection with MFA purchases of goods or services or in connection with the disbursement of grants by Danida.
- **Serious or repeated violations of the law**, e.g. the Danish Public Administration Act, data protection legislation, or the Danish Access to Public Administrative Files Act. Examples include: knowingly or repeatedly failing to provide notification of conflict of interest in a given matter; knowingly or repeatedly failing to process requests for access to public documents in compliance with the law; or failing to consult the involved parties in decision-making matters.
- **Serious or repeated violation of administrative law principles or significant internal guidelines**, e.g. the principle of investigation, the requirement of objectivity, the misuse of power principle and proportionality, or guidelines on business travel, gifts, financial reporting, etc. For example, an employee may have: knowingly or repeatedly failed to provide sufficient information on matters; based assessments on factors unrelated to the matter (e.g. private interests); improperly accepted gifts while on business travel, while hosting visiting guests from abroad, or from other business partners in violation of the MFA gift policy.
- **Serious personal conflicts in the workplace**, e.g. severe harassment.
- **Sexual harassment**, e.g. any form of undesired verbal, non-verbal or physical conduct with sexual undertones and with the aim or consequence of violating a person's dignity, namely by creating a threatening, hostile, demeaning, humiliating or unpleasant environment.

¹ See examples on violations of EU law in The Danish Ministry of Justice's guidelines for whistleblowers (in Danish only). Regarding violations of the

EU law, it is not a requirement that the violation is considered a serious offense.

5 REPORTING

Reports to the MFA whistleblower mechanism must be submitted using the whistleblower portal: <https://um.sit-wb.dk>.

Here you will find additional information and a reporting form that must be completed.

6 THE MFA'S WHISTLEBLOWER UNIT

The MFA whistleblower mechanism is anchored in Controller, where a smaller team of Controller staff comprises the whistleblower unit. The whistleblower unit must remain objective and professional in the processing of all reports. The whistleblower unit is independent of the Senior Management in relation to its processing of reports.

For questions regarding reporting, the MFA whistleblower unit can be reached by calling (+45) 33 92 19 00 (10:00–15:00 Danish time on weekdays) or at whistleblower@um.dk. However, reports can only be submitted through the above-mentioned whistleblower portal, and all communication between the whistleblower and the MFA whistleblower unit must be conducted using the portal.

7 HANDLING AND PROCESSING OF WHISTLEBLOWER REPORTS

All reports to the MFA whistleblower mechanism are received and processed by the whistleblower unit in a way that ensures confidentiality, prevents unauthorised employees from accessing the report, and complies with a dedicated internal case processing guide.

Upon receipt of a report, the whistleblower unit will confirm receipt to the whistleblower as quickly as possible and no later than within seven days. The unit conducts an initial screening of the report to determine, among other things, whether the reported information pertains to the MFA as an authority and regards serious matters that are covered by the MFA whistleblower mechanism.

If it is assessed that the report is outside the scope of the MFA's whistleblower mechanism, the whistleblower unit will inform the whistleblower accordingly.

If the report relates to a case previously addressed by another unit in the MFA, the whistleblower unit will generally refrain from re-opening the same case under the whistleblower mechanism, but instead refer to the original unit. If the report contains new information about the previous case or pertains to the case processing itself, the report can be processed under the whistleblower mechanism.

If the whistleblower unit assesses that the report in question is within the scope of the whistleblower mechanism, an investigation will be launched. Depending on the nature of the report, the whistleblower unit will either conduct the investigation itself or appoint an investigation group with the participation of the unit or units in the MFA that should further

investigate the information. To ensure the greatest possible confidentiality in the investigation, a designated whistleblower coordinator has been appointed in the relevant units. This designated whistleblower coordinator participates in the investigation group and processes the report in accordance with the internal² case processing guide. Given the special duty of confidentiality (see Box 2), the identity of the whistleblower must not be disclosed to members of the investigation group.

If possible, the whistleblower will receive feedback from the whistleblower unit within three months of confirmation of receipt of the report. To the fullest possible extent and in compliance with applicable law, this feedback will include information about measures which have been or are planned to be initiated. As a general rule, notification of the results of the case may not include the disclosure of information to the whistleblower that compromises the duty of confidentiality or the rights of others, including any disciplinary sanctions.

If the investigation identifies impermissible circumstances, the conclusions of the investigation will be provided to HR for the purpose of assessing potential disciplinary sanctions. The whistleblower unit does not have the authority to decide and implement disciplinary sanctions as a result of a whistleblower case.

² A "WB coordinator" is a specifically appointed person (typically the Deputy Head of Department) in each unit who is subject to special confidentiality and secrecy provisions, and who takes responsibility for ensuring that the

investigation of claims in a given report within the given unit's area of responsibility is carried out in a way that both minimises the number of people involved in the case processing and ensures compliance with these case processing guidelines.

8 ANONYMITY AND CONFIDENTIALITY

It is possible to report information using the whistleblower portal without stating your identity. However, the MFA encourages whistleblowers not to submit information anonymously. Anonymous reports can be difficult to process and take action on, and the MFA cannot base a decision, e.g. against an MFA employee, on the basis of anonymous information. It may result in closing the investigation into reported offences without a resolution.

However, anonymous whistleblower reports will always be processed in the same way as non-anonymous whistleblower reports to the extent possible.

Employees in the whistleblower unit are subject to a special duty of confidentiality regarding the information contained in the report (see Box 2).

9 THE RIGHTS OF THE WHISTLEBLOWER

The Whistleblower Act grants the whistleblower special rights that apply before, during and after the person has submitted a report or disclosure.

Persons who submit reports to the MFA whistleblower mechanism and who have reasonable grounds to believe that the information in a report is necessary to uncover a serious criminal offence or serious inappropriate circumstances (i.e. submitted in good faith), are provided with certain protections. These protections include a provision that the whistleblower cannot be held responsible for revealing confidential information (e.g. information covered by a statutory duty of confidentiality) if the whistleblower has reasonable grounds to believe that the confidential information is necessary to uncover a serious criminal offence or serious inappropriate circumstances.

Whistleblowers may not be subject to reprisals (e.g. suspension, dismissal, demotion or non-promotion, transfer of duties, reassignment to a different position, reduction in pay, changes to working hours, refusal of access to training activities, negative assessment of the person's performance) because they submitted a report, and no actions may be taken to prevent or attempt to prevent a whistleblower from submitting a report. If you, as a whistleblower in the MFA, experience negative reactions due to your use of the whistleblower mechanism, you may contact the whistleblower unit, your trade union representative, or your trade association.

False or misleading information may not be intentionally submitted through the MFA whistleblower mechanism. In such cases, the whistleblower is not covered by the protections of the Danish Whistleblower Act.

BOX 2: THE SPECIAL DUTY OF CONFIDENTIALITY

The special duty of confidentiality means that staff working within the whistleblower unit must not disclose information that may directly or indirectly reveal the identity of the whistleblower. However, information about the identity of the whistleblower may be disclosed:

- If the whistleblower consents to such disclosure, e.g. if a report cannot be sufficiently investigated without disclosing the identity of the whistleblower.
- When the disclosure is made to address criminal offences, e.g. disclosure to the police or the Danish Financial Supervisory Authority.
- To ensure that the persons cited in the report can defend themselves, e.g. if a report gives rise to a report of a criminal offence or if it is necessary to summon a person as a witness in court proceedings.

If the special duty of confidentiality is violated intentionally or through gross negligence, i.e. disclosure of the identity of the whistleblower or information that may indirectly identify the whistleblower, this is punishable by fine.

The special duty of confidentiality only applies to the information in a whistleblower report. Any other information, which for instance is collected in connection with the processing of a report, is not covered by the special duty of confidentiality.

10 THE RIGHTS OF PERSONS WHO ARE THE SUBJECT OF A REPORT

In principle, the whistleblower unit has a duty to notify the person or persons named in a report about the processing of their personal data and their rights under the Data Protection Regulation. However, due to the special duty of confidentiality, information about the whistleblower's identity generally may not be disclosed.

The standard provisions of data protection law apply, which means that the duty to provide information, as set out in the Data Protection Regulation, must be observed with the exceptions following from the rules in this area. Thus, for example, if it likely will make it impossible or materially impede the processing of a whistleblower report, the duty to provide information may not apply until a later point in time. The applicable data protection rules also mean that a person who

is the subject of a whistleblower report has the right to request the correction of incorrect information, the right to request the deletion of information, and the right to request that the public authority limit the processing of information about the person.

The person or persons named in a report will be notified by the whistleblower unit and involved if the report is investigated. The person who is the subject of the report will always be provided the opportunity to respond to any accusations, most often in the form of a written statement.

The person who is the subject of the report will receive notification when the case is closed if it is clearly unfounded.

11 PROCESSING OF PERSONAL DATA

The legal basis for the MFA's processing of personal data received in connection with the MFA's whistleblower mechanism follows from section 22 of the Danish Whistleblower Act.

Personal data received by the whistleblower unit in connection with the processing of whistleblower reports is stored as long as necessary and proportionate to fulfil the requirements of the Whistleblower Act, or if there is a legitimate reason for continued storage, e.g. if required by another law, including in relation to data protection rules, the Danish

Public Administration Act or Danish Archives Act, or if there is reason to believe that the report can be strengthened by reports submitted at a later time.

As a whistleblower or subject of a whistleblower report, you have a number of rights under data protection law in relation to the MFA's processing of your personal data. You can read more about your rights, the MFA's processing of personal data, and contact information for the ministry's data protection officer and the Danish Data Protection Agency [here](#).

12 DISCLOSURE SCHEME AND FURTHER INFORMATION

The MFA is subject to a special disclosure scheme by which a range of information about the MFA whistleblower mechanism is published once a year on um.dk. The publication

of this information remains within the bounds of the special duty of confidentiality.