

# **REPUBLIC OF BULGARIA**

**COMMISSION FOR PERSONAL DATA PROTECTION**

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| Registration index and date |
| …….……..………/………….……………… |
| (to be completed by the official responsible for the receipt and registration of the report) |

REPORT REGISTRATION FORM

**for the submission of information on breaches UNDER THE WHISTLEBLOWER PROTECTION ACT**

***important! Please read the instructions on pages 5 and 6 before completing the form.***

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| **To be completed by the official receiving the report** |
| |  |  | | --- | --- | | **UIN** | **Date** | |  |  |   (Unique Identification Number – to be provided by the Central Authority)   |  |  | | --- | --- | | **method of submission** | | | written | VERBAL | | in person | via a proxy |   **details of the official receiving, accepting and registering the report**   |  |  |  | | --- | --- | --- | | Name | |  | | --- | |  |   (forename, middle name and surname) | | Position | |  | | --- | |  | | | Workplace | |  | | --- | |  | | | BULSTAT/UIC | |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  |  |  |  |  |  |  |  | | |

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| **To be completed by the person submitting the report if they are using the form as a template for the report** |
| **PART I. DETAILS OF THE PERSON SUBMITTING THE REPORT**   |  |  |  |  | | --- | --- | --- | --- | | Name | |  | | --- | |  |   (forename, middle name and surname) | | | CONTACT DATA |  | | | Region | |  | | --- | |  | | | | Location | |  | | --- | |  | | | | Mailing Address | |  | | --- | |  | | | |  | |  |  |  | | --- | --- | --- | | Telephone |  | e-mail (if available) | |  |  |  | | | | IN THEIR CAPACITY AS | | worker in the meaning of Art.45, Para 1 of the Treaty on the Functioning of the European Union, including a worker, employee, civil servant or other person, who is engaged in paid labor, regardless of the nature of the work, the method of payment and the source of financing; | |  | | self-employed person in the meaning of Art. 49 of the Treaty on the Functioning of the European Union, including a person who works without an employment relationship and/or practices a free profession and/or craft activity; | |  | | a volunteer, paid or unpaid, and intern; | |  | | partner, shareholder, sole owner of the capital, member of the management or control body of a commercial company, member of the audit committee of an enterprise; | |  | | a person, who works for a person or legal entity, contractors, or its subcontractors or suppliers; | |  | | a person whose employment or service relationship is about to start in cases where the information about the violations was received during the selection process or other pre-contractual relations. | |  | | worker or employee, when the information was obtained within the framework of an employment or service relationship, that was terminated at the time of the filing of a report, or of the public disclosure. | |  | |   **PART II. WHOm THE REPORT is SUBMITTED AGAINST**   |  |  | | --- | --- | | **IDENTIFICATION** (in the event of a report against a natural person) | | | Name | |  | | --- | |  |   (forename, middle name and surname) | | Workplace | |  | | --- | |  | | | BULSTAT/UIC | |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  |  |  |  |  |  |  |  | | | **identification** (in the event of a report against state or municipal authorities or legal entities) | | | Name | |  | | --- | |  | | | BULSTAT/UIC | |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  |  |  |  |  |  |  |  | |   **PART III. DETAILS OF THE BREACH**   |  |  |  |  | | --- | --- | --- | --- | | **1. THE BREACH IS RELATED TO** (please mark the field where the breach has occurred) | | | | |  | a breach of Bulgarian law or of European Union acts in the field of: | | | |  |  | public procurement; | | |  |  | financial services, products and markets and the prevention of money laundering and terrorist financing; | | |  |  | product safety and compliance; | | |  |  | transport safety; | | |  |  | environmental protection; | | |  |  | radiation protection and nuclear safety; | | |  |  | food and feed safety, animal health and animal welfare; | | |  |  | public health; | | |  |  | consumer protection; | | |  |  | privacy and personal data protection; | | |  |  | network and information system safety; | | |  | the financial interests of the European Union in the sense of Art. 325 of the Treaty on the Functioning of the European Union and further specified in the relevant measures of the Union; | | | |  | a breach of the rules of the internal market within the meaning of Art. 26, Para. 2 of the Treaty on the Functioning of the European Union, including the rules of the European Union and Bulgarian legislation on competition and state aid; | | | |  | a breach related to cross-border tax schemes, the purpose of which is to obtain a tax advantage, that is contrary to the subject or purpose of the applicable law in the field of corporate taxation; | | | |  | committed crime of a general nature, for which the reporting person becomes aware in the course of their work or in the performance of their official duties. | | | |  | breaches of Bulgarian law in the field of: | | | |  |  | the rules for the payment of public state and municipal receivables due; | | |  |  | the labour market legislation; | | |  |  | the legislation related to the performance of civil services. | | |  |  | | | | **2. WHEN HAS THE BREACH OCCURRED** | | | | | Date/Period | | | |  | | --- | |  | | | **3. DESCRIPTION OF THE BREACH** (specific data on the breach or of the genuine risk of the occurrence of such a breach) | | | | | |  | | --- | |  | | | | | | **4. LIST OF THE ATTACHED EVIDENCE** | | | | | |  | | --- | |  | | | | |   **PART IV. PERSONS OTHER THAN THE PERSON SUBMITTING THE REPORT who need PROTECTION**  *(if known at the time when the report is submitted)*   |  |  | | --- | --- | |  | persons assisting the person submitting the report in the course of the process and whose assistance should be kept confidential; | |  | persons who are related through the work or relatives of the whistleblower and who may be subject to repressive retaliation, due to the information reporting; | |  | legal entities in which the person submitting the report has an equity participation, for which they are working or to which they are related in any other way in a work context [[1]](#footnote-1) |   LISTING/IDENTIFICAITON OF THE PERSONS TO BE GRANTED PROTECTION   |  |  |  |  | | --- | --- | --- | --- | | CAPACITY OF THE PERSON  *(a colleague, a relative – without limitation in degrees, a legal entity in which the person submitting the report has an equity participation, for which they are working or to which they are related in any other way in a work context)* | |  | | --- | |  | | | | Name (for natural persons) | |  | | --- | |  |   (forename, middle name and surname, if known) | | | Name of the legal entity | |  | | --- | |  | | | |  | BULSTAT/UIC | |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  |  |  |  |  |  |  |  | | |  | Represented by | |  | | --- | |  | | | CONTACT DATA |  | | | Location | |  | | --- | |  | | | | Mailing Address | |  | | --- | |  | | | |  | |  |  |  | | --- | --- | --- | | Telephone |  | E-mail (if any) | |  |  |  | | |   **PART V. PERSONS WHO CAN CONFIRM the REPORTED DATA OR CAN PROVIDE FURTHER INFORMATION**   |  |  |  |  | | --- | --- | --- | --- | | Name (for natural persons) | |  | | --- | |  |   (forename, middle name and surname, if known) | | | Name of the legal entity | |  | | --- | |  | | | |  | BULSTAT/UIC | |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  |  |  |  |  |  |  |  | | |  | Represented by | |  | | --- | |  | | |  |  |  | | CONTACT DATA |  | | | Location | |  | | --- | |  | | | | Mailing Address | |  | | --- | |  | | | |  | |  |  |  | | --- | --- | --- | | Telephone |  | E-mail (if any) | |  |  |  | | | |

**The current report is submitted via an internal reporting channel:**

(to be filled in only when the report is submitted to the CPDP)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | YES |  |  | NO |

**INVITATION to the person submitting the report to sign the document**

(to be marked by the official receiving and registering the report)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | accept |  |  | refuse |

**THE REPORT WAS RECEIVED AND REGISTERED BY:**

**………………………………………………………………………………………………..……………………………**

*(name of the official)*

**position: ……………………………………………………………………………………………………………**

**DATE: ........................ SIGNATURE: ......................................**

**PERSON SUBMITTING THE REPORT/PROXY:**

**…………………………………………………………….……………………………………………………………….**

*( name )*

**DATE: ........................ SIGNATURE: ......................................**

**Your report is subject to verification for credibility on the basis of Art. 15, para. 6 of the Whistleblowing Protection Act, incl. in relation to its author (the whistleblower). When there is reasonable doubt as to the identity of the whistleblower (see Part I of this form), the official responsible for handling the whistleblowing reports may request the provision of additional information necessary to confirm the whistleblower's identity.**

**If false or misleading statements of fact are found and/or after the verification it is established that the person who is alleged to have submitted this report is not its author, the report and the materials related to it will be forwarded to the Prosecutor's Office of the Republic of Bulgaria under competence.**

**DATE: ........................ SIGNATURE: ......................................**

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| ***General Information and Completion Instructions:***  **1. This form is intended for the registration of breach reports via an internal and/or external reporting channel:**  **• “Internal reporting of information” (to the obliged entities under Article 12 of the Whistleblower Protection Act[[2]](#footnote-2)) means verbal or written communication of information about breaches within a legal entity in the private or public sector;**  **• “External reporting of information” (to the CPDP) means verbal or written communication of information about breaches to the competent authorities.**  **2. When completing the form that is to be submitted to the CPDP via the external reporting channel, it has to be indicated whether the report is submitted via an internal reporting channel, as well.**  **3. IMPORTANT! The form is intended for official use related to the registration of a report by the officials designated by the obliged entities, responsible for the receiving and registration of such reports. The form can also be used by the persons submitting reports as a template for a report. In this case the person submitting the report only completes Parts I —V (inclusive).**  **4. The form is also intended for cases of verbal reporting. In such cases the official designated for the reception and registration of reports documents the report by completing the form. After the completion of the form the official invites the person submitting the report to sign it, if they consent to do so, and marks their consent or refusal in the respective part of the form. The signature must be affixed within 7 days of the invitation.**  **5. Reports are reviewed when submitted by an individual, in person or via a proxy with an express written power of attorney (no notarisation required), via an external reporting channel or an internal reporting channel, or via public disclosure of information about breaches in a work context.**  **6. When a report is submitted via a proxy, the original copy of the power of attorney under item 5 must be attached.**  ***For the official receiving and registering reports:***  **7. Obtaining a Unique Identification Number is mandatory when registering reports for the purposes of the internal reporting channel. A UIN is generated at CPDP’s website. In order to obtain a UIN the official responsible for the reception and registration of reports selects the “Obtain a UIN” option and then enters the following information:**  **• Name and UIC/BULSTAT of the employer to whom the report was submitted;**  **• Identification data of the official responsible for the reception and registration of the report;**  **• Subject matter of the report (respective fields of the breach);**  **• Method of submission (written or verbal).**  **8. Within the time frame envisaged by law, the person submitting the report is provided with information about the UIN and the registration date of the report.**  **9. All submitted reports that fall within the scope of the scope of art. 3 of the Whistleblower Protection Act are registered. Reports do not register with UIN when for which, from the initial review, are obvious, concerns a complaint (complaints or reports) about irregularities or dissatisfaction of clients/users of the relevant professional or administrative services of the subject of obligations.**  **10. No proceedings are launched for anonymous reports and reports related to breaches occurring more than two years ago.**  **11. Reports are not reviewed if they do not fall within the scope of the Whistleblower Protection Act or if their content does not provide convincing reasons to perceive them as plausible.**  **12. Registered reports containing manifestly false or misleading statements and facts are returned with an instruction to the person submitting the report to make corrections to the statements, reminding them of the liability they bear for false accusations under Article 286 of the Criminal Code.**  ***For the person submitting the report:***  **13.** **This form can be used by the persons submitting a report as a template. In this case the person submitting the report only completes Parts I —V (inclusive).**  **14. Within the statutory time limit after the registration of a report, the person submitting the report is provided with information about the registration of the report and its UIN and date. Any subsequent information or communication related to the report is appended under this UIN.**  **15. Any new information,or information that was not previously stated in the form at the time of its submission can be provided additionally by the person submitting the report. When it is submitted they must specify the UIN obtained for the initial report.**  **16. Please, keep in mind that:**   * **No proceedings are launched for anonymous reports and reports related to breaches occurring more than two years ago.** * **Registered reports are not reviewed if they do not fall within the scope of the Whistleblower Protection Act or if their content does not provide convincing reasons to perceive them as plausible.** * **Registered reports containing manifestly false or misleading statement and facts are returned with an instruction to the person submitting the report to make corrections to the statements, reminding them of the liability they bear for false accusations under Article 286 of the Criminal Code.** |

**THE SUBMISSION OF REPORTS OR THE PUBLIC DISCLOSURE OF FALSE INFORMATION IS SUBJECT TO ADMINISTRATIVE CRIMINAL LIABILITY UNDER ARTICLE 45 OF THE WHISTLEBLOWER PROTECTION ACT.**

1. Pursuant to §1, item 4 of the Further Provisions of the Whistleblower Protection Act, a “work context” means current and former work activities in the public or private sector through which, irrespective of their nature, persons obtain information about breaches and within which these persons can be subjected to repressive retaliation if they report such information. [↑](#footnote-ref-1)
2. Obliged entities

   Article 12. (\*) (1) The obliged entities under this Act shall be the following:

   1. employers in the public sector, with the exception of municipalities under Paragraph 2;

   2. employers in the private sector with 50 and more workers or employees;

   3. employers in the private sector irrespective of the number of their workers or employees if the business activities carried out by them fall within the scope of the legal acts of the European Union specified in Part I-B and Part II of the annex to Article 3(1) and Article 3(3).

   (2) Municipalities with a population under 10 000 or less than 50 workers or employees can share resources for the reception of breach reports and follow-up actions on them, provided that they observe the confidentiality obligations.

   (3) Obliged entities under Paragraph 1(2) with a total number of workers or employees of 50 to 249 can use a common internal reporting channel, by designating one person or dedicated unit in line with Article 14. [↑](#footnote-ref-2)