

V skladu s štirinajstim odstavkom 9. člena Zakona o zaščiti prijaviteljev (Uradni list RS, št. 16/23; v nadaljevanju kot: »ZZPri«)

IBM SLOVENIJA Podjetje za proizvodnjo, marketing in storitve d.o.o. Ljubljana, Ameriška ulica 8, 1000 Ljubljana (v nadaljevanju kot: »Družba«)

sprejema naslednji:

PRAVILNIK

o zaščiti prijaviteljev in vzpostavitvi notranje poti za prijavo

1. člen (Namen Pravilnika)

S tem Pravilnikom se ureja postopek notranje prijave kršitev predpisov, za katere so posamezniki izvedeli v delovnem okolju Družbe, in obravnavo teh prijav.

Pravilnik ureja tudi zaščito posameznikov, ki prijavijo ali javno razkrijejo informacije o kršitvi, vse v skladu z ZZPri.

Prijavitelj je lahko samo fizična oseba, ki je ali je bila z Družbo v delovnem ali drugem podobnem pravnem razmerju.

Ta Pravilnik se uporablja za prijavo kršitev predpisov, ki veljajo v Republiki Sloveniji.

Ta Pravilnik določa:

- krog oseb, na katere se Pravilnik nanaša,
- način imenovanja zaupnika in njegove naloge,
- postopek prejema, evidentiranje in postopek obravnave notranje prijave,
- obveščanje vodstva in letno poročanje,
- druge možnosti prijave v primeru neučinkovitosti notranje prijave.

Družba zaposlenim in drugim osebam iz svojega delovnega okolja zagotavlja dostop do informacij o načinu uporabe notranje poti za prijavo in o postopku za zunanjo prijavo z objavo tega Pravilnika, obrazca za notranjo prijavo, obvestilom ter podatkov o

Pursuant to paragraph fourteen Article 9 of the Reporting Persons Protection Act (Official Gazette of the Republic of Slovenia, No. 16/23; hereinafter referred to as: "ZZPri")

IBM SLOVENIJA Podjetje za proizvodnjo, marketing in storitve d.o.o. Ljubljana, Ameriška ulica 8, 1000 Ljubljana (hereinafter referred to as: "the Company")

adopts the following:

BY-LAW

on protection of reporting persons and the establishment of an internal reporting channel

Article 1 (Purpose of the By-law)

This By-law governs the procedure for internal reporting of infringements of regulations of which individuals become aware in the Company's work environment, and handling of such reports.

It also governs the protection of individuals who report or publicly disclose information about an infringement, all in accordance with the ZZPri.

The reporting person can be only a natural person who has an employment or similar relationship with the Company.

This By-law is used for reporting infringements of the regulations in force in the Republic of Slovenia.

This By-law sets out:

- the persons to whom the By-law apply,
- the trustee, the manner of their appointment and their tasks,
- the procedure for receiving and recording internal reports and the procedure for examining them,
- keeping management informed and annual reporting,
- alternative reporting options in case internal reporting is ineffective.

The Company provides employees and other persons in its work environment with access to information on how to use the internal reporting channel and on the external reporting procedure by publishing this By-law, the internal reporting form,

zaupniku na intranetnem portalu in na svoji spletni strani.

2. člen (Dodatna pravila o zaščiti)

Družba je del mednarodne korporacije IBM Corporation iz Združenih Držav Amerike. Posledično Družba pri urejanju delovnih razmerij, zaščiti pravic delavcev in notranji prijavi kršitev izhaja tudi iz načel in pravil mednarodne korporacije IBM.

Dodatna pravila o zaščiti pravic delavcev, notranji prijavi kršitev in kanalih prijave so vsebovana tudi v IBM smernicah za poslovno ravnanje (ang. Business Conduct Guidelines) in ostalih splošnih aktih in postopkih, ki so na voljo delavcem. V kolikor želite prijaviti kršitve v sklopu omenjenih smernic in aktov, prosimo upoštevajte, da za postopke v sklopu teh aktov in smernic veljajo določila politike in ne Zakona o zaščiti prijaviteljev.

Določila tega Pravilnika ne zmanjšujejo drugih pravic in kanalov prijave, ki jih delavci imajo na podlagi splošnih aktov in postopkov navedenih v predhodnem odstavku tega Pravilnika.

3. člen (Imenovanje zaupnika)

Za ustrezno vzpostavitev notranje poti za prijavo, mora Družba imenovati zaupnika.

Poslovodstvo Družbe lahko imenuje dva zaupnika, ki imata pri opravljanju nalog zaupnika enake pravice in dolžnosti. Zaupniku Družbe lahko pri opravljanju nalog pomaga tudi zaupnik IBM Skupine, pri čemer je zaupnik dolžan spoštovati določila 5. člena tega pravilnika glede identitete prijavitelja.

Zaupnika imenuje poslovodstvo Družbe. Sklep o imenovanju zaupnika je Priloga 3 k temu Pravilniku. Obvestilo o imenovanem/-ih zaupniku/-ih bo objavljeno na Intranetu in na oglasni deski Družbe.

Zaupnik lahko pisno zahteva, da se ga/jo razreši te obveznosti oziroma poda pisno izjavo, da preklicuje

the notice and the details of the trustee on the intranet portal and on its website.

Article 2 (Additional rules on the protection)

The Company is part of the international corporation IBM Corporation from the United States of America. As a result, the Company also follows the principles and rules of an international corporation IBM in regulating labour relations, protecting employees' rights and reporting infringements internally.

Additional rules on the protection of employees' rights, internal whistleblowing and reporting channels are also contained in the IBM Business Conduct Guidelines and other general acts and procedures available to the employees. If you wish to report infringements within the mentioned policies, please note that for the procedures within those acts and guidelines, the provisions of those acts and guidelines apply and not of the Reporting Persons Protection Act.

The provisions of this By-law do not diminish other rights and channels of notification which employees have under the general acts and procedures referred to in the preceding paragraph of this By-law.

Article 3 (Appointment of a trustee)

In order to properly establish an internal reporting channel, the Company must appoint a trustee.

The management of the Company may appoint two trustees, who shall have equal rights and duties in the performance of their tasks as trustees. The trustee of the Company may be supported by the IBM Group trustee while carrying out its responsibilities, whereas the Trustee is obliged to respect the provisions of Article 5 of this by-law regarding the identity of the reporting person.

The trustee is appointed by the Company's management. Decision on appointment of the trustee is Annex 3 to this By-law. A notice of the appointed trustee(s) will be published on the Company's Intranet and on the Company's notice board.

The trustee may request in writing that he/she be relieved of this obligation or may make a written declaration withdrawing his/her consent to the

svojo privolitve za imenovanje. V tem primeru, bo Družba odpoklicala zaupnika.

Prenehanje delovnega razmerja zaupnika pri Družbi je razlog za prenehanje dolžnosti zaupnika. Družba lahko kadarkoli odpokliče zaupnika v kolikor obstajajo drugi utemeljeni razlogi za to.

Zaupnik sprejema prijave in jih obravnava v skladu z veljavno zakonodajo in tem Pravilnikom.

Zaupniku na ravni Družbe lahko pri delu pomaga tudi zaupnik na ravni IBM skupine ali regije.

4. člen (Prijava informacije o kršitvi)

Prijavo informacije o kršitvi lahko poda le fizična oseba, ki je v delovnem in podobnem razmerju v Družbi. To so poleg zaposlenih delavcev lahko tudi zunanji sodelavci, nekdanji zaposleni, kandidati za zaposlitev, študenti, pogodbeni izvajalci.

Prijavitelj je upravičen do zaščite po ZZPri, če je na podlagi utemeljenih razlogov menil, da so bile prijavljene informacije o kršitvah ob prijavi resnične in poda prijavo pred potekom dveh let od prenehanja kršitve.

Informacija o kršitvi je informacija, vključno s podlago za sum, o dejanski ali morebitni kršitvi predpisov, ki se je ali se bo verjetno zgodila v organizaciji, s katero je ali je bil prijavitelj v delovnem ali podobnem razmerju, ter o poskusu prikrivanja takšne kršitve.

Do zaščite so upravičeni tudi posredniki in povezane osebe, če je verjetno, da so ali bi lahko bili zaradi povezanosti s prijaviteljem zoper njih uvedeni povračilni ukrepi.

Do zaščite je upravičen tudi prijavitelj, ki je prijavo podal anonimno, pa je bila kasneje njegova identiteta razkrita.

5. člen (Prepoved razkritja identitete in zaupnosti)

Nihče ne sme razkriti identitete prijavitelja brez njegovega izrecnega soglasja nikomur, razen zaupniku in organu za zunanjo prijavo. To velja tudi za vse

appointment. In this case, the Company will recall the trustee.

Termination of the trustee's employment with the Company shall be grounds for termination of the Trustee's duties. The Company may recall a Trustee at any time if there are other valid reasons for doing so.

The trustee shall receive and process reports in accordance with applicable law and this By-law.

The Company level trustee may also be assisted by the trustee at the IBM group or at regional level.

Article 4 (Reporting an information on infringement)

Only a natural person who has employment or a similar relationship with the Company may report information on infringement. In addition to employees, this can include freelancers, former employees, job applicants, students and contractors.

A reporting person is entitled to protection under the ZZPri if, on reasonable grounds, the reporting person believed that the information on infringement reported at the time of report was true and reports it before the expiry of two years from the cessation of the infringement.

Information on infringement is information, including grounds for suspicion, about an actual or potential infringement of the regulations that has occurred or is likely to occur in an organisation with which the reporting person has or has had an employment or similar relationship, and about an attempt to conceal such an infringement.

Intermediaries and related persons are also entitled to protection if they are or are likely to be subject to retaliation because of their association with the reporting person.

A reporting person who has made an anonymous report but whose identity has subsequently been disclosed is also entitled to protection.

Article 5 (Prohibition of disclosure of identity and confidentiality)

No one may disclose the identity of a reporting person to anyone other than to the trustee and the external reporting authority without the reporting

druge informacije, iz katerih je mogoče neposredno ali posredno sklepati o identiteti prijavitelja.

Zaupnik sme razkriti identiteto prijavitelja, prijavo z vso dokumentacijo centralnim kanalom IBM pristojnim za obravnavo prijav v primeru, če prijavitelj izrecno pisno privoli v to na podlagi privolitve iz Priloge 4.

Delodajalec ne sme ugotavljati identitete prijavitelja.

Identiteta prijavitelja se sme razkriti le pod pogoji iz 6. člena ZZPri.

6. člen (Postopek prejema notranje prijave)

Prijavitelj lahko prijavo poda pisno ali ustno (po telefonu ali osebno).

7. člen (Kontaktne podatke za sprejem prijav)

Prijave se praviloma podajajo preko obrazca, ki se nahaja v Prilogi 2 tega Pravilnika in se sprejemajo na naslednje načine in na naslednje naslove:

- po e-pošti na naslov: zvizgac@ibm.com
- na telefonski številki: +386-40-986-734, Tina Drnovšek (primarna kontaktna točka) oziroma na +386-40-456- 605 Vanja Babič;
- na naslovu IBM SLOVENIJA Podjetje za proizvodnjo, marketing in storitve d.o.o. Ljubljana, Ameriška ulica 8, 1000 Ljubljana s pripisom »v roke zaupniku za notranjo prijavo«;
- osebno pri zaupniku po predhodnem naročilu po telefonu ali e-pošti.

8. člen (Evidentiranje prijave)

Zaupnik prijavo evidentira v evidenco prijav.

Zaupnik prijavo evidentira v evidenci prijav tako, da se upošteva prepoved razkritja identitete in zaupnosti.

person's express consent. The same applies to any other information from which the identity of the reporting person may be inferred, directly or indirectly.

The Trustee may disclose the identity of the reporting person, its report with pertaining documentation to the central channels of IBM designated for handling reports, provided that the reporting persons gives its explicit consent provided in the Annex 4.

The employer must not establish the identity of the reporting person.

The identity of the reporting person may only be disclosed under the conditions set out in Article 6 of the ZZPri.

Article 6 (Procedure for receiving an internal report)

The reporting person can submit a report in writing or orally (by phone or in person).

Article 7 (Contact details for receiving reports)

Reports shall normally be submitted using the form in Annex 2 to this By-law and shall be accepted by the following methods and at the following addresses:

- by email to: zvizgac@ibm.com
- by calling +386-40-986-734, Tina Drnovšek (primary point of contact) or 386-40-456- 605 Vanja Babič;
- at the address IBM SLOVENIJA Podjetje za proizvodnjo, marketing in storitve d.o.o. Ljubljana, Ameriška ulica 8, 1000 Ljubljana, marked "for the attention of the internal reporting channel trustee";
- in person at the Trustee's office, by phone or email.

Article 8 (Registering a report)

The trustee shall register the report in the register of reports.

The trustee records the report in the register of reports in such a way as to comply with the prohibition on disclosure of identity and

confidentiality.

Ustna prijava se evidentira z natančnim zapisom njene vsebine.

The oral report shall be recorded by means of a detailed record of its content.

Kadar prijavitelj prijavo poda osebno ali po telefonu, zaupnik prijavo lahko posname. Pred začetkom snemanja mora prijavitelja obvestiti o snemanju pogovora in za snemanje pridobiti prijaviteljevo predhodno soglasje.

Where the reporting person makes the report in person or by telephone, the trustee may record the report. Before the recording begins, the trustee must inform the reporting person that the conversation is to be recorded and obtain the reporting person's prior consent to the recording.

V primeru ustne prijave, ki se ne posname, zaupnik izdelava natančen zapis prijave ter ga prijavitelju pošlje v pregled in podpis, če ta to želi in če opredeli, kam naj se pošlje.

In the case of an oral report which is not recorded, the trustee shall draw up a detailed record of the report and send it to the reporting person for review and signature, if the latter so wishes and specifies where it should be sent.

Evidenca prejetih prijav (evidenčni podatki) vsebuje naslednje podatke:

The register of reports received (the register data) contains the following information:

- o prijavitelju, posredniku, povezanih osebah, osebi, ki jo prijava zadeva, in osebah, ki lahko pomagajo pri preiskavi prijavljene kršitve (osebno ime ali psevdonim, poštni naslov, naslov elektronske pošte, telefonsko številko in druga naslove za navezavo stika),
 - gradivo, ki so ga predložile v prejšnji alineji navedene osebe,
 - številka zadeve,
 - datum prejema prijave,
 - delovno področje kršitve,
 - datum potrditve prejema prijave,
 - datum povratne informacije prijavitelju,
 - datum poročila vodstvu,
 - gradivo, ki je nastalo v postopku obravnavane prijave.
- on the reporting person, the intermediary, related persons, the person concerned by the report and persons who can assist in the investigation of the notified infringement (personal name or pseudonym, postal address, e-mail address, telephone number and other contact addresses),
 - the material submitted by the persons referred to in the previous indent,
 - case number,
 - the date on which the report is received,
 - the field of work of the infringement,
 - the date of acknowledgement of receipt of the report,
 - the date of feedback to the reporting person,
 - date of report to management,
 - material arising from the report under examination.

Osebe, ki obravnavajo prijavo in ki so pooblaščenice za odpravo kršitev, smejo v ta namen obdelovati osebne podatke, ki so potrebni za preiskovanje kršitve, za obdelovanje posledic kršitve in za odpravo kršitve ter zaščito prijavitelja.

For this purpose, the persons dealing with the report and authorized to remedy the infringement may process the personal data necessary to investigate the infringement, to process the consequences of the infringement, to remedy the infringement and to protect the reporting person.

Elektronska prijava s prilogami se hrani v informacijskem sistemu, pri čemer je dostop omejen zgolj na zaupnika, fizična pa v posebni zaklenjeni omari v pisarni zaupnika. Fizična prijava se glede hrambe in ravnanja fizično in tehnično obravnava na način, kot da bi šlo za tajni podatek stopnje interno ali poslovno skrivnost. Dostop do predala elektronske

The electronic report and its annexes are stored in the IT system, whereby access is limited only to the trustee, while the physical report is kept in a special locked cabinet in the trustee's office. The physical reports shall be physically and technically treated as if they were classified information at the level of an internal or business secret with regard to storage and examination. Access to the email inbox of the

pošte posamičnega zaupnika ima izključno zadevni zaupnik.

Po poteku petih let se iz evidence brišejo podatki o prijavitelju in povzročitelju ter vsebina prijave, poročilo vodstvu in evidenčni podatki pa se hranijo 10 let.

9. (Ravnanje z osebnimi podatki)

Osební podatki, za katere je očitno, da niso potrebni za obravnavo prijave, se ne zbirajo. Če se takšni podatki zberejo pomotoma, se brez nepotrebne odlašanja izbrišejo.

Osebe, ki obravnavajo prijavo in ki so pooblašene za odpravo kršitev, smejo v ta namen obdelovati osebne podatke iz evidence prijav iz 8. člena tega Pravilnika, v kolikor je to potrebno za preiskovanje kršitve, za obvladovanje posledic kršitve in za odpravo kršitve ter za zaščito prijavitelja.

Prenašanje osebnih podatkov preko telekomunikacijskih sredstev, elektronske pošte ali drugih računalniških medijev izven prostorov Družbe mora biti varovano s postopki in ukrepi na način, ki nepooblaščenim preprečuje prilaščanje, uničenje ali nedovoljeno seznanjanje z njihovo vsebino. Prenos osebnih podatkov po elektronski pošti mora biti varovan z geslom.

10. člen (Naloge zaupnika in zaščita prijavitelja)

Zaupnik preizkusi in obravnava prijavo kršitve.

Zaupnik obravnava prijavo skrbno, zaupno in samostojno ter pri tem ni vezan na navodila v posamezni zadevi.

Zaupnik ne sme razkriti identitete prijavitelja, razen pod pogoji iz ZZPri. Zaupnik podatke, s katerimi se seznaní, uporablja le za namene obravnave prijave in odprave kršitve.

individual trustee is restricted to the respective trustee.

After five years, the data on the reporting person and the offender and the content of the report are deleted from the register, and the report to the management and the records from the register are kept for 10 years.

Article 9 (Personal data handling)

Personal data which are obviously not necessary for the processing of the report shall not be collected. If such data are collected by mistake, they shall be deleted without undue delay.

For this purpose, the persons processing the report and authorised to remedy the infringement may process personal data contained in the register of reports referred to in Article 8 of this By-law to the extent necessary for the investigation of the infringement, for the management of the consequences of the infringement, for the remedy of the infringement and for the protection of the reporting person.

The transmission of personal data by telecommunications, electronic mail or other computer media outside the premises of the Company shall be protected by procedures and measures in such a way as to prevent unauthorised persons from obtaining, destroying or having unauthorised access to its contents. The transmission of personal data by e-mail must be password protected.

Article 10 (Duties of the trustee and protection of the reporting person)

The trustee checks and processes/examines the report of the infringement.

The trustee shall examine/process the report with care, confidentiality and independence, and shall not be bound by instructions in any particular case.

The identity of the reporting person may not be disclosed by the trustee, except under the conditions set out in the ZZPri. The trustee shall use the information of which it becomes aware only for the purposes of processing the report and remedying the infringement.

Zaupnik prijavitelju, ki ni anonimen, da informacije o zaščiti po ZZPri, o postopkih za zunanjo prijavo organom za zunanjo prijavo in, kadar je ustrezno, ustanovam, organom, uradom ali agencijam Evropske unije ter informacije o nevladnih organizacijah, ki delujejo na področju zaščite prijaviteljev.

Zaupnik prijavitelju, ki je deležen povračilnih ukrepov, nudi informacije o pravnih možnostih in mu pomaga v upravnih in sodnih postopkih zaradi povračilnih ukrepov tako, da mu izda potrdilo o vloženi prijavi, zagotovi dokazila iz postopka s prijavo, ki jih prijavitelj potrebuje v nadaljnjih postopkih v zvezi s povračilnimi ukrepi in podobno. Zaupnik se lahko glede zaščitnih ukrepov posvetuje s Komisijo za preprečevanje korupcije.

Zaupnik sodeluje z organom za zunanjo prijavo, kadar je to potrebno zaradi obravnave prijave pred zaupnikom ali organom za zunanjo prijavo.

11. člen (Predhodni preizkus notranje prijave)

Zaupnik prijave praviloma obravnava po vrstnem redu njihovega prejema.

Zaupnik prijavo preizkusi tako, da v roku sedmih dni preveri, ali so izpolnjene predpostavke iz 11. člena ZZPri. V zvezi s tem zaupnik lahko uporabi kontrolni seznam iz Priloge 1 tega Pravilnika.

Kadar predpostavke niso podane, zaupnik prijave ne obravnava po ZZPri, prijavitelju pa v sedmih dneh od prejema sporoči, da prijave ne bo sprejel v obravnavo na podlagi ZZPri.

Kadar so podane vse predpostavke, zaupnik prijavitelju v sedmih dneh od prejema sporoči, da je prijavo sprejel v obravnavo.

Obvestilo iz tretjega in četrtega odstavka tega člena se pošlje na naslov ali način, ki ga je navedel prijavitelj, tudi če gre za anonimno prijavo.

Kadar je že ob sprejemu ustne prijave očitno, da prijave ni mogoče obravnavati v postopku obravnave notranje prijave, lahko zaupnik prijavitelja usmeri na

The trustee shall provide the non-anonymous reporting person with information on protection under the ZZPri, on the external reporting channels, to the external reporting authorities and, where appropriate, to the institutions, bodies, offices or agencies of the European Union, as well as information on non-governmental organizations working in the field of reporting persons protection.

The trustee shall provide the reporting person subject to retaliation with information on legal options and shall assist them in administrative and judicial proceedings for retaliation by issuing a certificate of the lodged report, providing evidence from the reporting procedure that the reporting person needs in further proceedings for retaliation, etc. The trustee may consult the Commission for the Prevention of Corruption on the safeguards.

The trustee shall cooperate with the external reporting authority whenever this is necessary for the processing of a report before the trustee or the external reporting authority.

Article 11 (Preliminary test of the internal report)

The trustee shall normally process reports in the order in which they are received.

The trustee shall check (test) the report within seven days by checking whether the prerequisites laid down in Article 11 of the ZZPri are met. In this respect, the trustee may use the checklist set out in Annex 1 to this By-law.

Where the prerequisites are not met, the trustee shall not consider the report under the ZZPri and shall notify the reporting person within seven days of receipt that the report will not be accepted for consideration under the ZZPri.

Where all the conditions are met, the trustee shall notify the reporting person within seven days of receipt that the report has been accepted for processing.

The notification referred to in the third and fourth paragraphs of this Article shall be sent to the address or by the means indicated by the reporting person, even if the report is anonymous.

Where it is already apparent at the time of receipt of the oral report that the report cannot be dealt with under the internal reporting procedure, the

ustrezno pot za zunanjo prijavo ali na drug ustrezen postopek. V takem primeru do prijave, niti do postopka obravnave, ne pride.

12. člen (Obravnava prijave)

Zaupnik zlasti od prijavitelja in osebe, na katero se prijava nanaša, pridobi informacije, ki so potrebne za oblikovanje predlogov ukrepov, ki so usmerjeni v prenehanje kršitve, odpravo posledic kršitve ali preprečevanje prihodnje kršitve.

Po preizkusu zaupnik prijavo pregleda in sam ukrene, kar je potrebno za prenehanje kršitve. Če zaupnik za prenehanje kršitve ali odpravo posledic kršitve ni pristojen, s prijavo in pregledi ukrepov iz prejšnjega odstavka seznanjeni osebe ali notranje organizacijske enote, ki so odgovorne za odpravo kršitve. Vodjo pristojne enote seznanjeni z opisom prijavljene kršitve ter svojimi predlogi ukrepov. V obvestilu zaupnik označi, da gre za obravnavo prijave po ZZPri, ter določi rok za povratno informacijo glede izvedenih ali predlaganih ukrepov za odpravo kršitve in zoper kršitelja. Pri tem se identiteta prijavitelja ali kršitelja ne sme razkriti.

Zaupnik konča obravnavo prijave v treh mesecih od njenega prejema s poročilom, v katerem navede ali je bila prijava neutemeljena ali utemeljena. Če je prijava neutemeljena, se v poročilu o tem navedejo razlogi. Če je prijava utemeljena, v poročilu navede zlasti predlagane in izvedene ukrepe za prenehanje kršitve, odpravo posledic kršitve ali preprečevanja prihodnje kršitve, svoje ugotovitve o uspešnosti izvedbe predlaganih ukrepov ter morebitne predlagane ukrepe za zaščito prijavitelja.

Zaupnik ob koncu obravnave prijave, najpozneje pa v treh mesecih od prejema prijave prijavitelja obvesti o utemeljenosti prijave, predlaganih in izvedenih ukrepih, izidu postopka, oziroma stanju postopka z notranjo prijavo, če postopki za odpravo kršitev po

trustee may direct the reporting person to the appropriate external reporting channel or to another appropriate procedure. In such a case, neither the report nor the processing of the report will take place.

Article 12 (Processing of the report)

In particular, the trustee shall obtain from the reporting person and the person to whom the report relates the information necessary for the formulation of proposals for measures aimed at putting an end to the infringement, remedying the consequences of the infringement or preventing a future infringement.

After the trial the trustee shall review the report and shall take such steps as are necessary to bring the infringement to an end. If the trustee is not competent to terminate the infringement or to remedy the consequences of the infringement, they shall inform the persons or internal organizational units responsible for the termination of the infringement of the report and review of the measures referred to in the preceding paragraph. The trustee shall inform the head of the unit responsible of the description of the reported infringement and of their proposals for action. The trustee shall indicate in the notification that the report is being dealt with under the ZZPri and shall set a time limit for feedback on the action taken or proposed to be taken to remedy the infringement and against the offender. In doing so, the identity of the reporting person or the offender shall not be disclosed.

The trustee shall conclude the examination of the report within three months of receipt of the report with a statement whether the report was founded or not. If the report was unfounded, the statement shall include the grounds why it was unfounded. If the report is founded, the statement shall indicate in particular the measures proposed and implemented to bring the infringement to an end, to remedy the consequences of the infringement or to prevent future infringements, the findings on the effectiveness of the implementation of the proposed measures, and any measures proposed for the protection of the reporting person.

At the end of the examination of the report, and no later than three months after receipt of the report, the trustee shall inform the reporting person of the validity of the report, the measures proposed and implemented, the outcome of the procedure, or the

treh mesecih še niso končani. Ustno obvestilo se evidentira z zaznamkom v evidenci prijav. Tako postopa zaupnik tudi v primeru anonimne prijave, če je prijavitelj opredelil, kam naj se pošlje obvestilo pošlje.

**13. člen
(Obvestilo vodstvu)**

Zaupnik po koncu obravnave prijave najpozneje v štirih mesecih pripravi poročilo direktorju. V poročilu ne sme navesti podatkov o prijavitelju ali kršitelju.

Zaupnik na podlagi poziva direktorja pripravi poročilo o prijavi že pred potekom roka iz prejšnjega odstavka.

**14. člen
(Letno poročilo)**

Zaupnik do 1. februarja tekočega leta za prejšnje leto pripravi letno poročilo, ki zajema podatke o številu prejetih anonimnih in utemeljenih prijav ter o številu obravnavanih povračilnih ukrepov. Letno poročilo do 1. marca tekočega leta za prejšnje leto v skladu s šestnajstim odstavkom 9. člena ZZPri posreduje Komisiji za preprečevanje korupcije.

**15. člen
(Zunanja prijava v primeru neučinkovitosti
notranje prijave poti)**

Prijavitelj lahko poda zunanjo prijavo pristojnemu organu za zunanjo prijavo iz 14. člena ZZPri, če meni, da notranje prijave ne bi bilo mogoče učinkovito obravnavati ali da v primeru notranje prijave obstaja tveganje povračilnih ukrepov.

Javno razkritje kršitve je dovoljeno zgolj v primeru, da so izpolnjeni pogoji iz ZZPri. V primeru javnega razkritja kršitve prijavitelj uživa varstvo v skladu s ZZPri, le v kolikor so izpolnjeni vsi pogoji iz ZZPri.

status of the internal reporting procedure, if the infringement procedures have not been completed after three months. The oral notification shall be recorded by means of an annotation in the register of reports. This shall also be the procedure followed by the trustee in the case of an anonymous report, provided that the reporting person has specified to whom the notification be sent.

**Article 13
(Notice to management)**

The trustee shall prepare a report for the director after the end of the examination of the report but at the latest within four months. The report may not include information on the reporting person or the offender.

The trustee shall, if requested by the director, prepare a statement on the report before the expiry of the time limit referred to in the preceding paragraph.

**Article 14
(Annual report)**

By 1 February of the current year, the trustee shall prepare an annual report for the previous year, which shall include information on the number of anonymous and substantiated reports received and the number of retaliatory measures dealt with. The annual report shall be forwarded to the Commission for the Prevention of Corruption by 1 March of the current year for the previous year, in accordance with paragraph sixteen Article 9 of the ZZPri.

**Article 15
(External reporting channel in case of
inefficiency of the internal reporting channel)**

The reporting person may submit an external report to the competent authority for external reports referred to in Article 14 of the ZZPri if it considers that the internal report could not be dealt with effectively or that there is a risk of retaliation in the case of an internal report.

Public disclosure of an infringement is only allowed if the conditions set out in the ZZPri are met. In the event of public disclosure of an infringement, the reporting person shall only enjoy the protection of the ZZPri if all the conditions of the ZZPri are fulfilled.

16. člen
(Prepoved povračilnih ukrepov)

Prepovedani so vsakršni povračilni ukrepi zoper prijavitelja, zlasti pa npr. odpoved ali suspenz pogodbe o zaposlitvi, premestitev na nižje delovno mesto, onemogočanje ali zadržanje napredovanja in/ali izobraževanja oziroma strokovnega usposabljanja, nizka ocena delovne uspešnosti, poslabšanje delovnih pogojev.

Enako prepovedana je tudi grožnja s povračilnim ukrepom ali poskus povračilnega ukrepa.

Zaupnik prijavitelju, ki je deležen povračilnih ukrepov, nudi informacije o pravnih možnostih ter mu pomaga v upravnih in sodnih postopkih zaradi povračilnih ukrepov v skladu z 10. členom tega Pravilnika in s tretjim odstavkom 10. člena ZZPri.

Prijaviteljem se zagotavlja zaščitne in podporne ukrepe iz 20. člena ZZPri, med drugim tudi sodno varstvo inčasne odredbe v primeru povračilnih ukrepov.

17. člen
(Obveščanje)

Osebe iz 3. člena tega Pravilnika lahko do informacij o zaupniku in prijavnosti dostopajo preko Intraneta ali pa oglasne deske.

18. člen
(Začetek veljavnosti in objava)

Ta Pravilnik začne veljati naslednji dan po objavi na oglasni deski in Intranetu.

Article 16
(Prohibition of retaliation)

Any retaliation against the reporting person is prohibited, in particular, e.g. dismissal or suspension, reassignment to a lower post, denial or withholding of promotion and/or education/training, low performance appraisal, worsening working condition.

Threatening or attempting to retaliate is equally prohibited.

The trustee shall provide the reporting person subject to retaliatory measures with information on legal options and shall assist the reporting person in administrative and judicial proceedings for retaliatory measures in accordance with Article 10 of this By-law and paragraph three Article 10 of the ZZPri.

Reporting persons are provided with the safeguards and support measures referred to in Article 20 of the ZZPri, including judicial protection and interim injunctions in the event of retaliatory measures.

Article 17
(Communication)

The persons referred to in Article 3 of this By-law may access information on the trustee and the reporting procedure via the Intranet or via the notice board.

Article 18
(Entry into force and publication)

This By-law shall enter into force on the day following its publication on the notice board and on the Intranet.

Ljubljana, 20.03.2024

IBM Slovenija d.o.o.
Ameriška ulica 8, 1000 Ljubljana
2

IBM SLOVENIJA Podjetje za proizvodnjo, marketing in storitve d.o.o. Ljubljana

Maja Stopajnik, izvršna direktorica financ in direktorica podjetja

Priloga 1 / Annex 1

Kontrolni seznam za predhodni preizkus prijave / Checklist for the preliminary examination of the report

Vsi pogoji morajo biti izpolnjeni kumulativno. / All conditions must be met cumulatively.

Pogoji	Conditions	✓
1. Prijavitelj je fizična oseba.	1. The reporting person is a natural person.	
2. Prijavitelj je delavec v Družbi oziroma je prostovoljec, pripravnik, vajenec, pogodbeni delavec, študent, sodeluje v razpisnih postopkih v vlogi kandidata, opravlja funkcijo, je delničar, član nadzornega ali upravnega organa Družbe, oziroma drugače sodeluje v dejavnosti pravne ali fizične osebe, ki jo izvajajo samozaposlene osebe na podlagi pogodbe, ali dela pod nadzorom in vodstvom zunanjih izvajalcev, podizvajalcev ali dobaviteljev, ne glede na plačilo in ne glede na to, ali se je razmerje že končalo ali se šele vzpostavlja s postopkom zaposlovanja ali pogajanja pred podpisom pogodbe.	2. The reporting person is an employee of the Company or is a volunteer, trainee, apprentice, contract worker, student, participates in the tender procedures as a candidate, holds an office, is a shareholder, member of the supervisory or administrative body of the Company, or otherwise participates in the activities of a legal or natural person, carried out by self-employed persons on a contractual basis, or works under the supervision and direction of external contractors, subcontractors or suppliers, irrespective of the remuneration and whether the relationship has already ended or is being established through the recruitment process or negotiations prior to the signature of the contract.	
3. Prijavitelj prijavlja kršitev oziroma sum o dejanski ali morebitni kršitvi predpisov, ki se je ali se bo zelo verjetno zgodila v Družbi.	3. The reporting person is reporting an infringement or suspected actual or potential infringement of the legislation that has occurred or is likely to occur in the Company.	
4. Domnevna kršitev se je zgodila v Družbi ali v povezavi z delovanjem Družbe.	4. The alleged infringement occurred within the Company or in connection with the Company's business.	
5. Prijava ni očitno neutemeljena.	5. The report is not manifestly unfounded.	
6. Prijavljena kršitev še traja oziroma je prenehala pred manj kot dvema letoma.	6. The report on an infringement is still ongoing or ceased less than two years ago.	

Priloga 2 / Annex 2

Obrazec za notranjo prijavo / Form for internal reporting

NOTRANJA PRIJAVA INFORMACIJE O KRŠITVI PREDPISA V DELOVNEM OKOLJU

Hvala za vašo odločitev za prijavo kršitve predpisa v vašem delovnem okolju v skladu z Zakonom o zaščiti prijaviteljev (Zakon o zaščiti prijaviteljev (ZZPri) (pisrs.si)). Prijavo lahko poda le fizična oseba in jo pošlje na naslov zaupnika v Družbi.

Ta prijava ni namenjena kršitvam, ki so se zgodile zunaj vašega delovnega okolja, ter npr. preprečevanju nadlegovanja in trpinčenja. V zvezi s preprečevanjem nadlegovanja in trpinčenja lahko primarno sprožite postopek v skladu s Pravilnikom o ukrepih za preprečevanje nasilja, trpinčenja, nadlegovanja in psihosocialnega tveganja.

Vašo prijavo bo obravnaval zaupnik v Družbi in vam po potrebi nudil pomoč v primeru povračilnih ukrepov delodajalca. Prijava bo obravnavana v postopku, kot je opredeljen v Pravilniku za vzpostavitev poti za notranjo prijavo.

Če želite, lahko prijavo podate anonimno, brez razkritja svojih osebnih podatkov. Prosimo, upoštevajte, da vam v tem primeru ne bo mogoče sporočiti povratnih informacij. Če želite prejeti povratno informacijo, pa morate navesti, na kateri naslov oziroma način jo želite prejeti.

Prijavitelj lahko poda zunanjo prijavo pristojnemu organu za zunanjo prijavo iz 14. člena ZZPri, če meni, da notranje prijave ne bi bilo mogoče učinkovito obravnavati ali da v primeru notranje prijave obstaja tveganje povračilnih ukrepov.

PODATKI O PRIJAVITELJU

Anonimna prijava: DA NE

Kontaktni naslov za povratne informacije, če jih anonimni prijavitelj želi (neobvezno):

Ime in priimek:

Zaposlen ali
druga povezava z
delovnim okoljem:

Naslov:

E-pošta:

Telefon:

Drugi kontaktni
podatki:

Zaupnik oziroma osebje, zadolženo za prejetje prijav, ne sme razkriti vaše identitete. Razkritje identitete brez vašega soglasja je v ZZPri določeno kot prekršek.

Zaupnik, ki bo obravnaval vašo prijavo, vas lahko zaradi učinkovite obravnave kršitve naknadno kontaktira.

PODATKI O KRŠITVI
Kršitev se nanaša na delovno okolje v Družbi prijavitelja (naziv Družbe):
Čas začetka, trajanja in konca kršitve:
Podatki o kršitelju:
Opis kršitve (kaj, kdaj, kje): Navedite kršeni predpis ter tudi morebitne priče in dokumente ali druge dokaze, ki podpirajo vaše trditve, npr. e-poštno komunikacijo ali dokumentarne dokaze:

Prijavitelj do zaščite po ZZPri ni upravičen, če je prijavo podal dve leti ali več po prenehanju kršitve.

ZAŠČITA PRED POVRAČILNIMI UKREPI
Nekateri prijavitelji tvegajo tudi povračilne ukrepe, maščevanje s strani vodstva ali sodelavcev. Če je takšno tveganje podano tudi v vašem primeru, izpolnite spodnjo rubriko.
Ali obstaja tveganje povračilnih ukrepov zaradi prijave (19. člen ZZPri)? <input type="checkbox"/> DA <input type="checkbox"/> NE Če da, prosimo, navedite, za katere *povračilne ukrepe obstaja tveganje:
Ali potrebujete pomoč in zaščito pred povračilnimi ukrepi (10. člen ZZPri)? <input type="checkbox"/> Informacije o pravnih možnostih, <input type="checkbox"/> potrdilo o vloženi prijavi, <input type="checkbox"/> dokazila iz postopka s prijavo, <input type="checkbox"/> drugo: _____

*Povračilni ukrepi so praviloma posledica podane notranje (ali zunanje) prijave. Lahko vključujejo odpustitev, premestitev, znižanje plače, pa tudi disciplinske ukrepe, pritisk ali ustrahovanje. Kot povračilni ukrep se štejeta tudi grožnja s povračilnim ukrepom ali poskus povračilnega ukrepa.

INFORMACIJE O OBRAVNAVI PRIJAVE

Vašo prijavo bo obravnaval zaupnik. V obravnavo bodo po potrebi vključene tudi druge osebe, ki bodo lahko seznanjene z vsebino prijave, vaša identiteta pa jim ne bo razkrita.

Zaupnik vas bo v skladu z ZZPri obvestil:

- v sedmih dneh po prejemu prijave o tem, ali jo bo obravnaval,
- v treh mesecih o stanju postopka s prijavo,
- ob zaključku obravnave o izvedenih ukrepih in izidu postopka.

Če menite, da je bilo storjeno kaznivo dejanje, lahko podate ovadbo na policijo ali državno tožilstvo.

Če iz prijave izhaja sum storitve kaznivega dejanja, za katerega se storilec preganja po uradni dolžnosti, jo je organ za zunanjo prijavo v skladu s 145. členom Zakona o kazenskem postopku dolžan naznaniti državnemu tožilstvu ali policiji.

POTRDITEV RESNIČNOSTI

Potrjujem, da so informacije v tej prijavi resnične, prijavo podajam v dobri veri in sem seznanjen, da je neresnična prijava lahko prekršek po 28. členu ZZPri, za katerega je zagrožena globa od 400 do 1.200 EUR.

Annex 2

Form for internal reporting

INTERNAL REPORTING OF AN INFRINGEMENT OF LEGISLATION IN THE WORKPLACE

Thank you for your decision to report an infringement of legislation in your work environment in accordance with the Reporting Persons Protection Act (ZZPri) (pisrs.si). The report can only be made by a natural person and should be sent to the address of the Company's trustee.

This report is not intended for misconduct that has occurred outside your work environment, or, for example, to prevent harassment and mobbing. In relation to the prevention of harassment and mobbing, you can primarily initiate a procedure in accordance with the Policy on measures to prevent violence, mobbing, harassment and Psychosocial Risk.

Your report will be dealt with by the Company's trustee, who will provide you with assistance in the event of retaliation, if necessary. The report will be dealt with in accordance with the procedure set out in the By-law for the establishment of an internal reporting channel.

If you wish, you can apply anonymously, without revealing your personal data. Please note that in this case, it will not be possible to provide you with feedback. However, if you wish to receive feedback, you must specify the address or method by which you wish to receive it.

The reporting person may submit an external report to the competent authority for external reports referred to in Article 14 of the ZZPri if it considers that the internal report could not be dealt with effectively or that there is a risk of retaliation in the case of an internal report.

DETAILS OF THE REPORTING PERSON

Anonymous report: YES NO

Contact address for feedback if the anonymous reporting person wishes (optional):

Name and
surname:

Employed or
another link to
the working
environment:

Address:

E-mail:

Telephone:

Other contact
data:

Your identity must not be disclosed by the trustee or the staff responsible for receiving reports. It is an offence under the ZZPri to disclose your identity without your consent.

The trustee who will deal with your report may contact you at a later date in order to deal effectively with the infringement.

DETAILS OF THE INFRINGEMENT
The infringement relates to the working environment in the reporting person's Company (name of Company):
The time when the infringement started, lasted and ended:
Information about the offender:
Description of the infringement (what, when, where): Please list the rule that has been infringed, as well as any witnesses and documents or other evidence to support your claims, e.g. email communications or documentary evidence:

The reporting person is not entitled to protection under the ZZPri if they have made a report two or more years after the cessation of the infringement.

PROTECTION AGAINST RETALIATION
Some reporting persons also risk reprisals, retaliation from management or colleagues. If this risk is also present in your case, please fill in the box below.
Is there a risk of retaliation as a result of the report (Article 19 of the ZZPri)? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please indicate which *retaliatory measures are at risk:
Do you need help and protection from retaliation (Article 10 of the ZZPri)? <input type="checkbox"/> Information on legal options, <input type="checkbox"/> a certificate of the lodged report, <input type="checkbox"/> supporting documents from the reporting procedure, <input type="checkbox"/> Other: _____

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* Retaliation is usually the result of an internal (or external) report. It can include dismissal, transfer, pay cuts, as well as disciplinary action, pressure or intimidation. Threatening or attempting to retaliate is also considered retaliation.

INFORMATION ON THE PROCESSING OF THE REPORT
<p>Your report will be dealt with by the trustee. Other persons who may be aware of the content of your report will be involved in the review, if necessary, and your identity will not be disclosed to them.</p> <p>The trustee will inform you in accordance with the ZZPri:</p> <ul style="list-style-type: none">– within seven days of receiving the report whether they will process it or not,– within three months on the state of the reporting procedure,– at the end of the hearing, the measures taken and the outcome of the procedure. <p>If you think a crime has been committed, you can report it to the police or the public prosecutor.</p>

CONFIRMATION OF REALITY
<p>I certify that the information contained in this report is true, I make this report in good faith, and I am aware that an untrue report may constitute an offence under Article 28 of the ZZPri, punishable by a fine of between EUR 400 and EUR 1,200.</p>

Priloga 3 / Annex 3

Sklep o imenovanju zaupnika / Trustee appointment decision

Priloga 4/ Annex 4

Privolitev za razkritje identitete in prijave / Identity and report disclosure consent