



Whistleblowing Policy Compliance

CONTEXT

“Whistleblowing” is a non-legal term in English used when someone who has noticed a serious breach or infringement sounds the alarm.

The aim of the whistleblowing procedure is to bring to light as soon as possible any malpractices that harm the public interest in order to limit the damage to society. To facilitate this, the whistleblower is offered specific legal protection within a strict statutory framework. We can therefore deduce from this that the report made is one of a serious infringement.

Belfius views the whistleblowing procedure as a highly specific, preferably internal alarm system that offers all persons making a report who fall within the personal scope of application to report any and all infringements in complete confidentiality and in good faith so that Belfius can prevent or rectify the damage

in a timely manner and take the necessary actions (including sanctions) if needed

Whistleblowing is a procedure by which the person making the report believes that all other internal procedures are not suitable and, in particular, because the person considers it impossible or inappropriate to discuss (the suspicion of) the infringement with the immediate hierarchy.

This type of report is made to the Compliance Officer or, for AML-related breaches, to the Anti Money Laundering Compliance Officer (hereinafter AMLCO) and the report is then dealt with in accordance with a strict procedure. In very exceptional cases, the person making the report may go to the chairman of the Management Board at Belfius Bank.

1. PERSONAL SCOPE OF APPLICATION: TO WHOM DOES THE POLICY APPLY?

If the infringement falls within the material scope of application and the report is made in good faith, a broad group of persons may avail themselves of the special legal protection offered by the whistleblowing procedure.

1.1. The person making the report

Specifically, this concerns:

- all internal and external employees of Belfius Bank and its subsidiaries, regardless of their status;
- all executive and non-executive members of the Board of Directors;
- all trainees/interns and volunteers, whether paid or not;
- all persons who work for Belfius under the supervision and management of contractors, subcontractors and suppliers

This protection also applies to reporting or making public information about infringements that is obtained:

- during a working relationship that has since ended, or;
- even before a working relationship has begun (e.g. information obtained during a recruitment procedure or other pre-contractual negotiations).

1.2. Third parties linked to the person making the report

These are persons who, as the result of reporting an infringement, may also be the (indirect) victim of reprisals in a work-related context, such as work colleagues or family members.

Also, a (natural) person who actively assists the person making the report as part of the reporting

process and whose assistance must be confidential (a “facilitator”) comes under protection. The facilitator actively supports the person making the report in order to facilitate their actions. This might be a work colleague who assists the person making the report by looking for someone to speak to, or an employee or union delegate who gives the person making the report information about the legal context and provides advice about the steps to follow.

1.3. Legal entities

Legal entities owned by the persons making the report, for which the persons work, or with which the persons making the report are otherwise connected in a work-related context.

2. MATERIAL SCOPE OF APPLICATION: FOR WHAT TYPE OF INFRINGEMENT IS THE WHISTLEBLOWING PROCEDURE INTENDED?

The material scope of application has deliberately been kept very broad by the lawmakers.

The special protection of the person making the report applies to the reporting in *good faith* of all possible *infringements* committed internally against the statutory, regulatory or prudential obligations that Belfius is required to comply with, or which Belfius imposes on itself or its partners and which may harm the public interest. So, in a Belfius-related context, these are infringements that may also cause serious financial or reputational damage for Belfius.

A report in good faith:

- A report is assumed to be made in good faith when the person making the report does not have any unlawful or unethical intentions and where that person has reasonable grounds for believing that the information they want to report is true;
- Even a report which, after investigation, does not turn out to be an infringement, can be regarded as a report in good faith.

Infringement: an infringement is an illegal activity or abuse, act or omission that is contrary to the purpose or application of the rules. It must involve information that is as specific as possible:

- the information must be based at least on reasonable suspicions and, ideally, be concrete, verifiable and certain. Vague rumours or gossip are not sufficient;
- the infringement has already taken place, is currently taking place or is very likely to take place.

Public interest

This concerns, for example, infringements that may lead to sanctions by the regulator or by judicial authorities, may result in considerable public dissatisfaction or indignation, significant loss of customers, prolonged negative reporting in the press and/or on social media, etc.

3. THE SPECIAL LEGAL PROTECTION OF THE PERSON MAKING THE REPORT: WHAT DOES IT INVOLVE AND WHEN DOES IT APPLY?

3.1. Characteristics of special legal protection Protection is made up of two parts:

- > Keeping the identity of the person making the report secret, unless this person agrees to disclosure, or, in the event of anonymous reporting, respecting that anonymity;
- > Protecting the person making the report against reprisals. Protection of identity

The Compliance Officer or the AMLCO is responsible for dealing with the details confidentially.

- > The Compliance Officer or the AMLCO will object to the disclosure of the identity of the person making the report or other persons who come under the personal scope of application to any parties other than those members of staff authorised to receive or follow up on the report, except:
 - where there is the free and express consent of the person making the report;
 - at the request of the legal or regulatory authorities in the context of the duty that Belfius has to cooperate with these authorities;
- > Confidentiality serves to protect the person making the report against any adverse measures (reprisals) that may be taken as a result of, or in connection with, the reporting of an infringement that the person is unable to report to their line management.

Protection against reprisals

Any form of reprisal is prohibited against a person who falls within the personal scope of application (see point 1) and who made a report under the whistleblowing procedure. Threatened or attempted reprisals are also forbidden.

Examples of reprisals include (non-exhaustive list): dismissal, refusal of promotion, withholding of training, the imposition of a disciplinary measure, bullying, discrimination, damage to reputation on social media, early termination of a supplier contract, etc.

Protection includes not only a prohibition on reprisals, but also a reversal of the burden of proof whereby the person who took the adverse measure will be required to prove that the action was properly motivated.

If the person making the report or other parties involved are of the opinion that they are the victims of reprisals, they can contact the services with authority to receive, process or supervise such cases, such as HR, the psychosocial prevention adviser or other social bodies.

3.2. Terms of application

Special legal protection comes into effect as the person comes under the personal scope of application (point 1) and is making a report that comes under the material scope of application (point 2). The good faith of the person making the report is an essential element in the whistleblowing procedure.

4. PROCEDURE

4.1. Reporting in a step-by-step procedure

4.1.1. Prior to triggering the whistleblowing procedure: check to see whether a report can be made to the direct line management or via a specific reporting obligation.

- Belfius views the whistleblowing procedure as an exceptional procedure. A person making a report should first consider whether it is possible or expedient to discuss the suspected infringement with their direct line management.
- In certain areas, there is also a specific reporting obligation where a specific form has to be submitted to Compliance. This is the case for:
 - breaches of the AML legislation
 - suspicions of market abuse
 - suspicions of a special mechanism.
- In addition, problems that arise in connection with the fulfilment of an employment agreement will, in principle, be dealt with by the team of the psychosocial prevention adviser, who enjoys independent status within the Belfius structure. In this context, protection and confidentiality rules also apply.
- The social bodies within Belfius also continue to play their own role in full. A person making a report may be assisted in their considerations of whether to make a report.

4.1.2. Step one in the whistleblowing procedure: report to the Compliance Officer, AMLCO or the chairman of the Management Board

- The person making the report can choose between a verbal or written report and be anonymous or not. The first check is usually made during a conversation with the Compliance Officer or AMLCO. Any additional documents or evidence can then be handed over in person.
- Although the law allows reports to be made anonymously, this tends to be the exception. That's because it is difficult to offer someone who is anonymous specific legal protection (you don't know who needs to be protected) and it can make the exchange of information and keeping the person making the report up to date more difficult. There is also the risk that the identity of the person may inadvertently be disclosed as part of an ongoing investigation.

- The person making the report speaks to the Compliance Officer or AMLCO. However, if the report happens to relate to them and reporting to these individuals is not expedient or appropriate, the person making the report can contact the chairman of the Management Board of Belfius Bank.
- If the incident involves a director of Belfius Bank, the Compliance Officer will pass on the information to the chairman of the Management Board, the chairman of the Board of Directors or the chairman of the Audit Committee of Belfius Bank. For AML-related incidents, the AMLCO will pass on the information to the chairman of the Management Board.

4.1.3. Step two: external reporting

An external report can be made to an external regulatory authority, the FSMA, or in the form of a disclosure.

Although there is no legal obligation, Belfius recommends, prior to deciding to make an external report, that the person making the report consult with the Compliance Officer or AMLCO.

Report to the FSMA

- If the person making the report is of the opinion that an internal report is not possible, effective or suitable, or if as of the result of the internal report no sufficient measures have been taken within the statutory time limits for handling.
- The possible filing away of the report without any action being taken after going through the handling procedure cannot in itself be considered as the absence of taking appropriate measures.

Disclosure

- This is the ultimate alternative for a person making a report, but because disclosure may have major consequences for all of the parties involved, the specific legal protection enjoyed by the person making the report in that connection is subject to strict conditions.
- Indirect disclosure: the person making the report first made an internal report and external report to the FSMA, or made an external report immediately to the FSMA, but as a result of that report, no appropriate measures have been taken within the statutory time limit.

- › Direct disclosure: the person making the report has good reasons to assume that the infringement represents a threatened or real danger to the general interest, or that there is a risk of reprisals in the case of an external report, or it is not probable that the infringement has been remedied effectively due to the special circumstances of the matter, for example because evidence may have been held back or destroyed, or an authority is likely to collude with, or be involved with, the person committing the infringement.

4.2. Handling an internal report

4.2.1. The investigation by the Compliance Officer or the AMLCO

- › The Compliance Officer or, for AML-related reports, the AMLCO, who has received a report, will analyse the contents and take appropriate action.
- › The Compliance Officer, the AMLCO, or any person designated by them, will determine and consult the internal departments that need to be involved with the appropriate handling of the report.
- › The Compliance Officer or AMLCO will determine, where applicable in conjunction with the appropriate services, what needs to be investigated, based on the circumstances and the various fields involved and will set up an investigation.
- › Once the Compliance Officer or AMLCO has made recommendations, where applicable in conjunction with the appropriate services, it remains the responsibility of management to take action, or not, based on these recommendations.
- › In the Compliance department, the procedure will be closed and all of the data regarding the report archived in accordance with the statutory and regulatory provisions.
- › The information and reports will not mention, directly or indirectly, the identity of the persons involved (the person making the report, the person to whom the report relates, any witnesses).
- › In very exceptional circumstances, the role of the Compliance Officer or the AMLCO, as set out above, will be taken on by the chairman of the Management Board.

4.2.2. Provision of information Information to management

- › During the time the report is being dealt with, the Compliance Officer or AMLCO will update the chairman of the Management Board of progress on a regular basis.
- › The recommendations of the Compliance Officer or AMLCO will be reported to management for a decision.

Information to the person making the report

- › The person making the report will receive from the Compliance Officer or AMLCO confirmation by e-mail of receipt of the original report. This will be within 7 days of the report being made.
- › The person making the report will be kept informed of the follow-up given to their report. He or she will receive an update of progress on the internal investigation conducted after the report has been lodged.
- › The time at which an update is given is determined by developments in, and the importance of, the investigation, but information will be provided at the latest within three months of the confirmation of receipt being sent out.
- › Information to the person making the report will only be given when the identity of the person is known. In case of anonymous reports, no such information will be provided.

Information to the person about whom the report has been made

- › The person to whom the report relates will, unless it is legally forbidden or when AML-related infringements are involved, be notified of the fact that an investigation has been started at the request of the Compliance Officer or the AMLCO, and that as part of the investigation, personal data pertaining to that person will be processed. However, the provision of information may be delayed until the necessary evidence has been gathered and preserved, either for the plaintiff or the defendant. In the event of an obviously unjustified report, it is possible that the person to whom the report relates, and on an exceptional basis, is not notified.
- › The person to whom the report relates will have access to all the details concerning him or her personally, albeit with the exception of the details relating to the identity of the person making the report, the facilitator and witnesses. With regard to the processing of the personal data of the person to whom the report relates, he/she may make use of his/her rights under the GDPR.

5. CONTACT DETAILS

The Compliance Officer of Belfius Bank
The Anti-Money laundering Compliance Officer
(AMLCO) of Belfius Bank

whistleblowing@belfius.be

6. LEGAL FRAMEWORK (MOST RELEVANT)

- > 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, Official Journal of the European Union of 26 November 2019
- > 28 novembre 2022 – Law on the protection of persons who report violations of Union or national law found within a legal entity of the private sector, M.B. of 15 December 2022