

## **Q&A on Directive (EU) 2019/1937 of 23 October 2019 on the Protection of Individuals Who Report Infringements of Union law and Implementing Legislation and Regulation (“Whistleblowing Directive”)**

Liberty Seguros Compañía de Seguros Y Reaseguros S.A., with its address at Paseo de las Doce Estrellas 4, 28042 Madrid, Spain, registered as a branch in Ireland (as Liberty Insurance) with Irish branch number 904632 and branch address at Dublin Road, Cavan. Co. Cavan, Ireland, (hereinafter, the Company or Liberty) approved and periodically reviews its policies and procedures connected with [Directive \(EU\) 2019/1937 of 23 October 2019](#) (the Directive) and connected legislation.

We aim to develop a culture of openness. Acting ethically and doing the right thing are part of who we are and what we do.

As such, Liberty Group is invested in developing and maintaining effective channels for the reporting of “in scope” breaches of European Union Law.

This document provides information regarding the procedures we currently have in place connected with the Directive (subject to amendments from time to time, as this is an evolving matter) and addresses the following:

1. To what does “Infringements of European Law and implementing legislation and regulation («Whistleblowing»)” pertain?
2. What is the “in scope legislation and regulation”? – i.e., what infringements are relevant regarding Directive (EU) 2019/1937 of 23 October 2019 and related legislation and regulation?
3. What is the difference between internal report, external report, and public disclosure? When should each be used?
4. Who may report Infringements of European Law and implementing legislation and regulation?
5. What are the main rights and obligations of a reporting person? And to connected persons? And to persons concerned?
6. How can a report be made to Liberty?
7. How will a report be addressed by Liberty? What are the main procedures in place?
8. How can an external report be conducted?
9. Data protection information.

Liberty’s employees are encouraged to additionally consider the internally available information, prepared specifically for that purpose.

## 1. To what does “Infringements of European Law and implementing legislation and regulation («Whistleblowing»)” pertain?

[Directive \(EU\) 2019/1937](#), on the Protection of Persons Who Report Breaches of Union Law, was approved on October 23<sup>rd</sup>, 2019, and its purpose is “to enhance the enforcement of Union law and policies in specific areas by laying down common minimum standards providing for a high level of protection of persons reporting breaches of Union law” (see Article 1 of the Directive).

The aim of the Directive is to establish rules and procedures to protect “whistleblowers” (individuals who report information they acquired in a work-related context) on breaches of EU law in key policy areas (see questions 2 and 3 below).

## 2. What is the in-scope legislation and regulation? – i.e., what infringements are relevant regarding Directive (EU) 2019/1937 of 23 October 2019 and related legislation and regulation

The Directive applies to key areas of European legislation and regulation (per Articles 2, 3, and attachments of the Directive).

Generally, the Directive covers reports related to:

- Public procurement;
- Financial services, products, and markets; prevention of money laundering and terrorist financing;
- Product safety and compliance;
- Transport safety in the railway, road, maritime and inland waters sectors;
- Protection of the environment, ranging from waste management to chemicals;
- Radiation protection and nuclear safety;
- Food and feed safety, animal health and welfare;
- Public health, including patients’ rights and tobacco controls;
- Consumer protection;
- Protection of privacy and personal data, security, and information systems; and
- Breaches affecting the EU’s financial interests or relating to the internal market, including breaches of EU competition and State aid rules, and breaches of national corporate tax rules.

**Any report pertaining to matters which are out of scope may still be, at the prerogative of the Company or may be analyzed within the scope of specific legislation and connected internal procedures.**



**In any case, when communications pertain to other specific means of contact (namely, claims or complaints), said specific means of contact should be used.**

### **3. What is the difference between internal report, external report, and public disclosure? When should each channel be used?**

Legislation differentiates between (i) internal channels, (ii) external channels; and (iii) public disclosure:

- Internal channels are set up by private or public entities in accordance with applicable legislation – for Liberty Seguros, for instance, our Channel is referenced in [question 6 below](#).
- External channels are set up by certain national authorities – see [question 8 below](#).
- Public disclosure signifies the making of information on breaches available in the public domain.

### **4. Who may report Infringements of European Law and implementing legislation and regulation through this Channel?**

A “reporting person” is a natural person who reports or publicly discloses information on breaches acquired in the context of his or her work-related activities (see Article 5/7 of the Directive, and [question 4 above](#)).

A reporting person may, for instance, be a worker (as defined by law), a civil servant, a person with self-employed status (as defined by law), a shareholder, a person belonging to the administrative, management or supervisory body of Liberty, a volunteer and paid or unpaid trainees and any persons working under the supervision and direction of contractors, subcontractors and suppliers of Liberty.

Legislation is also applicable to information on breaches acquired in a work-based relationship which has since ended and reporting persons whose work-based relationship is yet to begin in cases where information on breaches has been acquired during the recruitment process or other pre-contractual negotiations.

Liberty Seguros’ reporting channels are available to all natural persons referred to above (for employees a specific channel may be used in accordance with internally available information, prepared specifically for that purpose).



## 5. What are the main rights and obligations of a reporting person? And to connected persons? And to persons concerned?

Provided that the reporting person had reasonable grounds to believe that the information on breaches reported was true at the time of reporting; that such information fell within the scope of the Directive; and that the reporting person followed the legal rules and procedures applicable to reporting or disclosing (in particular, see questions 2 to 4 above), in general, this person shall:

- Be protected against all forms of retaliation, such as dismissal, demotion, intimidation, and blacklisting;
- Have access to appropriate support measures; and
- Have access to appropriate remedial measures, such as interim relief and immunity from liability for breaching non-disclosure clauses in their contracts, in accordance with applicable legislation.

Moreover, measures for the protection of reporting persons shall also apply, where relevant, to persons who relate to the reporting persons and who could suffer retaliation in a work-related context, such as facilitators, colleagues or relatives of the reporting persons, and legal entities that the reporting persons own, work for or are otherwise connected with in a work-related context.

Rights of persons concerned must also be safeguarded in all procedures, namely concerning presumption of innocence, confidentiality of information and due process.

For data privacy information, see question 9 below.

## 6. How can a report be made to Liberty?

Liberty Seguros maintains a Reporting Channel available through Liberty's website:

<https://secure.ethicspoint.com/domain/media/en/gui/71009/index.html>

In accordance with applicable legislation, reports may be presented verbally and/or through the written channels made available by the Company at each specific time (detailed just above).

Any reports filed through this Channel, whether on-line, or by Phone International Toll-Free Service (ITFS) 8772049164 (from an outside line dial the ITFS number for your location: Ireland. Available 24 hours a day, 365 days a year) will remain confidential.

Reports may be presented anonymously, and, in any case, the identity of reporting person will be kept confidential and disclosed only as permissible by legislation and following a strict



“need to know” basis and including secure authentication, when applicable (for additional information see [question 7](#) below).

At the request of reporting person, in person meetings may be held, and a minute of that meeting may be drafted (subject to review), or the meeting may be recorded, following consent from reporting person.

To verify if this is the proper channel to raise your concerns, please refer to questions 2 to 4 above.

## **7. How will a report be addressed by Liberty? What are the main procedures in place?**

Receipt and follow through of a report will be conducted in compliance with applicable legislation and regulation, as well as in accordance with policies and procedures approved by the Company.

Reporting Channel is set up and maintained in a manner aimed at enabling secure submission and tracking of reports to ensure completeness, integrity and retention of the report, confidentiality of the identity or anonymity of reporting person and third parties mentioned in the report, and to prevent access by unauthorized persons.

Utmost consideration is given to ensuring independence, impartiality, confidentiality, data protection, secrecy, and absence of conflicts of interest in receiving and addressing a report.

Regardless of how the report is filled (see [question 6](#) above for available means), the Company is legally required to perform specific communications and provide specific information regarding the follow through of report to reporting person.

The main steps regarding follow through and feedback regarding receipt of a report may be summarized as follows:

- Receipt of report following procedures for its filling and secure identification of reporting person (when applicable – see [question 6](#) above);
- Preliminary analysis of report and provision of initial information to reporting person (additional information may be requested of reporting person or other specific measures) within seven days;
- Internally appointing a team for the analysis and follow-up regarding the reported information, which will vary considering the matters contained in the report in accordance with Company policy and procedures;
- Fact finding procedures, establishing corrective measures, implementing corrective measures, drafting of internal reports, conducting external communications to competent authorities, etc. These steps will vary considering the specific report and



will be performed in accordance with the internal procedures of the Company and the applicable legislation; and

- Providing final information (“feedback”) related to the outcome of the analysis performed by the Company (in as much as legally permissible considering the specific case), within a reasonable timeframe, in general not exceeding three months from the report receipt.

Lastly, reporting person should be aware that if it is legally mandatory or if a court decision is rendered, information in the report may have to be disclosed to a competent administrative or judicial authority. Unless legally forbidden, reporting person will be previously informed of such communication by the Company.

## 8. How can an external report be conducted?

As mentioned in [question 3 above](#), Competent National Authorities are also required to establish “**external reporting channels**” and to provide clear and comprehensive information regarding said channels and requirements to file reports.

You are advised to seek guidance with Competent Authorities and confirm precedence rules before filling an external report.

Determining Competent Authority will depend, namely, on applicable legislation and subject matter of the concerns you have brought forth, but, in general, and for matters related to insurance legislation and regulation, Competent Authority will likely correspond to:

- The [Dirección General de Seguros Y Fondos de Pensiones](#) (DGSFP) in Spain;
- The [Autoridade de Supervisão de Seguros e Fundos de Pensões](#) (ASF) in Portugal;
- The [Central Bank of Ireland](#) in Ireland;
- The [Financial Conduct Authority](#) in the UK.

In any case, National Authorities may provide additional clarity regarding their specific competences and applicable procedures in case they are not the Competent Authority.

## 9. Data protection information.

For the purpose of managing the concerns reported, Liberty collects personal data pertaining to both the whistle-blower and/or other data subjects who may be covered in the scope of the report, at the moment the report is made and during the investigation process. Information shared through the **Whistleblowing Reporting Channel**, via phone, e-mail or online form, will be processed by Liberty Mutual Group, Inc., located at 175 Berkeley Street,



Boston, MA 02116, and Liberty Seguros, Compañía de Seguros y Reaseguros, S.A., with its registered office at Paseo de las Doce Estrellas 4, Madrid, Spain, acting as joint data controllers.

If you wish to contact the data controller(s), you can do it in writing to [DataProtectionOfficer@libertyinsurance.ie](mailto:DataProtectionOfficer@libertyinsurance.ie). You can also contact the Data Protection Officer at [dpo@libertyseguros.es](mailto:dpo@libertyseguros.es).

Within the framework of this processing, your data may be communicated to service providers for the provision of services related with the Channel, such as the ones associated with information systems, technology and telecommunications, as well as the ones with direct intervention in the reports or Channel management (inasmuch as legally permissible), which, together with Liberty Mutual Group, Inc., may be located in countries outside the European Union, like the USA.

The data will be kept for the retention periods established by law. In any case, data will be kept during the investigation and until the end of any legal proceedings, including disciplinary or judicial processes; and incorrect data will be eliminated (unless conservation of this data is legally mandatory).

All persons, including in case of indictment, can exercise their data privacy rights, such as access, rectification or erasure, among others, [here](#). The protection of the people involved, namely the whistle-blower, and the purposes of the investigation, will be taken in consideration by Liberty when assessing the right's requests. You also have the right to lodge a complaint before the Data Protection Commission.

You can find more information on the processing of your personal data, [here](#).

Last update of information: June 2022

