



**CTB**

**AGENCE BELGE  
DE DÉVELOPPEMENT**

## **BTC's Integrity desk: Functioning rules**

### **I. Introduction**

The Belgian Technical Cooperation is financed mainly by the Belgian state and performs public service tasks. That is why it must respect rules of irreproachable behaviour and conscientiousness. It is an essential element for keeping the trust of our donors, partner countries and the populations for which we work.

This is achieved in particular by respecting Belgian legal provisions such as the Criminal Code, procurement legislation and the rules of law of the countries where we operate as well as our own Code of conduct.

Compliance with these rules is important for our organisation to succeed. To achieve this, BTC's Board has decided to install an Integrity desk to facilitate the reception and processing of questions and complaints of staff members and third parties about dubious financial practices or any other issue that should be notified in the interest of BTC.

### **II. Scope**

BTC established the Integrity desk within its Internal Audit service for BTC staff members as well as any third party that is concerned directly or indirectly by our activities to raise questions or to file complaints about integrity issues.

Staff members and third parties are not obligated to resort to the Integrity desk. Those who decide not to rely on it will not undergo negative consequences for doing so.

The procedures described in this document form no obstacle for an individual to directly bring a case to justice.

### **III. Matters to which the procedure is applicable**

The Integrity desk is a structure that enables BTC staff and third parties to raise questions, share concerns or file complaints about dubious practices in the matter of, for instance, finance, corruption, abuse or other issues that should be notified in the interest of BTC.

It is impossible to give a complete list of the issues that could be notified; yet here are a few situations that certainly can be notified to the Integrity desk:

- Fraud;
- Abuse of privileges or immunity;
- Abusive usage of BTC resources;
- Non-compliance with legal provisions;
- The theft of goods, supplies or equipment of BTC.

The Integrity desk is **not** for notifying daily matters or routine issues occurring to staff members, such as interpersonal conflicts, maintenance of the offices, issues of violence and harassment (see the specific procedures for that purpose), issues about remuneration, work hours or leave requests, etc. For this type of issues, staff members must use other channels of communication existing at BTC.

#### IV. How to submit questions/complaints

For BTC staff members, the Integrity desk is a complement to existing communication channels that BTC encourages its staff members to use.

Consequently, if a staff member considers legal requirements or rules may have been violated to the disadvantage of BTC, he/she must first voice his/her concerns:

1. To his direct supervisor or a member of the Management Committee;
2. To the various departments of BTC concerned.

The Integrity desk is an additional option for staff members who want to raise a question, file a complaint or notify something. It can be contacted in situations where a staff members considers not being able to use the usual channels of communication because he/she cannot, for instance, discuss his/her concerns about the matter with his/her supervisor or where he/she thinks that his/her concerns will not be taken into account in an appropriate way following a preceding notification submitted via the usual channels of communication.

Staff members and third parties can contact the Integrity desk through the BTC website: [www.btcctb.org/en/integrity](http://www.btcctb.org/en/integrity). The question/complaint can be filed by means of a form that must be filled out.

To ensure total confidentiality, the questions/complaints are directly registered in a secure way by a system that is unrelated to BTC's IT structure. This system is only accessible to the Integrity desk, which is to investigate and provide independent advice to the Management Committee.

**BTC does not accept anonymous questions/complaints.** So, staff members / third parties must identify themselves when they notify their concerns. The

identification provided must correspond with one's official name and first name.

When they file a question/complaint, staff members/third parties are informed:

- That their question/complaint will be kept confidential as much as possible;
- That their identity will not be disclosed;
- That there will be no measures taken against staff members/third parties who file their complaints or concerns in good faith.

However, BTC may be forced to disclose the identity of the staff member concerned when the law requires so, in particular pursuant to a court decision or an administrative order or any such similar obligation.

#### **V. Processing of personal data**

Within the notification procedure BTC will have to collect and process personal data about staff members. BTC will comply with the Belgian privacy legislation when doing so.

The right to protection of data in general defines 'personal data' as any information concerning a natural person that can be identified or is identifiable, directly or indirectly, by referring to an identification number or to one or several elements that are attributable to that person.

Such personal data may only be collected and processed by the Integrity desk in as far they are needed to draw up a report and to conduct an appropriate follow-up investigation.

For a notification, BTC is allowed to process the following categories of personal data:

- The identity, function and location of the person involved in a question/complaint;
- The identity, function and location of the person accused;
- The identity, function and location of the persons who receive or investigate the questions/complaints;
- The facts reported;
- The answers to the questions;
- Evidence collected during the investigation;
- The investigation report;
- The response given to the notification.

#### **VI. Processing questions**

When a question is filed through the Integrity desk a proposed answer will be drawn up by the latter and submitted to the Management Committee of BTC for validation.

For writing its proposal, the Integrity desk may get advised by BTC's Consultative Committee Integrity about the question in principle raised by the notification. This Committee is composed of various staff members of BTC departments.

The Integrity desk will provide an answer in due time to the person who has raised the question taking into account the complexity of the question and the urgent nature of the question.

The question and the answer are made anonymous and published on BTC's Intranet.

## **VII. Processing of complaints**

### **1. Principle**

When a complaint is filed through the Integrity desk a report will be drawn up by the latter and submitted to the Management Committee of BTC.

The Management Committee will take all the necessary decisions it deems useful pertaining to the facts presented.

However, regardless of the decision taken by the Management Committee, the Integrity desk reserves the right to pursue investigations.

Except in very specific situations, BTC may decide to inform the staff member who filed the complaint about the result of the investigation. This remains to the discretion of BTC though. In any case, the final report must be based only on objectively formulated information, which is directly related to the object of the complaint and which is strictly needed for the investigation.

The report must also clearly indicate the allegations made.

### **2. Information to the person accused**

#### **2.1 Initial information**

When a complaint is filed through the Integrity desk, the Internal Audit must inform the staff member whom the complaint involves.

This must contain the following information:

- The allegations made concerning the staff member;
- The right of the staff member to access, rectify, block or delete his/her personal data.

It must also include how and under what conditions the staff member can contact the Internal Audit in order to assert his/her rights.

Yet, certain restrictions may apply:

- The staff member accused must only be informed about facts that concern him/her or that are sufficient to identify him/her. More in particular, the staff members accused must not be informed about the identity of the staff member who is at the origin of the complaint.
- The rights of the staff member accused are only related to the data that concern him/her. He/she does not have the right to obtain information about other staff members, about the complaint, or about the investigation in general, at least when that information does not specifically make reference to him/her.

## **2.2. Timing of information**

The information as described above to the accused staff member must be provided as soon as possible after the witness account or complaint was received and in general in a few days.

However, if the Internal Audit reasonably thinks that the person accused can destroy data, manipulate dossiers or put in danger or compromise the investigation in whatever way, informing the person accused may be postponed until appropriate protective measures have been taken (such as copying data, creating mirror hard disks and/or physically securing files) in order to avoid the destruction, loss or modification of evidence.

In the absence of extraordinary circumstances, such as the need of more in-depth or specialised IT analysis, or for unusually complex or sizeable data, informing the accused staff member must not be postponed unnecessarily. So, communication must be immediate, as pointed out above. Any significant delay in communicating the notification of information must be motivated.

## **2.3. Access Rights**

The response to an accused staff member's request for access may consist of either copies of documents with information concerning him/her, either a list of personal data about him/her from these documents.

The Integrity desk may reject the requests for access if these requests appear to be manifestly abusive because of their number or their repetitive nature. The Integrity desk will take all decisions about the form of the response to the request for access by the accused person as well as any decision to keep

back information, whether on the basis of the abusive nature of the request or not.

#### **2.4. Rectification, blocking and deletion rights**

The staff member's 'right to correct, block or delete' applies to the personal data that are 'incorrect, incomplete, ambiguous or dated'. Within the context of the Integrity desk, this right could apply, for instance, when a person was notified erroneously to the Integrity desk or when the accusations against a staff member are based on wrong information. If an accused staff member files a request to 'rectify, block or delete' his/her personal data, this request must be addressed to the officers responsible for processing that information (the Integrity desk: Koen Bomans).

In conformity with European privacy legislation, as transposed into Belgian legislation, the right to rectify, block or delete information, may, under certain circumstances, be limited. This right enables a staff member to correct factual errors included in his personal data, for instance indicating that he/she did not write a particular report or that he/she was not present at the office on such and such a particular date.

Yet, this right does not provide the person accused with the right to submit a detailed rebuttal against a complaint filed against him/her (even if the Integrity desk may allow the staff member to do so as part of its investigation) or to correct information pertaining to dates, moments, places or events unless these facts directly involve the accused person. The Integrity desk may allow the accused person to submit corrections that he/she claims he/she has to bring to the disputed facts. The decision to accept or to adopt these corrections is based on the evaluation of the evidential value of the information given, in conformity with the recognized international internal auditing rules.

#### **2.5. Additional information**

If, in the course of an investigation, the Integrity desk collects additional personal data about the accused staff member, the latter must also be informed about this. Additional information must be processed like the initial information and is subject to the same restrictions.

The staff member must be informed about any additional information about him/her once that information is registered in paper or electronic form.

The rights on data protection do not require that an accused staff member be informed about a simple conversation about him/her, yet the accused staff member will have to be informed about this conversation when it is put down in writing or transcribed in a memo or encoded in an electronic way or in an e-mail.

Like for the initial information, for additional information a short time may be required to allow BTC to take the necessary precautionary measures to save data. Additional information must be communicated in a reasonable way. For instance, new information must not be communicated on a daily basis, but rather when a set of additional data has been collected over a specific period of time.

### **3. Informing the staff member/third party who has filed a complaint**

If the Integrity desk considers it appropriate, the staff member/third party who has filed a complaint may be informed about the progress and results of the investigation.

However, such information must not compromise the investigation or imply the dissemination of confidential information. The decision to inform or not the staff member/third party who filed the complaint (and the degree to which this is done) is taken on a case-by-case basis and is to the full discretion of the Management Committee or the Board. In general, the staff member/third party will be informed about the final result of the investigation.

### **4. Investigation following a complaint**

Once a complaint is filed through the Integrity office, the latter, in conformity with point IV, must determine if there is sufficient reason to conduct an investigation about the practice notified or about the complaint.

It must take into account, among other things, the facts mentioned in the complaint, the characteristics of the allegations, and whether the complaint makes reference or not to sources of information, including any detail providing evidence for the allegations.

The investigation must be conducted within a reasonable time and in complete confidentiality. Information about the investigation must not be disseminated to persons who have no specific need to know the information.

The Integrity desk may, at its own reasonable discretion, decide to not launch an internal investigation, for instance when a report does not enter in the scope of the intervention, when it contains vague or unspecified allegations about abusive behaviour, which are not supported by facts or references, or when other circumstances make an investigation useless or impossible.

The Integrity desk may call for specialised external experts. It may also ask for advice from BTC's Consultative Committee Integrity. The Integrity Committee is composed of various staff members of BTC departments.

When the investigation is concluded the Integrity desk submits its completed report to the Management Committee of BTC, which will take appropriate and effective measures to correct abusive behaviours, in conformity with existing policies and procedures within BTC.

## **5. Absence of retaliatory measures**

BTC will take no retaliatory measures against any person who, in good faith, has notified a possible violation of the law, a regulation or a policy of BTC and BTC shall not tolerate any harassment or intimidation against a staff member/external person who has notified a possible failure or who has participated to an investigation into a possible failure.

‘Good faith’ does not mean that the staff member must be right, but that he/she must supply all information in his/her possession and think that that information is reliable. For instance, the staff member/third party may not file a complaint only on the basis of rumours. If a complaint is filed in good faith, the staff member may in no case be subjected to sanctions if his/her allegations afterwards turn out to be unfounded.

Any staff member who is directly or indirectly involved in retaliatory measures or who encourages other staff members to impose retaliatory measures on a person who has filed a complaint or formulated a concern in good faith, may be subjected to sanctions or legal proceeding to the extent authorised by applicable law.

The protection against retaliatory measures provided in this procedure does not extend to staff members/third parties who have deliberately or imprudently filed declarations or revealed facts in bad faith (for instance, staff members who have referred to unfounded dubious practices with harmful intentions). Under such circumstances, the staff member/third party who has filed the notification may be subjected to sanctions or legal proceedings to the extent authorised by applicable law.

## **VII. Security of the data**

When reports potentially contain personal data and confidential information, the legislation on the protection of data calls for appropriate technical and organisational measures for the protection of such personal data against accidental or illicit destruction, accidental loss, alteration, dissemination or unauthorised access, in particular when the processing involves the transmission of data within a network, as well as any other form of illicit processing.

Therefore, BTC requires that the reports and their content are managed and archived in a confidential and safe way, and in conformity with the retention deadlines imposed by law. All staff members who are responsible for archiving these reports and for controlling access to these documents, as well as all persons who have access to the documents are bound by this procedure.

All personal data that do not fall within the scope of this procedure will be destroyed or archived quickly, unless they are of vital interest to BTC or the

security/integrity of our staff. Once a report has been investigated, the personal data in the document will be destroyed within (2) months after the conclusion of the investigation, on the condition that the investigation does not lead to any disciplinary or judiciary action. If disciplinary measures are imposed or if judiciary proceedings have been started against a person, the personal data will be conserved until the end of these proceedings. BTC and its service providers will take all reasonable and useful precautions to maintain confidentiality and security of personal data of staff when the data are collected, communicated or preserved.

### **VIII. Third-party service providers**

BTC may rely on third-party service providers to help with the management of the complaints/questions as well as the routing, storage and archiving of the personal data.

For such instances, BTC must contractually ensure that the service providers comply, to the extent authorised by applicable law, with this procedure and with the instructions of BTC, namely:

- Not use personal data to other ends than those for which they have been collected;
- Respect standards of confidentiality;
- Not disseminate data collected in any other way than as instructed by BTC;
- Comply with the requirements for the retention of data.

### **IX. Contacts**

BTC, represented by its Integrity desk, is the entity that is responsible for processing personal data pursuant to its integrity policy.

If you have any questions or comments pertaining to the Integrity desk, please contact:

BTC  
Integrity desk  
Rue Haute 147  
1000 Brussels, Belgium

**E-mail:** [info@btcctbintegrity.be](mailto:info@btcctbintegrity.be)

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**List of the addressees of authorised data:**  
***Koen Bomans - Integrity desk***