



MÉDECINS SANS FRONTIÈRES
DOCTORS WITHOUT BORDERS

WHISTLE-BLOWING PROCEDURE

FOREWORD

On 15 March 2023, Italian Legislative Decree no. 24 of 2023, entitled 'Implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law and on provisions concerning the protection of persons who report breaches of national laws' came into force, introducing a new system for reporting breaches and providing common rules for public and private entities.

1. OBJECTIVE of the PROCEDURE

The purpose of this procedure is to regulate the process of reporting breaches of law in accordance with the provisions of the above-mentioned Italian Legislative Decree. It therefore provides all the indications necessary to enable people to report — also anonymously — civil, criminal, administrative and/or accounting offences, as well as breaches of national and/or European regulations, in addition to conduct in breach of the Organisational Model pursuant to Italian Legislative Decree no. 231/01; see <https://www.medicisenzafrontiere.it/modello-organizzativo/>.

To this end, this procedure provides *whistle-blowers* (or '**reporting persons**') with operational guidance on how to make a report.

For all aspects not addressed in detail in this procedure, refer to Italian Legislative Decree no. 24/23 as amended and supplemented.

Specifically, the procedure covers:

- 1) Objective of the Procedure;
- 2) The content of the report;
- 3) Individuals who can submit reports;
- 4) Reporting channels;
- 5) The internal reporting channel and how it works;
- 6) Whistle-blower protection and liability;
- 7) Rights of the person concerned.

2. THE CONTENT OF THE REPORT

The report may concern:

- administrative, accounting, civil or criminal offences occurring in the context of Médecins Sans Frontières business;
- relevant unlawful conduct pursuant to Italian Legislative Decree no. 231 of 2001. The following are some examples of relevant offences: *corruption when performing one's tasks, bribery in judicial proceedings, embezzlement, extortion and undue inducement, abuse of office, and defrauding the State, other public bodies or the European Union.*

For more details, see the intranet section on the MSF SharePoint [MSF MOG Parte Speciale 1 Aree a rischio e famiglie di reato rilevanti.pdf](#) and the specific section on the [Organisational Model 231](#).

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- Violations of the rules and principles contained in the Organisation, Management and Control Model pursuant to Italian Legislative Decree no. 231/01;
- Notifications concerning committed offences for which MSF is jointly responsible pursuant to Italian Legislative Decree no. 231/01 or attempts to commit such offences;
- Violations of MSF procedures;
- Offences falling within the scope of European or national acts relating to the following areas: public procurement; services, products and financial markets and the prevention of money laundering and terrorist financing; product safety and compliance; transport safety; environmental protection; radiation and nuclear safety; food and animal feed safety and animal health and welfare; public health; consumer protection; protection of private life and personal data and security of information networks and systems; acts or omissions which harm the financial interests of the European Union or undermine its internal market or frustrate the object and purpose of European provisions in the areas indicated above;
- Any behaviour that appears to be unethical or unlawful or may compromise the integrity of MSF or its image.

Reports containing content other than what is indicated in Section 2 are not permitted.

In particular, the following are not permitted:

- a) disputes, claims or demands of a personal nature relating to individual working relations or relations with hierarchically superior figures, colleagues or co-workers;

Reports must be made in good faith and be well-founded or at least based on factual evidence.

To this end, the reporting person should:

- (a) precisely describe the event being reported;
- b) indicate the person(s) responsible for the violation(s), as well as any other persons involved who may be able to report on the event;
- c) describe the circumstances of the time and place where the reported event occurred;
- d) attach all available documents supporting the report;
- e) provide any information useful for reconstructing the event and ascertaining whether the report is well-founded.

3. INDIVIDUALS WHO CAN SUBMIT REPORTS

According to Italian Legislative Decree no. 24 of 2023, the people who may make reports — the so-called reporting persons — are as follows:

- All employees of Medici Senza Frontiere Italia with any type of contract;

- people interacting F2F;
- top-level people in the organisation;
- self-employed people and those in a collaborative relationship;
- freelancers and consultants, suppliers, external partners;
- volunteers, trainees/interns and civil servants, whether paid or unpaid, who work for Medici Senza Frontiere ONLUS;
- people who have ceased working/collaborating with MSF, when the information was acquired in the course of work carried out for MSF;
- people who have not started their employment/collaboration with MSF, when the information was acquired during the selection or other pre-contractual stages.

4. REPORTING CHANNELS

The violations referred to in Section 2 can be reported through three different channels under the conditions expressly defined in and referred to in Italian Legislative Decree no. 24 of 2023:

1. the internal reporting channel i.e. the platform at <https://www.medicisenzafrontiere.it/modello-organizzativo/>;
2. the external reporting channel of the Italian National Anti-Corruption Authority (ANAC);
3. public disclosure.

5.1 THE INTERNAL SIGNALLING CHANNEL

Internal reports can be made through the Globaleaks Platform made available for anonymous and non-anonymous reporting, both written and orally at <https://segnalazioni.msf.it>.

Orally (two alternatives):

- With a request for an in-person meeting following an express request made by the reporting person through one of the channels indicated above (ordinary mail or web platform).

Or

- Orally recording the report on the platform <https://segnalazioni.msf.it> Oral Reporting

In compliance with the provisions of the above-mentioned Italian Legislative Decree, no. 24 of 2023, all the internal reporting tools indicated above protect the privacy of the reporting person, the person concerned and the persons mentioned in the report, ensuring that people intending to disclose their identity receive adequate protection, including through the use of encryption tools.

Both the web platform and other channels used to submit reports ensure the utmost confidentiality of the contents of the report and related documentation.

Personal data are processed in compliance with the provisions of EU Regulation 2016/679 on privacy and Italian Legislative Decree no. 51 of 2018, through the use of technical and organisational measures capable of guaranteeing a level of security that is adequate — based on an impact assessment — for the obligations imposed by Article 13 of the above-mentioned Italian Legislative Decree, no. 24 of 2023; see www.informativawhistleblowing.msf.it;

The whistle-blowing platform also allows the whistle-blower to make reports anonymously, i.e. without the whistle-blower having to disclose his or her identity.

Anonymous reports will be handled, provided they are sufficiently substantiated and allow for the appropriate investigations.

5.2 Operational Modes

The whistle-blower can report directly to MSF through the special internal computer channel available at all times on the organisation's website.

By accessing this channel, the whistle-blower can select the desired type of report and the body, i.e. Whistle-blowing or Ethics Committee, it is sent to.

This channel allows information to be sent anonymously or non-anonymously, chosen by the reporting person, and the feedback provided by the company can be viewed later. The platform assigns a unique 'receipt' code to the report, which the reporting person can subsequently use to log in and interact with the report manager until the report has been fully processed. The receipt code is the only way to access the submitted report again.

If it is lost, a new report must be made, indicating that the event was already reported and specifying when the initial report was made. The reporting person will then receive a new receipt code associated with the new report.

The direct link to the online platform is

<https://segnalazioni.msf.it>

5.3 Guided Questionnaire

The report must be as detailed as possible to enable the persons in charge of receiving and handling reports to deliberate the facts. In particular, the report must clearly specify:

- the time and place where the reported event occurred;
- description of the event;
- personal details or other information enabling identification of the person to whom the reported events may be attributed.

All this information is requested in a guided questionnaire consisting of multiple choice and open-ended questions.

Spaces marked with an asterisk (*) are mandatory; if no answer is given, the platform will not allow you to continue. The questionnaire consists of seven areas:

Table 1: Preliminary Information – Written or Oral Reporting (menu of choices): designed for the reporting person to choose whether the report will be made in writing or orally.

Table 2: Description of the Event (free text field): intended to allow the reporting person to describe the incident to be reported in detail.

Table 3: Information on the Reporting Person (menu of choices): intended to allow you to indicate whether you are a victim, witness, or other party to the events described.

Table 4: Protection of the Reporting Person (free text field): In this space, the reporting person may give sensitive information about the possibility of retaliation or consequences related to the report.

Table 5: Detailed Information (free text field): the reporting person can enter detailed information about the report.

Table 6: Attachments: the reporting person can attach documents to support the report.

Table 7: Identity: designed to allow the reporting person to provide personal data and an alternative communication channel. Communications will nevertheless also be recorded through the platform.

Authorisation for Data Processing: in this section, you are asked to read the Privacy Policy concerning the processing of personal data related to the reporting person and persons mentioned in the report or otherwise involved.

If the whistle-blower indicates a willingness to be contacted for an oral interview, the authorised people from the reporting body will record the meeting and file the minutes on the platform.

Once you have completed all the mandatory fields of the questionnaire and authorised the processing of your personal data as per www.informativaprivacywhistleblowing.msf.it, click the 'SEND' button.

If the report was sent successfully, a receipt code is immediately displayed, which must be used for subsequent access to the channel.

5.4 Persons Receiving Internal Reports

Internal reports are received by members of the Supervisory Board (also known as 'Facilitators'), who have been entrusted with managing the reports on behalf of Médecins Sans Frontières, as they are qualified and adequately trained to receive and manage reports.

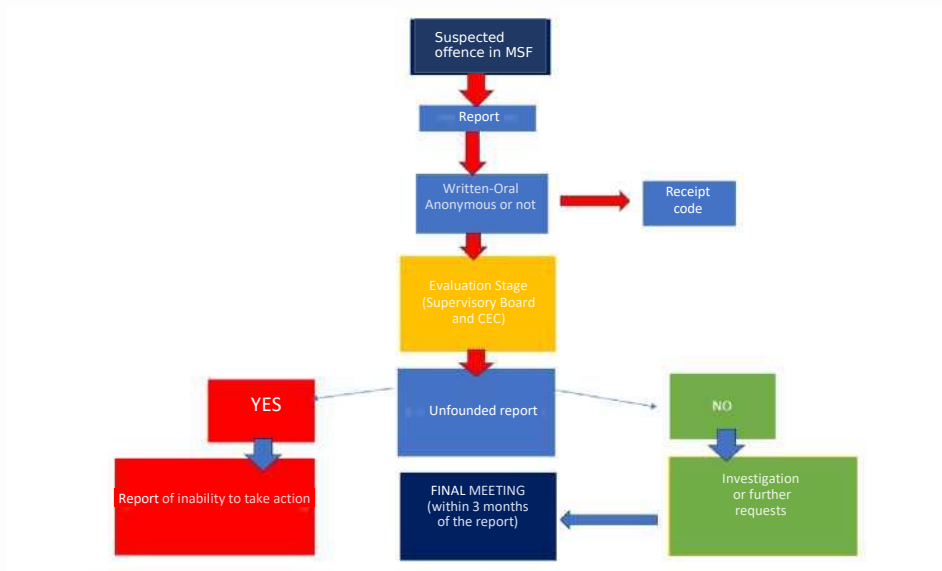
- The facilitators handle reports in accordance with the principles of confidentiality and verify their validity in the manner set out in the following section.
- The facilitators examine the internal reports received and take all the necessary steps to ascertain whether they are well-founded.
- The facilitators then examine the reported events and any documents received and, when deemed necessary and/or appropriate for the purposes of ascertaining the merits of the report, do so in accordance with the time limits referred to above.

The facilitators may also:

- request any additional information from the reporting person through the chat feature;
- contact the reporting person and summon him/her for a personal and confidential interview to clarify and/or add to the information and documents already provided;
- conduct a hearing of any other persons who may be able to report on the events in question;
- carry out any other activities deemed appropriate for the purposes of investigating the report.

In conducting the assessment, the facilitators may involve other MSF figures and/or appoint external consultants as necessary. The members of the working group involved in examining the report are subject to the same confidentiality constraints and responsibilities as the facilitators of the report. All these persons are also required to refrain from dealing with the report in the event of possible conflicts of interest. Personal data will only be kept for the time strictly necessary to process the report and no longer than necessary to follow up on the report. If the report is considered worthy of further attention by the organisation, and consistent with the Data Retention Policy on Personal Data Protection, the report and related documentation will be retained for up to five years after the report is closed. Naturally, if legal proceedings arise as a result of the report, the time limit will be extended until the conclusion of the trial itself. Personal data relating to the receipt and management of the report are processed by the facilitators in their capacity as Data Controllers, in compliance with the principles set out in Articles 5 and 25 of the above-mentioned EU Regulation 2016/679 or Articles 3 and 16 of the above-mentioned Italian Legislative Decree, no. 51 of 2018.

5.5 Flow Diagram



6. Privacy Protection and Liability of the Reporting Person

A) Obligation for confidentiality of the whistle-blower's identity

The facilitators (and any other people involved in the process) guarantee the full privacy of the reporting person, protecting his or her identity. Except in cases where confidentiality cannot be enforced by law (e.g. criminal, tax and/or administrative investigations, inspections by supervisory authorities), the identity of the reporting person cannot be disclosed to anyone without the reporting person's consent. Therefore, save the exceptions mentioned above, anyone who receives or is involved in handling reports — first and foremost the facilitators — is required to protect the confidentiality of the reporting person and guarantee the utmost discretion with regard to the information received, even indirectly, concerning the reported events. Likewise, they are required to protect the privacy of the person concerned and other persons mentioned in the report. Breaches of the duty of confidentiality are subject to disciplinary action, without prejudice to further action provided for by law.

B) Prohibition of discrimination against whistle-blowers

MSF does not tolerate threats, retaliation and/or discrimination against anyone who reports, in good faith, unlawful conduct and/or conduct that does not comply with the above-mentioned European and/or national regulations and/or

civil, criminal, financial or disciplinary offences, as well as violations of the Organisational Model or acts constituting offences pursuant to Italian Legislative Decree no. 231/2001¹. The protections afforded to whistle-blowers also extend to their relatives and cohabitants, colleagues in the same line of work, companies or other types of entities owned or administered by whistle-blowers, as well as the so-called ‘facilitators’ (i.e. those who assist the reporting person in making the report).

If the whistle-blower believes that MSF has not complied with the prohibition of retaliation or privacy protection, a report may be submitted to the National Anti-Corruption Authority, which will then inform the National Labour Inspectorate for the relevant measures. The reporting person may also receive supportive measures — of the sort detailed in Article 18 of Italian Legislative Decree no. 24 of 2023 — from service-sector entities. These measures consist of free information, advice and assistance on how to report and protect oneself from retaliation.

6.1 Responsibilities of the Reporting Person

Whistle-blowers — even anonymous ones — are responsible for making reports in good faith and in line with the declared spirit of this procedure. Reports that are manifestly unfounded, opportunistic and/or made with the sole purpose of harming the person concerned or other persons involved the report will not be addressed and, as mentioned above, the whistle-blower will be subject to sanctions and/or action before the competent judicial or accounting authorities.

7. Rights of the Person Concerned

During the activities to verify and ascertain unlawful conduct and reportable breaches, the persons concerned may be involved, but under no circumstances will sanctions be initiated against them in the absence of concrete findings as to the contents of the report. As mentioned above, any action may be taken based on evidence found and ascertained from the report itself.

¹ *‘Retaliatory and/or discriminatory measures’ means, for example, dismissal, suspension, unjustified disciplinary action, an unjustified change in job or location, workplace harassment, negative merit notes, coercion, intimidation and/or any other type of mobbing directly and/or indirectly related to the report (as described in Article 17 of Italian Legislative Decree no. 24 of 2023), which affect the reporting person’s working conditions.*