



proximus

Proximus Pension Fund

# Whistleblowers Procedure

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## 1. Objective and scope

The Proximus Pension Fund considers integrity to be one of the cornerstones of its DNA.

By giving us the means to ensure compliance with our internal policies and procedures, as well as with laws and regulations, you are helping to build and secure the future of the Proximus Pension Fund, by reducing the risk of reputational damage and limiting financial losses.

European<sup>1</sup> and Belgian<sup>2</sup> legislations have recently further strengthened the legal framework for whistleblowing and whistleblowers protection.

In order to comply with these legislations, the Proximus Pension Fund has adapted the existing whistleblowing mechanism to these laws. This system allows employees and external parties to report in a confidential manner, and anonymously for those who wish to do so, any violation as referred to in point 3.2 below.

## 2. What is a whistleblower and why is this role so important ?

Whistleblowers are people who speak out or write about reprehensible acts they are confronted with in the course of their work. They can be, among others, :

- employees or former employees of the Proximus Pension Fund ;
- members of the General Assembly, the Board of Directors or other operational bodies of the Proximus Pension Fund
- persons in charge of key functions;
- employees or former employees of affiliates, external suppliers or service providers, volunteers, trainees (paid or unpaid) or freelancers who are involved in the management of the Pension Fund or provide services to it;
- any person working under the supervision of suppliers or subcontractors of the Pension Fund (or their subcontractors);
- any person who, even outside of his or her professional activity, has information concerning a breach of financial services, products or markets, or of anti-money laundering or terrorist financing legislation.

<sup>1</sup> Directive (EU) 2019/1937 of 23 October 2019

<sup>2</sup> Law of November 28, 2022 on the protection of persons who report violations of Union or national law found in a legal entity in the private sector

Whistleblower reports are extremely important because they can lead to the effective detection, investigation and follow-up of reprehensible acts and/or violations of internal policies and procedures, laws and regulations that would otherwise remain hidden. Encouraging individuals to report such wrongdoing and protecting them when they do so is essential to preventing corruption and maintaining a climate of integrity. The whistleblower mechanism also helps enforce Proximus Pension Fund compliance rules: with each concern raised, you help identify and address the weaknesses identified.

## 3. I want to report a problem

### 3.1 Who can report a problem ?

This procedure is applicable to any person belonging to one of the categories described in point 1 who has acquired information about breaches in a professional context (or even outside the professional context if it concerns breaches of financial services, products or markets, or breaches of anti-money laundering or terrorist financing legislation) within the Proximus Pension Fund.

### 3.2 What types of violations can be raised?

Your alert must concern the activities of the Proximus Pension Fund.

You may report a concern by providing information, including reasonable suspicion, regarding actual or potential violations referred to in Section 3.2 that have occurred or are very likely to occur and regarding attempts to conceal such violations.

Do not use the reporting channels described in this policy to report an immediate threat to life, health and safety or property, for grievances you may have regarding your working conditions, to address personal disputes that have nothing to do with the acts listed in this policy, or to make accusations you know are false.

The law provides protection for people reporting violations in a variety of areas.

« Violations » are those acts or omissions that are unlawful and relate to the areas listed in the law<sup>3</sup> or that, while not necessarily unlawful, nevertheless defeat the purpose or intent of the rules that are set forth in one or more of the areas listed below.

<sup>3</sup> Article 2 of the Act of November 28, 2022 on the protection of persons who report violations of EU or national law found in a legal entity in the private sector.

Some of the areas listed by the law are not related to the activity of the Pension Fund. Other areas, on the contrary, are directly related to the activities of the Pension Fund, such as :

- Financial services, products and markets and the prevention of money laundering and terrorist financing,
- The protection of privacy and personal data, and the security of networks and information systems,
- The fight against tax fraud
- Violations affecting the financial interests of the European Union
- Violations relating to the internal market, including competition and state aid.

For the complete list of areas we refer to Article 2 of the Act of 28 November 2022 on the protection of persons who report violations of EU or national law within a legal entity of the private sector.

By « financial services, products and markets » the aforementioned law refers, among other things, to the legal and regulatory provisions referred to in Article 45 of the law of August 2, 2002 on the supervision of the financial sector and financial services, and which the FSMA monitors.

More particularly, the following are concerned:

- The LCP (i.e. the law of 28 April 2003 on supplementary pensions and their tax regime and on certain supplementary social security benefits),
- The LIORP (i.e. the law of October 27, 2006 on the control of institutions for occupational retirement provision),
- The law of May 10, 2007 to fight against discrimination between women and men,
- The law of July 30, 1981 aimed at repressing certain acts inspired by racism or xenophobia,
- The law of March 5, 2002 on the principle of non-discrimination in favor of part-time workers,
- The law of June 5, 2002 on the principle of non-discrimination in favor of workers with a fixed-term employment contract,
- The law of September 18, 2017 on the prevention of money laundering and terrorist financing and the limitation of the use of cash,
- The Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006

### 3.3 How to report a problem?

The Proximus Pension Fund has an internal reporting channel in addition to the external reporting channel that is provided for by law.

The law guarantees you the free choice between the internal and the external reporting channel. We recommend, but without any obligation, that you start with the internal channel before using the external channel. By using the internal channel, the problem can be handled efficiently internally by the person in charge of managing the notification within the Proximus Pension Fund (the « notification manager »). This allows the Proximus Pension Fund to take immediate and effective remedial action as quickly as possible.

### 3.3.1 Internal reporting channel

The Proximus Pension Fund has chosen to outsource the internal reporting channel and the management of the internal reporting to a subcontractor. Outsourcing the internal channel and the investigations allows a total guarantee of confidentiality.

If you are aware of a breach of integrity, as described above (section 3.2) you can report the issue or violation directly using the following reporting channel so that your report is treated confidentially and your legal protection is assured:

Notification manager contact Information:

**Younity**

**Corinne Merla**

Boulevard du Souverain 36/8 Vorstlaan - 1170 Brussels

[corinne.merla@younity.be](mailto:corinne.merla@younity.be)

T + 32 2 880 77 88

M + 32 473 11 55 85

### 3.3.2 External reporting channel

An external reporting channel has been designated by the Belgian State. This is the Centre of Integrity of the Federal Ombudsman, which you can contact as follows:

- Online: via the Integrity Center | [Federaalombudsman.be](https://www.federaalombudsman.be)
- By phone: Monday to Friday from 9:00 to 12:30 and from 13:30 to 17:00:
- From Belgium via the free number 0800 99 961
- From abroad: +32 2 289 27 27
- By e-mail : [contact@mediateurfederal.be](mailto:contact@mediateurfederal.be)

The list of the other Belgian competent authorities and the references to the procedures and safeguards for external reporting are available on the website of the federal ombudsman: <https://www.mEDIATEURFEDERAL.BE/>.

Among these is the FSMA, for the rules it supervises (i.e. the rules referred to in article 45 of the aforementioned law of 2 August 2002). You can contact the FSMA as follows:

- Via the federal ombudsman, who will forward your alert to the FSMA (<https://www.mEDIATEURFEDERAL.BE/>)
- Via the electronic application: <https://www.fsma.be/fr/node/105914>
- Via the telephone line: 02/220 56 66, on Monday, Tuesday, Thursday and Friday between 9:00 and 12:00, an automatic answering machine being activated outside these hours. The conversations are not recorded.
- During a face-to-face meeting: by appointment via the electronic application or by calling the telephone line 02/220 56 66. Conversations are not recorded. .
- In writing on paper: to be sent to the FSMA, Enforcement Department, to the attention of the auditor Michaël André, Confidential - LAK2392, rue du Congrès 12, 1000 Brussels.

### 3.4 The follow-up

After reporting via the internal channel, you will receive an acknowledgement of receipt within 7 calendar days (maximum).

The person responsible for following up on your report (the « notification manager ») will record it in a separate log and will initiate a preliminary investigation to see if the concern appears to be well founded at first glance and if it falls within the scope of the law. This person will also stay in contact with you and, if necessary, will ask you for additional information.

You will be informed within a maximum of 3 months (after the acknowledgement of receipt) of the envisaged or given follow-up to the report and of the reasons for the choice of this follow-up.

At the end of the investigation, a summary report will be written by the notification manager.

It shall contain a description of the facts and the findings of the investigation. In the event that the report concludes that a violation has occurred, the report shall also contain appropriate recommendations for action to end the violation.

An anonymized version will be sent to :

- the Chairman of the Board of Directors of the Proximus Pension Fund so that he may place it on the agenda of a future Board meeting;
- when the violation falls within their area of control, to the key functions and/or to the DPO if they are not in a situation of conflict of interest.

The Board of Directors shall, no later than 3 months after receipt of the report of the notification manager, take the decision on, if necessary, the appropriate measures to put an end to the violation and/or the closure of the investigation and informs the notification manager.

You will be informed, by the notification manager, of the conclusion of the report and the decision taken. The same applies when the violation falls within their scope, to the key functions and the DPO.

## 4. Duty of confidentiality

When you report a problem, the confidentiality of your identity as a whistleblower will be guaranteed in accordance with applicable laws and regulations.

Your identity will not be disclosed without your explicit consent to anyone outside of the authorized persons responsible for receiving and handling your internal report. This also applies to any other information from which your identity can be (in)directly deduced.

Only if there is a necessary and proportionate obligation imposed by European or national law in the context of investigations by national authorities or legal proceedings may your identity be disclosed, including for the purpose of safeguarding the rights of defence of the person concerned.

Internal reporting on an anonymous basis is permitted.

However, the Proximus Pension Fund encourages the whistleblower to provide his or her identity to the notification manager in order to facilitate the internal investigation, to ask for additional information if necessary, to keep the whistleblower informed and to put in place the necessary protective measures.

Please note that an anonymous report will only be considered valid if it contains sufficient factual information to allow for an investigation. Therefore, please include as much detail as possible in the interest of the investigation and follow-up of an anonymous report.

Furthermore, within the framework of this policy, the Proximus Pension Fund may collect personal data on the basis of the obligations imposed on it by the European Directive and national laws, in strict compliance with the General Data Protection Regulation, and to the extent necessary for the purposes of investigating the reported problem and taking the necessary corrective measures. All personal data collected under this procedure will be retained and deleted in accordance with the law

## 5. Protection of the whistleblower

No whistleblower who reports an event on reasonable grounds may be retaliated against (e.g., punished or subjected to any discriminatory measure) for reporting in a disinterested manner via the whistleblower mechanisms.

Proximus prohibits and may sanction all forms of retaliation against those who, in good faith, report an infringement or a suspected infringement.

If you report a problem and it turns out that you were sincerely mistaken or that there is an innocent explanation for your concerns, you will not be sanctioned or subjected to discriminatory treatment. In addition, the protections also apply to facilitators and third parties who have a professional or family relationship with the whistleblower and who may be subject to retaliation.

If, however, as a whistleblower you feel threatened as a result of your report or you have been subject to a reprisal measure, we invite you either to report this to the internal reporting channel, or to file a report directly with the external reporting channel, one of whose missions is to offer you protection against retaliation, and to call upon the assistance of the Federal Institute for the Protection and Promotion of Human Rights<sup>4</sup>.

The law has considerably strengthened the protection of whistleblowers against reprisals and the severity of sanctions against the perpetrators of such reprisals.

Conversely, it is also important not to make accusations that you know are false. The law also provides for punishment in accordance with articles 443 to 450 of the Criminal Code for those who report when it is established that they knowingly reported or publicly disclosed false information, and that persons who suffer damages as a result of such reports or public disclosures are entitled to compensation in accordance with contractual or extra-contractual liability.

<sup>4</sup> [FIRM-IFDH \(federalinstitutehumanrights.be\)](http://firms-ifdh.federalinstitutehumanrights.be)

## 6. Register of alerts

Internal notifications are entered in a register of alerts by the notification manager, in compliance with confidentiality requirements. This register mentions the follow-up of internal alerts and the reasons for this. The identity of the author of the alert is not recorded.

## 7. Publicity for this procedure

The Proximus Pension Fund shall communicate this procedure to its subcontractors and those responsible for control functions, to the members of its bodies and to the affiliates and shall ensure that it is made public via the channels it considers most appropriate.

The subcontractors of the Proximus Pension Fund and the persons in charge of control functions shall undertake to communicate this procedure to all members of their staff working for the Fund.

## 8. Processing of personal data

This section describes how the Proximus Pension Fund handles your personal data in the context of this whistleblowing procedure. This information is intended for all whistleblowers and anyone who is the subject of a report.

**Categories of Personal Data:** We may collect and process the following categories of personal data when a report is made through the reporting channels described in this policy:

- the identity, functions and contact information of the whistleblower (subject to the confidentiality rules set forth in Section 3), the persons named in the report, and the persons involved in receiving and following up on the report; and
- the events reported, the information gathered in the course of the investigation, and any action taken as a result of the investigation, to the extent that such information relates to personal data.

**Purposes:** We process the above-mentioned personal data for the purposes of managing reports and detecting, investigating and monitoring wrongdoing or violations of the laws and regulations.

**Legal Basis:** As explained in Section 1 of this policy, we have a legal obligation to make reporting channels available for certain types of violations. Where the report falls under this legal obligation, we will process the data on this legal basis. For all other reports, we rely on our legitimate interests in ensuring that the conduct of our employees complies with the requirements of the law, industry standards and Proximus' internal policies and standards.

**Recipients of the data:** Only authorized and competent persons for the receipt and follow-up of reports within the Proximus Group have access to the personal data mentioned above. Only if we are legally obliged to do so may this data be communicated to national authorities or legal proceedings.

**Data retention:** Personal data obtained in connection with a report is retained for as long as necessary to process the report, including any consequences, such as legal proceedings.

**Your rights:** You have the right to access and rectify your personal data and, under certain conditions, to limit the processing of your personal data, to object to the processing of your personal data, and to request the deletion of your personal data. You can exercise your rights by contacting the Pension Fund Data Protection Officer: [privacy@proximus.com](mailto:privacy@proximus.com).

You also have the right to lodge a complaint with the competent supervisory authority.