



**ST.ELIZABETH UNIVERSITY OF
HEALTH AND SOCIAL WORK
BRATISLAVA, SLOVAKIA**

Directive No 3/2015

St. Elizabeth's University of Health and Social Work

**on the receipt and handling of complaints about anti-social
activities**

Bratislava 2015

Art. I
Introductory provisions

1. The internal directive is issued pursuant to Act No. 307/2014 Coll. of the National Assembly of the Slovak Republic on Certain Measures Related to the Reporting of Anti-Social Activity and on Amendments and Additions to Certain Acts (hereinafter referred to as the "Act on Certain Measures Related to the Reporting of Anti-Social Activity"), which regulates the conditions for providing protection to persons against unjustified sanctions in the employment relationship in connection with the reporting of criminality or other antisocial activity and the rights and obligations of natural and legal persons when reporting antisocial activity. This Act also regulates the obligations of the State in the field of prevention of anti-social activities and anti-corruption education and training.
2. This Directive appropriately regulates the procedures for the receipt and handling of reports and complaints of antisocial activity by St. Elizabeth's University of Health and Social Work and its affiliated departments, institutes and institutes, as well as the rights of employees of St. Elizabeth's University of Health and Social Work to report antisocial activity of which they become aware in the course of their employment. This Directive shall be binding on all employees of the University.

Art. II
Basic concepts

A whistleblower shall be a natural person who, in good faith, makes a notification to the authority competent to receive such notification, stating facts of which he or she has become aware in connection with the exercise of his or her employment, profession, position or function and which may contribute significantly to the clarification of a serious anti-social activity or to the detection or conviction of its perpetrator; a person close to him or her shall also be deemed to be a whistleblower if he or she is in an employment relationship with the same employer.

A notification is a statement of facts of which a natural person has become aware in connection exercise of his or her occupation, profession, position or function and which may significantly contribute or have contributed to the clarification of a serious antisocial activity or to the detection or conviction of its perpetrator.

A serious antisocial activity is any of the following unlawful acts:

- a) any of the offences of damaging the financial interests of the European Communities under sections 261 to 263 of the Criminal Code,
- b) the offence of fraud in public procurement and public auction under Section 266 of the Criminal Code,
- c) any of the offences of abuse of power by a public official or obstruction of a public official,
- d) any of the corruption offences under the Criminal Code (accepting a bribe, bribery, indirect corruption)

- e) an offence for which the Criminal Code provides for imprisonment with a maximum penalty exceeding three years,
- f) or an administrative offence for which a fine of at least EUR 50 000 may be imposed.

The incentive is:

- a) a communication, including an anonymous communication, which is a statement of facts of which the natural person has become aware in connection with the exercise of his or her employment, profession, position or function and which may contribute or has contributed significantly to the clarification of a serious anti-social activity or to the detection or conviction of the perpetrator
- b) a non-anonymous report by a natural person of an anti-social activity other than a serious anti-social activity of which he or she has become aware in connection with the exercise of his or her employment, profession, position or function.

An anonymous complaint shall be understood as a complaint in which the name, surname and residence address of the person submitting the complaint are not indicated.

The person responsible for the St. Elizabeth University of Health and Social Work is the Chief Controller of the St. Elizabeth University of Health and Social Work, Ing. Miroslav Kollár.

Art. III

Submission and receipt of complaints about anti-social activities

1. The complaint may be made in writing, orally on the record, by telefax or by e-mail.
2. The written complaint shall be submitted to the responsible person or to the office of the University of Health and Social Work of St. Elizabeth, which is obliged to immediately hand over the received complaint to the responsible person.
3. Oral submission of a complaint on the record may be made through the person responsible.
4. Electronic submissions may be made to the address of the person responsible. Complaints received by telefax or e-mail and received by a person other than the responsible person shall be forwarded by that person to the responsible person without delay.

Art. IV

Verification of complaints and authorisation of the responsible person

1. The responsible person at St Elizabeth's University of Health and Social Work is responsible for reviewing complaints.
2. The person responsible shall be obliged to accept any suggestion.
3. The investigation of a complaint shall be based on its content, irrespective of its label.
4. If the content of a submission indicates that only part of that submission is the subject of the complaint, only the relevant part of the submission shall be investigated under this Internal Directive. The remaining parts of the submission shall be

shall be handled according to the regime under which they fall. (e.g. a complaint under Act No 9/2010 Coll. on complaints).

5. If the content of the submission indicates that it is not a complaint under this Internal Directive but that another authority is competent to deal with the submission, the person responsible shall forward the submission to that authority without delay. He shall immediately inform the applicant of this fact.
6. The person responsible must examine the complaint within 90 calendar days of its receipt at the latest.
7. In duly justified cases, the responsible person may extend the period referred to in the preceding paragraph for a maximum of a further 30 days. It shall inform the complainant without delay of this fact and of the reasons for the extension, unless the complaint is anonymous.
8. The total period for examining a complaint shall not exceed 120 days from the date of receipt.
9. In the event of a need to supplement or clarify the information contained in the complaint, the person responsible shall, without undue delay, invite the complainant to supplement or clarify it, specifying a time limit for doing so.
10. Where the complaint is directed against a specific employee or statutory representative of the employer (hereinafter referred to as the 'employee and statutory representative concerned'), the responsible person shall, without undue delay, inform the employee or statutory representative concerned of the content of the complaint and give him or her the opportunity to comment on it and to submit documents, papers or other information necessary for a reliable examination of the matter. When familiarising with the content of the complaint, the responsible person shall be obliged to maintain the confidentiality of the identity of the complainant and to protect personal data pursuant to Act No 122/2013 Coll. In the event that the identity of the complainant can be inferred from the information included in or attached to the complaint, the responsible person shall not inform the employee concerned or the statutory representative of such information, but shall only invite him/her to indicate or submit the facts necessary for a reliable verification of the complaint.
11. The person responsible shall be entitled to invite the complainant, as well as the employer, the employee or the statutory representative concerned, in writing, to the extent necessary, to cooperate in the examination of the complaint, together with a reasonable time limit for the provision of assistance.
12. The person responsible shall draw up a written record of the outcome of the examination of the complaint, summarising the facts alleged by the complainant and at the same time commenting on each of the facts alleged by the complainant and at the same time commenting on each of the facts, both in terms of verifying the veracity of the facts alleged and in terms of assessing their legal relevance in relation to the possible fulfilment of the element of illegality.
13. Before drawing up the record of the outcome of the examination of the complaint, the person responsible shall give the complainant the opportunity to comment on the findings. If the complainant introduces new facts or disagrees with the findings, the responsible person shall deal with these facts and disagreements in a written record of the outcome of the examination of the complaint, indicating whether these facts and disagreements are justified.
14. The result of the examination of the complaint in the form of a written record shall be sent by the responsible person to the complainant within 10 days of the examination of the complaint at the latest.
15. The person responsible and his employer shall be bound by the obligation of confidentiality the identity of the complainant.
16. The person responsible shall be excluded from the examination of the complaint in the following cases:

- a) If the complaint is directly against the person responsible
 - b) Where, in view of the facts alleged in the complaint or the circumstances of the case, there may be doubts as to the impartiality of the person responsible, having regard to the relationship of the person responsible to the matter under examination, to the complainant or to other parties concerned who are also directly or indirectly affected by the complaint.
17. The lodging of a complaint shall not be an incentive or a reason for drawing consequences which would cause the complainant any prejudice.
18. If the investigation of the complaint reveals that a criminal offence has been committed, the person responsible shall report this fact to the law enforcement authorities.

Art. V

Processing of personal data contained in the complaint

1. For the purposes of keeping records of complaints, the employer is entitled to process the personal data provided in the complaint in the following scope: name, surname and address of the complainant.
2. Furthermore, the employer is entitled to process personal data without the consent of the data subject:
 - a) which have already been disclosed in accordance with the law and have been duly identified by the operator as having been disclosed,
 - b) the processing of which is necessary for the protection of the rights and legitimate interests of the controller or of a third party, in particular personal data processed for the protection of the controller's property, financial or other interests and personal data processed to ensure the security of the controller by means of cameras or similar systems; however, this shall not apply if such processing of personal data is overridden by the fundamental rights and freedoms of the data subject, which are subject to protection under this Act,
 - c) the processing of personal data is necessary for the performance of an important task carried out in the public interest; or
 - d) they are special categories of personal data which the data subject has himself disclosed or which are necessary for the exercise of a legal claim.

Art. VI

Recording of complaints

1. The person responsible shall keep a register of complaints in which he/she shall record the following information:
 - a) the date of receipt of the complaint,
 - b) the name, surname and residence address of the complainant; in the case of an anonymous complaint, only a note that it is an anonymous complaint,
 - c) the subject of the complaint,
 - d) the outcome of the examination of the complaint,
 - e) the date on which the examination of the complaint was completed.

2. The person responsible shall immediately register each newly received complaint in the register of complaints under a complaint number consisting of the serial number of its receipt and the year of receipt. The responsible person shall request a number from the logbook for each complaint received that has not been delivered to the Registry of the St. Elisabeth University of Health and Social Work in Bratislava by post or in person. In the case of an anonymous submission, the person responsible shall register the submission at the Registry as "anonymous complaint Law No. 307/2014".
3. The employer shall keep the data referred to in paragraph 1 in the register of complaints for three years from the date of receipt of the complaint.

Art. VII
Final provisions

1. This internal directive is available to all employees of St. Elisabeth's University of Health and Social Work on the website: www.vssvalzbety.sk
2. St Elizabeth's University of Health and Social Work shall ensure that all staff are informed of this regulation and the Act on Certain Measures Relating to the Reporting of Anti-Social Activity and shall make a record of this. This Directive shall come into force and effect on 01.06.2015

In Bratislava on 26. 05. 2015

prof. MUDr. Marián Karvaj, PhD.
rector