

National Bank of the Republic of North Macedonia



INSTRUCTIONS for whistle-blowing in the National Bank of the Republic of North Macedonia

August 2022

Pursuant to Article 48 paragraph 2 of the Law on the National Bank of the Republic of North Macedonia (Official Gazette of the Republic of Macedonia No. 158/10, 123/12, 43/14, 153/15, 6/16 and 83/18 and Official Gazette of the Republic of North Macedonia No. 110/21) and Article 13 of the Regulation on whistle-blowing in the National Bank of the Republic of North Macedonia Re. No. 02-15/XIV-2/2020 of 13 October 2020, the Governor of the National Bank of the Republic of North Macedonia adopted the following

**INSTRUCTIONS
for whistle-blowing
in the National Bank of the Republic of North Macedonia**

I. GENERAL PROVISIONS

1. These Instructions shall regulate the procedure for the implementation of whistle-blowing in the National Bank of the Republic of North Macedonia (hereinafter: the National Bank).

II. PROCEDURE FOR THE IMPLEMENTATION OF WHISTLE-BLOWING

Taking actions on the basis of a report received from a whistle-blower

2. The authorized officer shall receive the reports submitted to him/her from a whistle-blower for the purpose of whistle-blowing according to the Law on Whistle-Blower Protection, individually or collectively, in writing submitted through mail / special mail box, e-mail or orally on a record.

The authorized officer shall ensure confidentiality and protection of personal data, classified information and other confidential data and information submitted by whistle-blowers, by applying appropriate technical and organizational measures for protection of data against accidental or unlawful destruction, loss, change, unauthorized disclosure or access to the information that is transmitted, stored or otherwise processed, in accordance with the regulations for protection of personal data, the safety of classified information and the internal acts that implement the Information Security Policy of the National Bank.

Taking actions on the basis of a verbal report received from a whistle-blower

3. If the report is received orally, the authorized officer shall draw up a Record that includes the following data:

- whistle-blower data (name and surname of the whistle-blower; category of a person of the whistle-blower in accordance with Article 3 of the Regulation on whistle-blowing in the National Bank, a request from the whistle-blower to remain confidential and the extent to which he/she requires that);
- data on the person against whom the whistle-blower reports;

- description of a punishable or other unlawful and inadmissible act which infringes or jeopardizes the public interest;
- method and form of communication between the authorized officer and the whistle-blower proposed by the whistle-blower;
- annexes;
- date and place of receipt of the report.

The matching of the data from the verbal report in the contents of the Record shall be confirmed by a personal signature of the whistle-blower and the authorized officer.

As an exception to paragraph 2 of this item, the Record drawn up on the basis of a verbal report received by phone shall be signed only by the authorized officer.

The Record referred to in paragraph 1 of this item shall be listed as a written report, and is classified and marked in accordance with the act which regulates the classification of information in the National Bank.

Taking actions on the basis of a written report received from a whistle-blower

4. The whistle-blowing report that is submitted in writing shall include the data referred to in item 3 paragraph 1 indents 1, 2, 3, 4 and 5 of these Instructions, as well as the date and place of its submission.

If the report includes classified information, it shall be classified with a level in accordance with the regulations for classified information and the acts which regulate the classification of information in the National Bank. If the report is submitted together with annexes that are with a different level of classification, it shall be classified according to the highest level of classification of the information and the annexes that are enclosed with the report.

The classified information shall be submitted in person to the authorized officer, in paper-based form or on electronic record carrier.

If the report and / or the annexes include special categories of personal data in accordance with the Law on Protection of Personal Data, the whistle-blower shall submit them in person, through a special mail box of the National Bank or by post.

The whistle-blower shall send his/her report in writing sent by post sealed in an envelope with a sign "In person on hand, Authorized officer for receiving reports from whistle-blowers".

The report referred to in paragraph 5 of this item received in the Archive of the National Bank, without opening and without delay, shall be forwarded to the authorized officer.

Taking actions on the basis of a report received from a whistle-blower submitted electronically

5. If the report is submitted electronically on electronic record carrier, i.e. electronically, the authorized officer shall print the record matching the report according to the contents, and the printed record together with the listed annexes received in the form of electronic records, shall be listed as a received report.

If the printing of the annexes referred to in paragraph 1 of this item is uneconomical, the authorized officer shall store them in electronic form on his/her computer secured by a password known only to him/her.

When the authorized officer forwards the report to an employee of the National Bank or the competent institution for the purpose of taking actions on the basis of the report, in the case of paragraph 2 of this item, the authorized officer, performing his/her obligations and responsibilities when applying the provided technical and organizational measures for protection of personal data in accordance with the regulations which regulate the protection of personal data, electronic records, shall copy them on electronic record carrier enclosed with the report.

Recording, consideration and assessment of the received report

6. Upon receipt of the report, the same day the authorized officer shall record the report with all annexes, consider it, analyze its contents and act in accordance with the Law on Whistle-Blower Protection, the Regulation on whistle-blowing in the National Bank and the provisions of these Instructions.

The authorized officer shall record the received reports with all annexes by placing a special receiving seal and shall list them in the corresponding separate ledger.

7. Upon receiving and recording the report, the authorized officer, without delay, shall assess the contents of the report in order to determine whether it is logical and reasonable in terms of whether the reported action is related to the operations of the National Bank and whether it refers to an employee of the National Bank or a member of the Council of the National Bank, furthermore whether it represents a report from a whistle-blower in accordance with the Law on Whistle-Blower Protection and the Regulation on whistle-blowing in the National Bank, as well as whether the report includes enough elements to be forwarded to further take actions.

In carrying out the assessment referred to in paragraph 1 of this item, the authorized officer may require additional information from the whistle-blower, if known.

When carrying out the assessment, the authorized officer, if necessary, with an accompanying letter shall require information from the strategic / tactical manager competent from the area to which the report refers, not revealing the identity of the whistle-blower.

Taking actions on the basis of a report that is not logical nor reasonable and a document / record that is not a report from a whistle-blower

8. After the assessment referred to in item 7 of these Instructions, if the authorized officer determines that the received document / record does not represent a report from a whistle-blower, or that the report is not logical nor reasonable, he/she shall immediately put a note in the case thereon, which is recorded in the separate ledger. The authorized officer shall adopt a conclusion thereon, which determines that the received document / record does not represent a report from a whistle-blower, or that the report is not logical nor reasonable and shall determine the competence to take actions on the basis of the received document / record.

The authorized officer shall record the report and the received documents referred to in paragraph 1 of this item and within 8 (eight) days from the day of receipt of the report, with the enclosed documents in the original, shall submit them with an accompanying letter to the strategic / tactical manager competent for the area to which the report refers, i.e. to the competent institution, keeping a copy of the case.

The authorized officer, without delay, shall inform the whistle-blower, if known, about the undertaken actions from this item.

Taking actions on the basis of a report that is not within the competence of the National Bank

9. After the assessment referred to in item 7 of these Instructions, if the authorized officer determines that the National Bank is not competent to take actions on the basis of the report, he/she shall immediately put a note in the case thereon, which is recorded in the separate ledger. Thereon, the authorized officer shall adopt a conclusion about the National Bank's non-competence to take actions.

The authorized officer shall record the report and within 8 (eight) days from the day of receipt, with the enclosed documents in the original, shall submit it with an accompanying letter to the officer authorized to receive reports from whistle-blowers of the competent institution, keeping a copy of the case.

The authorized officer, without delay, shall inform the whistle-blower, if known, about the undertaken actions from this item.

Taking actions on the basis of a report that is within the competence of the National Bank

10. After the assessment referred to in item 7 of these Instructions, if the authorized officer determines that the received report represents a report from a whistle-blower for the National Bank, the authorized officer shall adopt a conclusion about the National Bank's competence to take actions. For the allegations from the contents of the report and the conclusion referred to in paragraph 1 of this item, the authorized officer shall, without delay, inform the Governor of the National Bank with a written notification. By way of derogation, if the authorized officer in carrying out the assessment determines that the report is directed against the Governor of the National Bank, the authorized officer shall submit the report to the Vice Governor authorized by the Governor of the National Bank who replaces him/her, in pre-determined order.

If the authorized officer in carrying out the assessment determines that the report is directed against the Vice Governors or the external members of the Council of the National Bank, the authorized officer shall submit the report to the Governor of the National Bank.

11. After the assessment, the authorized officer, with a letter, shall forward the received information and the report, after previously separating from it the personal data and

the data that may reveal the identity of the whistle-blower, if the whistle-blower required to remain confidential / anonymous, for the direct strategic / tactical manager of the employee of the National Bank to whom the indication refers, to take further actions.

The authorized officer, at request of the whistle-blower, shall inform him/her about the course and the actions that are taken in the proceedings on the basis of the report and shall allow the whistle-blower an insight into the documents of the case formed on the basis of his/her report in accordance with the law.

If the insight referred to in paragraph 2 of this item, i.e. the access to information in relation to the proceedings on the basis of the report may have harmful consequences for the course of the procedure, the authorized officer shall separate that information and shall inform the whistle-blower thereon and shall allow him/her an insight into the remaining part in the contents of the notification, i.e. in the remaining part of the documents of the case.

The authorized officer shall inform the whistle-blower, if known, about the outcome of the procedure in relation to the case formed on the basis of the report.

III. CLOSING PROVISIONS

12. These Instructions shall enter into force on the day of their signing and shall be published on the web site, as well as on the intranet site of the National Bank.

I No. 02-27851/1

16 August 2022

Skopje

Anita Angelovska Bezhoska

Governor

