

Collection of Laws of the Slovak Republic 2019

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The contents of this document are legally binding.

54 Act of 30th of January 2019 on the protection of whistle-blowers notifying activities undermining the functioning of society and the amendment of certain other Acts

The National Council of the Slovak republic has agreed upon the following wording:

Article 1

Introductory provisions

§ 1

- (1) This Act covers
 - (a) the conditions of providing protection to individuals who are in an employment relationship related to the notification of criminal activities or other activities which are undermining the functioning of society (henceforth “activities undermining the functioning of society”),
 - (b) rights and obligations the individuals have when notifying the activities undermining the functioning of society, and
 - (c) the establishment, standing and authority of The Office for the Protection of Individuals Notifying Activities Undermining the Functioning of Society (henceforth “The Office”).
- (2) This Act does not have any bearing upon the duty to report or prevent crime.
- (3) Notification of activities undermining the functioning of society is considered to be neither a breach of contractual duty of confidentiality nor a breach of confidentiality duty according to individual legal Acts, if this duty follows from employment, profession, standing or function and it is not a duty of confidentiality connected to the protection of secrecy, postal secrecy, business secrecy, bank secrecy, telecommunications secrecy or tax secrecy, protection of confidential statistical data, it is not considered duty of confidentiality in connection to the provision of medical documentation data, the confidentiality duty of news service members or the confidentiality duty related to the provision of legal services.

§ 2

For the purposes of this Act it is understood that:

- (a) a whistle-blower is a natural person, who in good faith notifies the appropriate body, office or employer; a whistle-blower can also be a person close to the whistle-blower, who is in an employment relationship with the same employer as the whistle-blower, with an employer who is a dependent person in the relationship with the employer of the whistle-blower, or with an employer who is established by the employer of the whistle-blower,
- (d) a notification is a compilation of information the natural person became privy to while carrying out of his or her employment duties, profession, standing or function, or while carrying out an activity which is in public interest and which relates to the activities undermining the functioning of society,
- (e) a qualified notification is a notification which could contribute or has contributed to the uncovering of a serious activity undermining the functioning of society or to the identification or conviction of its perpetrator,
- (f) a serious activity undermining the functioning of society can be defined as:
 - 1. a criminal act of infringing the financial interests of the European Union according to paragraphs 261 to 263 of the Criminal Code, a criminal act of manipulating public procurement procedures and public auctions according to paragraphs 266 to 268 of the Criminal Code, a criminal act of public officials according to paragraphs 326 to 327a of the Criminal Code or a criminal act of corruption according to paragraphs 328 to 336b of the Criminal Code,
 - 2. a criminal act, for which the Criminal Code sets out a prison sentence with the upper limit over three years,
 - 3. an administrative delict, for which a fine with a calculated upper limit value can be imposed, or
 - 4. an administrative delict, for which a fine with upper limit value of at least 30 000 eur can be imposed,
- (e) an employment relationship is considered to be a working relationship, a comparable employment relationship, a working relationship in state service or a service working relationship,
- (f) an employer is an individual who employs at least one person in an employment relationship,
- (g) a public body is:
 - 1. a state body, a township, a higher territorial authority,
 - 2. a legal entity established by law, a legal entity established by state, a town or a higher territorial authority in accordance with a specific legal act,
 - 3. a legal entity established by an entity set out in the first and the second point,
 - 4. a legal entity who has been legally authorised to decide on rights and obligations in the area of public administration.
- (h) taking an action in a good faith is considered to be a taking an action by a physical person, who based on the circumstances he or she is aware of, and knowledge he or she possesses at the time of notification, has a good reason to believe that the information is true. In case there is any doubt, taking an action in a good faith is presumed as long as the contrary is not proven.

Provision of protection within criminal proceedings

§ 3

- (1) An application for the provision of protection in cases of notification of activities undermining the functioning of society which is considered to be a criminal act can be submitted together with the notification itself or within the criminal proceedings. In the latter case, the application is submitted to the prosecutor in either written form or orally as a part of the court record. If such an application is submitted to another public body, this body will immediately transfer the application to the prosecutor.
- (2) An application for the provision of protection according to section 1 includes the name, surname, date of birth and address of the whistle-blower who is submitting it, the place of his employment and the name of his employer. The application also includes details of a close individual, if he or she is in an employment relationship with the same employer as the whistle-blower, or is in an employment relationship with an employer who is a dependent entity in relation to the employer of the whistle-blower, and the whistle-blower is asking for protection for this close individual as well.

§ 4

- (1) If the prosecutor finds out that the whistle-blower, who has submitted an application for provision of protection according to paragraph 3 section 1, made a qualified notification, he or she will immediately offer the whistle-blower protection according to paragraph 7, and he or she will notify this fact in writing to the whistle-blower, the employer, and the Office. Along with this notification, the whistle-blower will be provided with information on his rights and obligations following from his standing as a protected whistle-blower. The delivery of the notification of provision of protection to the employer makes the whistle-blower a protected whistle-blower.
- (2) Instead of protection under paragraph 7, the whistle-blower can ask the prosecutor to issue a written confirmation of the fact that he or she has made a qualified notification. If the prosecutor finds out that the whistle-blower has indeed made a qualified notification, he or she will immediately issue a confirmation of this fact, along with the information on the whistle-blower's rights and obligations following from him or her making a qualified notification.
- (3) If the prosecutor finds out that the whistle-blower who has submitted an application for provision of protection according to paragraph 3 section 1 has not made a qualified notification, he or she will immediately notify the whistle-blower of this fact along with the reasons why he or she will not be provided the protection sought, and of the options that are available for re-examination of the refusal of protection according to section 4.
- (4) The whistle-blower who has not been granted protection according to section 3 can, within 15 days of the delivery of the decision, ask personally, or via office of a superior prosecutor, for re-examination of the reasons behind the refusal of protection under section 3. The superior prosecutor has 15 days from the delivery of the application to decide about provision of protection according to paragraph 7, and to notify his or her decision in writing to the whistle-blower, the employer and The Office, or to notify the whistle-blower or The Office, that the whistler-blower has not made a qualified notification.

Provision of protection within administrative delict proceedings

§ 5

- (1) An application for provision of protection in instances of notification of serious activities undermining the functioning of society which are considered to be administrative delicts can be submitted together with the notification itself, or within an administrative proceeding. In the latter case, the application is submitted in either written form, or orally as a part of the record of the authority, which is leading the administrative proceedings (henceforth “administrative authority”). If such an application is submitted to another public body, this body will immediately transfer it to the appropriate body, in accordance with the first sentence.
- (2) An application for provision of protection according to section 1 contains the name, surname, date of birth and address of the whistle-blower who is submitting it, the place of his employment and the name of his employer. The application also contains details of a close individual, if he or she is in an employment relationship with the same employer as the whistle-blower, or is in an employment relationship with an employer who is a dependent person in relation to the employer of the whistle-blower, and the whistle-blower is asking for protection for this close individual as well.

§ 6

- (1) If an administrative body finds out that the whistle-blower, who has submitted an application for provision of protection according to paragraph 5 section 1, made a qualified notification, it will immediately offer him or her protection according to paragraph 7, and it will notify this fact in writing to the whistle-blower, the employer and The Office. Along with this notification, the whistle-blower will be provided with information on his rights and obligations following from his standing as a protected whistle-blower. The delivery of the notification of provision of protection to the employer makes the whistle-blower a protected whistle-blower.
- (2) Instead of protection under paragraph 7, the whistle-blower can ask the administrative body to issue a written confirmation of the fact that he or she has made a qualified notification. If the administrative body finds out that the whistle-blower has indeed made a qualified notification, it will immediately issue a confirmation of this fact, along with the information on the whistle-blower’s rights and responsibilities following from him or her making a qualified notification.
- (3) If the administrative body finds out that the whistle-blower who has submitted an application for provision of protection under paragraph 3 section 1 has not made a qualified notification, it will immediately notify him or her of this fact along with the reasons why he or she will not be provided protection, and of the options that are available for re-examination of the refusal of protection according to section 4.
- (4) The whistle-blower who has not been granted protection according to section 3 can, within 15 days of delivery of the decision, ask personally, or via the office of the superior administrative body, for re-examination of the reasons behind the refusal of protection under section 3. The superior administrative body shall decide about provisions of protection according to paragraph 7 within 15 days from the delivery of the application, and to notify in writing its decision to the whistle-blower, the employer and The Office, or to notify the whistle-blower or The Office, that the whistle-blower has not made a qualified notification.

- (5) If, within criminal proceedings, the case is taken over by a different body in order to examine it simultaneously in administrative proceedings, and this is done after the application for provision of protection has been submitted, the administrative body will consider granting of the protection without further need to submit a new application for protection.

§ 7

Protection of the whistle-blower when notifying serious activities undermining the functioning of society

(1) The employer can perform a legal act or issue a decision within the employment relationship (henceforth 'employment act') in relation to a protected whistle-blower who did not agree to this act, only when authorised to do so by the Office. In relation to a protected whistle-blower who is a professional soldier, the authorisation of the Office is necessary only if a specific legal instrument prescribes it. There is no need for authorisation from the Office in cases where the employment act confers entitlement upon the whistle-blower, or when it is an employment act related to termination of employment relationship resulting from a legal reality independent from the employer's consideration.

(2) The employer submits the application for authorisation by the Office. This application contains:

- a) name of the employer,
- b) name, surname, date of birth and address of the protected whistle-blower,
- c) type of the employment act for which authorisation is being sought,
- d) reasons for the need to carry out the given employment act.

(3) Before issuing a decision on the application for authorisation, the Office shall allow the protected whistle-blower to express his opinion (within a reasonable period of time) on the proposed employment act.

(4) In simple matters, especially where it is possible to decide based solely on the employer's application and the protected whistle-blower's opinion, the Office will decide whether to grant the authorisation or not without undue delay. In other matters, the Office will decide within 30 days from the delivery of the application for authorisation.

(5) The Office will grant authorisation for the proposed employment act of the employer against the protected whistle-blower only if the employer shows that the proposed employment act is in no way connected the notification made by the whistle-blower. If the employer fails to demonstrate it, the application for authorisation will be rejected.

(6) The decision of the Office can not be appealed.

(7) From the time the application of the employer for authorisation has been submitted, until the time an effective decision has been issued by the Office, the time limits and try-out periods, in accordance with special instruments, shall be suspended.

(8) A legal act which has not been authorised by the Office is ineffective.

§ 8

Termination of the whistle-blower's protection

(1) The protection of whistle-blower conferred under paragraph 7 is terminated when:

- (a) the protected whistle-blower's written notification of waiving the granted protection is delivered to the Office,
- (b) the employment relationship of the protected whistle-blower is terminated,
- (c) three years have passed since the criminal proceedings or the administrative proceedings have been concluded - however, the protection does not end if the criminal proceedings conclude through being moved under the authority of another body,
- (d) the protected whistle-blower is convicted of wrongful accusation or for false testimony or lying under the oath in relation to the making of the qualified notification, or
- (e) the written notification of the body which provided the protection, has been delivered to the employer, showing that the qualified notification has been made in bad faith.

(2) The end of protection according the section 1 (a) will be immediately notified by the Office to the employer and to the body providing protection.

(3) The end of protection according the section 1 (b) will be immediately notified by the employer to the Office and to the body providing protection.

(4) The end of protection according the sections 1 (c) and (d) will be immediately notified by the body providing protection to the Office, the employer, and the protected whistle-blower.

(5) The end of protection according the section 1 (e) will be immediately notified by the body providing protection to the Office and to the protected whistle-blower.

§ 9

Remuneration

(1) The Office can offer the whistle-blower who has made a qualified notification, based on his application for remuneration, a remuneration amounting of up to 50x the value of minimum wage, if:

(a) in criminal proceedings:

- 1. a person has been indicted,
- 2. a plea agreement has been submitted,
- 3. an agreement between the parties has been reached and the criminal proceedings have been halted or
- 4. the criminal proceedings have been conditionally halted or

(b) in administrative proceedings, a decision finding an administrative delict has been committed becomes effective.

(2) The body that has issued the whistle-blower a written notification according to paragraph 4 section 1 or paragraph 6 section 1 or a written confirmation according to paragraph 4 section 2 or paragraph 6 section 2, will notify the whistle-blower of the submission of an indictment, approval of a plea agreement, approval of an agreement

between the parties and the halting of the proceedings, conditional halting of the proceedings or the coming into force of a decision according to section 1.

(3) Application for remuneration can be submitted to the Office within 6 months from the day of the delivery of notification according to section 2. Applications submitted past this deadline shall not be considered.

(4) Application for remuneration shall contain the name, surname, date of birth and address of the whistle-blower and the reasoning for the entitlement to this remuneration. The whistle-blower shall attach a copy of the notification according to section 2.

(5) When deciding the outcome of the application, the Office shall take into account the contribution the whistle-blower made towards the clarification of a serious activity undermining the functioning of society, uncovering of its perpetrator, the whistle-blower's loss of earnings, and the range of the property protected or returned (if it can be calculated). For these purposes the Office will ask for the opinion of the prosecutor or the public body which was deciding on the matter.

(6) The Office shall decide on the outcome of the application for remuneration within three months from the day of its delivery.

(7) There is no legal entitlement to the whistle-blower's remuneration. There is no judicial recourse with regard to the remuneration decision made by the Office.

(8) The provisions contained within sections 1 to 7 do not apply to an individual who is a close person of the whistle-blower.

§ 10

Internal system of notification evaluation

(1) An employer who employs at least 50 employees, and an employer that is a public body which employs at least 5 employees, is liable to set up an organisational body or designate an individual (henceforth 'responsible person') that will fulfil the duties of the employer according to sections 4 to 7 and paragraph 11 section 1. Based on a contract with the employer, a person who is not an employee can also become the responsible person. The responsible person shall have expertise necessary for the fulfilment of the duties following from this Act. In a town or in a higher territorial entity, the head controller is the responsible person.

(2) An employer as described in section 1 that is a public body fulfils its duty under section 8, and through a responsible person it also fulfils the duties under sections 4 to 7 and paragraph 11 section 1 also in relation to budgeting organisations and contribution organisations, which fall under its establishing capacity; in relation to a state company of which it is an establishing entity; in relation to a fund it manages; and in relation to a share company where the state owns 100% of the shares, where it exercises the shareholder rights. If this legal person employs less than 50 employees, a public body can determine that it will be fulfilling the duties under sections 4 to 7 and paragraph 11 section 1 also when this legal person employs at least 50 employees.

(3) An employer as described in section 1 is under obligation to provide the responsible person with facilities to independently fulfil his or her function, and the responsible person is only bound by instruction coming from the statutory body of the employer or the statutory body of the mother company, in cases where the statutory body or its member are not directly the responsible person. The responsible person can carry out other tasks and responsibilities than those entailed in sections 4 to 7 and paragraph 11 section 1. The employer is required to ensure that none of the other tasks or responsibilities create a conflict of interest. According to section 1, the employer cannot sanction the responsible person for the fulfilment of his or her duties. If it is an organisational body that serves as the responsible person, the employer cannot punish the employees that are a part of it. An employer as described in section 1 is under an obligation to provide to the responsible person due cooperation when fulfilling the relevant responsibilities, first and foremost the employer is responsible to provide the responsible person with sufficient financial means necessary for the fulfilment of these tasks and the access to personal data and documentation. An employer as described in section 1 is also obliged to help maintain the expert knowledge of the responsible person in the relevant field.

(4) The details of the responsible person and the means of notification submission must be published, and accessible to all employees in a usual and ordinarily accessible manner, so that at least one means of notification submission is accessible at all times. An employer as described in section 1 is responsible for making accessible information about the internal system of notification evaluation in a succinct, intelligible, clearly formulated and easily accessible manner, and he or she must also ensure simplicity of the submitting of notifications.

(5) An employer as described in section 1 has to accept and investigate every notification within 90 days of its acceptance. This period can be prolonged by 30 days, but only if this extension is notified to the whistle-blower, along with the reasoning behind it. 'Investigation' includes the employer delegating the matter for resolution according to the Criminal Code or specific legal provisions.

(6) An employer as described in section 1 has to keep the identity of the whistle-blower secret during the investigation.

(7) An employer as described in section 1 has to notify the whistle-blower of the investigation result and the measures taken there after, within 10 days from the conclusion of the investigation. If the investigation has been concluded by delegating the matter for resolution according to the Criminal Code or specific legal provisions, the responsible person shall request the result of investigation, in as much detail as the specific legal provision allows, and shall notify the whistle-blower of the result within 10 days from its delivery.

(8) An employer as described in section 1 is obliged to issue an internal direction entailing detailed information on:

- (a) submission of notifications,
- (b) investigations into the notifications and the entitlements of responsible persons when it comes to these investigations,
- (c) confidentiality of the whistle-blower's identity,
- (d) recording of notifications according to paragraph 11 section 1,

- (e) notification of the whistle-blower of the investigation results of his or her notification,
- (f) processing of personal data entailed in the notification.

§ 11

(1) An employer as described in paragraph 10 section 1 is obliged to keep a record of notifications (for at least three years from the delivery of a notification) in the following extent:

- (a) date of the delivery of the notification,
- (b) name, surname and address of the whistle-blower,
- (c) subject of the notification,
- (d) result of the notification investigation,
- (e) end date of the investigation.

(2) In view of the new developments, the expenses pertaining to adoption of measures and the objective of the internal system of notification evaluation, the employer is obliged, according to paragraph 10 section, to adopt appropriate technical and organisational measures in order to ensure and evidence that the internal system of notification evaluation is being maintained in accordance with this Act.

§ 12

Temporary suspension of the effect of an employment act

(1) If the whistle-blower believes that he or she has had an employment act which he or she does not agree with carried out against him or her as the result of the notification, he or she can ask the Office, within 15 days from the day he or she learned of the employment act, to suspend the effect of this act.

(2) The Office shall suspend the effect of the employment act as described in section 1 without undue delay, if the time limit according to section 1 has been observed, and if the employer does not show within a reasonable period of time set out by the Office that the employment act is in no way connected to the notification. The Office shall issue a confirmation of suspension of effect of the employment act and it shall deliver this confirmation to both the employer and the whistle-blower.

(3) The confirmation as according to section 2 shall entail the name, surname, date of birth and address of the whistle-blower, the name of the employer, and the employment act the effect of which has been suspended. If the Office rejects the application according to section 1, the underlying reasons of such a decision shall be notified to the whistle-blower.

(4) In accordance with section 2, suspension of the effect of an employment act starts on the day the confirmation has been delivered to the whistle-blower. The enforceability of a decision which is an employment act shall be postponed when the effect is suspended.

(5) Upon the delivery of the confirmation according to section 2, the Office shall instruct the whistle-blower in writing about the availability of the option to submit an

application to a court, asking for a preliminary measure according to section 6 (and about the consequences following from it) to be put in place.

(6) Suspension of the effect of an employment act will end 30 days after the confirmation has been delivered to the whistle-blower in accordance with section 2. Delivery of an application for a preliminary measure to a court within this period prolongs the suspension of the effect of an employment act until the decision of the court in this matter becomes effective.

(7) The Office will also suspend the effect of an employment act carried out against a natural person who published information about activities undermining the functioning of society that he or she learned about when carrying out his or her employment, profession, standing, function or activity in public interest, if this natural person rightfully believed that notifying these activities would not lead to their proper investigation or that notifying them would lead to his or her persecution. Provisions entailed in sections 1 to 6 shall be used when appropriate.

(8) Provisions entailed in sections 1 to 6 shall be used (where appropriate) in cases where a person having a close relationship with the whistle-blower, a responsible person, and employees taking part in the fulfilling of the responsible person's task are concerned.

§ 13 The Office

(1) The Office shall be established as an individual state administration body with national competence which protects the rights and legitimate interests of whistle-blowers in reporting activities undermining the functioning of society

(2) The Office is a budgetary organization. The draft budget is presented as part of the chapter of the General Treasury Administration. Only the National Council of the Slovak Republic (hereinafter referred to as the "National Council") may reduce the approved budget of the Office during the calendar year.

(3) The Office is seated in Bratislava.

(4) The Office may set up and abolish detached workplaces outside its seat and determine the territorial jurisdiction of its tasks.

(5) Details of the organization of the Office shall be laid down in the Office's Rules of Procedure, issued by the Office President.

(6) The Office:

- a) Decides on matters of protection pursuant to § 7 and 12,
- b) Oversees the application of this Act; the basic rules of control activities apply to the execution of the control under a special regulation,
- c) Oversees: 1) compliance with provisions concerning providing protection and execution of protection 2) the manner in which the employer behaved towards the whistle-blower at the time after the notification was made and 3) compliance with the provisions on the internal notification system,

- d) Notifies of the appearance of reprisal in connection with the notification of an activity undermining the functioning of society to the competent authorities,
- e) Raises public and employer awareness of an activity undermining the functioning of society reporting and whistle-blower protection,
- f) Provides consulting services to the employers by drafting an internal regulation pursuant to § 10 Sec. 8 and its compliance mechanism,
- g) Provides consulting services and consultations in connection with reporting actions against society,
- h) Issues expert opinions and methodological guidelines on whistle-blower protection,
- i) Provides practical training and training of responsible persons,
- j) Cooperates with state authority bodies in drafting legislation and provides incentives to central government authorities to change them based on their own findings and knowledge,
- k) Cooperates with the Slovak National Center for Human Rights and NGOs in matters of whistle-blower protection,
- l) Cooperates with relevant institutions and organizations of the European Union and other countries,
- m) Performs other tasks, if provided for by this Act or special regulations.

(7) The Office regularly evaluates and publishes on its website the information related to the notification of activities undermining the functioning of society and the performance of protection under this Act, publishes documents pursuant to Section 6 letter h), professional articles, legal and other documents and information related to the notification of activities undermining the functioning of society and providing of protection under this Act.

(8) To carry out its tasks the Office shall have the power:

- a) to require the submission of the necessary documentation, records and other documents and acquaint itself with their content,
- b) to request explanations and review the manner and effectiveness of handling the notification,
- c) to warn head representatives for public authorities of insufficient or incorrect handling of the notification and to seek remedy,
- d) to warn the employer that the planned labour act may violate the provisions of this Act,
- e) to advise to the employer the measures to ensure compliance with this Act.

(9) If the application of the competency pursuant to Section 8 is regulated in a special regulation, the Office may apply it only in accordance with this special regulation.

(10) The Office shall have a status of third party in the proceeding about an administrative offence, in which the protection is afforded in pursuant to paragraph 6 section 1, the Office shall have a status of the involved person in the administrative proceeding, in which a qualified notice has been made, if the Office requested so. The Office shall have the right to attend any act made during the proceeding about an administrative delict, in which the whistle-blower has right or obligation to participate.

(11) The Office is entitled to take part in proceedings under the general rules on court proceedings, if one of the parties to the dispute is the whistle-blower.

(12) The public authority shall provide the Office with the necessary assistance in the performance of its tasks.

(13) The Office shall annually submit by the end of March a report on its activities and the protection status of whistle-blowers for the previous year to the National Council; The Office shall publish the report on its own website. In particular, this report includes findings of the Office's activities and proposals and recommendations to remedy the shortcomings identified. If the Chairman of the Office finds facts suggesting that threatening or infringing the rights of the whistle-blower is serious or involves more whistle-blowers, the Chairman may notify the National Council of an extraordinary report, which may also include a proposal to be discussed at the next National Council meeting.

(14) The Office shall without delay assign the notice addressed to the Office to the competent Authority. If the whistle-blower requests to keep his/her identity, confidential the Office shall assign this notice without identifying of the whistle-blower's identity.

(15) In case of an appearance of reprisal whistle-blower, close person of the whistle-blower or whistle-blower's business activity which is exercised in the context of the exercise of public authority, the Office shall be entitled to request the public authority which has taken such measures to give its opinion on the justification and justification of those measures within a specified period. The public authority shall examine the eligibility and justification of the measures, if necessary, take corrective action and the result of the review and notify the Office of the measures taken. If the public authority fails to comply with its obligations under the second sentence, the Office shall submit information on this fact to the superior body; if the public authority has no superior body, the Office shall submit such information to the Government of the Slovak Republic (hereinafter referred to as the Government).

(16) § 15 shall apply also to the procedures of public authorities, which may be presumed to be a sanction in relation to the notification of an activity undermining the functioning of society are carried out against a person other than the whistle-blower or the whistle-blower's close person.

§ 14

The Chairman of the Office

(1) The Office is headed by the Chairman, who is responsible for the Office's activities. The Chairman of the Office is elected and suspended by the National Council from among the candidates proposed by the Government pursuant to § 15 Section 4.

(2) The term of office of the Chairman of the Office is seven years. The same person can be elected Chairman of the Office only once.

(3) As the Chairman of the Office can only be chosen a person who:

- (a) is a national of the Slovak Republic,
- (b) is fully eligible to perform legal acts,
- (c) clear criminal record,
- (d) has a second-level university degree,

(e) is not a member of a political party or political movement,
(f) for the last five years prior to election, he has not held the office of President of the Slovak Republic (hereinafter referred to as the "President"), a Member of the National Council, a Member of the European Parliament, a member of the Government, the Chairman, Head, Director or Vice-Chairman of the other Central State Administration Authority 54/2019 Coll. or the state administration body, the state secretary, the public defender of rights, the general secretary of the service office, the chairman of the self-governing region, the mayor or mayor and
(g) by acting so far in his/her personal, public and professional life, he/she guarantees that he/she will perform his/her function properly, diligently and responsibly.

(4) For the purposes of this Act, a person shall not be considered to be unimpeachable, if the person has been lawfully convicted of an intentional crime and, in the case of a particularly serious crime, a crime of abuse of a public official, a crime of accepting a bribe, a crime of bribery and a crime of indirect corruption, is also considered to be a person who has been convicted of integrity for such a crime or for which it is viewed as if it were not convicted for such a crime. Integrity is evidenced by the write-off from the criminal record. For the purpose of proving one's integrity, a natural person shall provide the Commission (§ 16) with the data necessary to request a criminal record write-off. 9) The Commission shall send the data pursuant to the third sentence in electronic form without delay via electronic communication to the General Prosecutor's Office of the Slovak Republic for the issuance of a write-off from the criminal record.

(5) Exercise of the office of the Chairman of the Office shall be incompatible with the performance of his office under paragraph 3 (a). f), with the function of judge, prosecutor, member of the Bank Board of the National Bank of Slovakia, statutory body, membership of the governing body, supervisory body or control body of a legal entity, in addition to the general meeting and membership meeting, or membership in a political party or political movement. The President of the Office may not act or act on behalf of a political party or political movement.

(6) The office of the Chairman of the Office shall cease to exist by:

- (a) expiration of the term of office,
- (b) resignation,
- (c) withdrawing from office,
- (d) death or declaration of death.

(7) The Chairman of the Office shall be suspended by the National Council based on a proposal by the Government if a) he/she lost integrity (b) he/she has been restricted in legal capacity, (c) no longer meets the condition of conflict of interests under Section 5 or (d) has not been in office for at least six consecutive months.

(8) The National Council may suspend the performance of the office of the Chairman if a criminal prosecution has been initiated against him/her in connection with the performance of his/her office.

(9) The Chairman of the Office shall receive a monthly salary equal to the salary of a Member of the National Council, beginning on the first day of the month in which he was elected. The Chairman of the Office is entitled to a monthly flat-rate compensation to cover the necessary expenses for services and other personal expenses related to the performance of his/her office in the amount of 50% of the salary. Entitlement to a lump

sum compensation shall commence on the date of commencement of the term of office and shall cease on the date of termination of the term of office. The lump sum compensation is determined by a fixed amount rounded up upwards to the whole euro. The salary and lump sum compensation of the President of the Office is determined by the Government of the Slovak Republic.

(10) The Chairman of the Office is not subject to the provisions on remuneration under a special regulation *(10), except for the provisions on remuneration under a special regulation, (11) which shall be applied to the Chairman's salary appropriately.

*(10) § 124 to 154, § 156, 157 and 159 of the Act nr. 55/2017 * (11) § 155, 158 and 160 of the Act nr. 55/2017

§ 15

Public hearing

(1) The Government may nominate the National Council candidates to the National Council only after they have been publicly heard and evaluated by the Commission.

(2) The Commission shall issue a call for candidates to apply for candidacy for the Chairman of the Office within 15 days of their appointment through the broadcasting of Radio and Television of Slovakia, at the Office of the Government of the Slovak Republic (hereinafter referred to as the "Government Office") and at least one journal of the national periodical. The call shall not be published for less than 30 days. Within the call for applications, the Commission shall determine what documents proving the fulfilment of the criteria pursuant to § 14 Section 3 the Chairman of the Office needs to send and structure the curriculum vitae, which must be attached by the candidate; the attachment to the curriculum vitae must include at least two written references from the candidates interested in the candidature or personalities of the social life and justification of the candidacy. The curriculum vitae, references and reasoning shall be published by the Commission on the Government Office's website within five working days of the end of the call for candidates for the Chairman of the Office.

(3) The public hearing will take a place within 30 days from the end of the call for applications for the Chairman of the office. For public hearings, the Commission will invite every interested one for candidacy that meets the conditions under § 14 Section 3 for the Chairman of the Office and submit his/her curriculum vitae with all attachments within a specified period. The candidate who does not comply with the legal conditions or who has not submitted his/her curriculum vitae containing all attachments within a specified deadline will not be invited to the Public Hearing Commission – in this case the Commission will notify him/her about not inviting him/her to the Public Hearing. The Commission shall invite candidates for a public hearing at least seven days before its commencement, indicating the date, place and time of the public hearing; at the same time, it will publish the date, place and hour of the public hearing and the thematic areas of the questions which will be asked at the public hearing the interested ones on the website of the Office of the Government. The public hearings shall be conducted in a manner allowing the members of the government, members of the national council and representatives of the public present pose questions to candidates provided that questions only cover issues related to the competence of the Office, questions that seek to verify the prerequisites for the office of Chairman of the Office or questions for the verification of management skills. The public hearing is broadcasted live on the

Government Office website and the entire public hearing record will be published on the Government Office website no later than the next business day.

(4) The Commission will evaluate the invited candidates within 15 days from the public hearing and propose the Government two the most successful candidates in the evaluation. The material submitted to the Government for approval shall include the minutes of the public hearing, which includes at least the evaluation method, the evaluation of all applicants and their ranking according to the evaluation; the material submitted by the Commission shall be published by the Government Office on its website.

§ 16

The Commission

(1) The Commission is composed of five members. One member of the Commission is appointed by the President, one member of the Commission is appointed by the Government, one member of the Commission is appointed by the Public Defender of Rights, one member of the Commission is appointed by the Civil Service Council and one member of the Commission is appointed by the Government Advisory Body on NGOs and Society Development. For the member of the Commission only that person shall be named who, through his or her previous activities in personal, public and professional life, guarantees that he/she will perform his/her function properly, honestly, responsibly and impartially.

(2) The President, the Ombudsperson, the Civil Service Council and the Government Advisory Body in the area of NGOs and society development shall be obliged to notify the Government of their appointed member no later than six months before the expiry of the term of office of the Chairman of the Office, a structured curriculum vitae of the member of the commission shall form - a part of the submission. If a person authorized to appoint a member of the Commission does not notify the Government of the appointed member of the Commission within ten days of the expiry of the period referred to in the previous sentence, the Government shall appoint the missing member of the Commission without delay. The list of members of the Commission together with their curricula vitae shall be published by the Government Office on its website no later than the next working day following the submission of a member of the Commission to the Government.

(3) If the office of Chairman of the Office ceases to exist other than by the expiry of his term of office, persons authorized to appoint a member of the Commission pursuant to Section 1 shall be obliged to appoint and notify the Government of the members of the Commission within 30 days of the termination of office of the Chairman of the Office; Section 2 shall apply accordingly.

(4) A member of the Commission assumes his/her function by appointment; the function of a member of the Commission shall cease by electing the Chairman of the Office by the National Council.

(5) The Commission's activities are managed by its chairman, chosen by members of the commission among themselves. The Chairman of the Commission is substituted by a member of the Commission which was delegated in writing by the Chairman of the Commission.

(6) The function of a member of the Commission is an honorary function. The compensation of the documented travel expenses related to the performance of the office belong to the member of the Commission. This compensation is provided by the government office.

(7) Tasks related to the professional, organizational, personnel, administrative and technical support of the Commission's activities are performed by the Government Office.

(8) An absolute majority of the votes of all members of the Commission is required for the validity of the decision of the Commission. The details of the procedure of the commission before the selection procedure, the commission's deliberations, the manner of evaluation of the candidates, the decision-making of the commission, the participation in its meetings are regulated by the rules of procedure approved by the commission; the Rules of Procedure shall be published by the Commission on the Office's website at the latest on the working day following its approval.

(9) If within 30 days of the submission of the proposal pursuant to § 15 Section 4 the Government does not approve candidates submitted by the Commission, the Commission will publish a new call for candidates to apply for candidacy for the Chairman of the Office. The Commission will also issue a new call if the National Council does not elect the President of the Office.

§ 17

Vice Chairman

(1) The Chairman of the Office shall be represented by the Vice-Chairman of the Office appointed and recalled by the Chairman of the Office. The Vice-Chairman of the Office shall represent the Chairman of the Office in his/her absence and when the office of Chairman of the Office is not occupied within the scope of his/her rights and duties. The Chairman of the Office may also instruct the Vice-Chairman of the Office in other cases to represent him in the scope of his rights and duties.

(2) The provisions § 14 Section 3, Section 4 first and second sentence, Section 5 and 6 shall apply to the Vice Chairman.

(3) For the purpose of demonstrating one's integrity, the natural person shall provide the Office with the data necessary to request the criminal record write-off. The Office shall send the data pursuant to the first sentence in electronic form without delay by means of electronic communication to the General Prosecutor's Office of the Slovak Republic for the issuance of the extract from the criminal record.

§ 18

Administrative offenses

(1) A person is deemed to have committed administrative offences when:

- a) one carries out an employment action against the whistle-blower without the consent of the Office, if the consent is required by law, or who afflicts the whistle-blower in connection with the notification, or
- b) breaches the obligation of remaining silent of the whistle-blower's identity.

(2) For an offense pursuant Section 1, the Office may impose a fine of up to EUR 2,000.
3. Fines are income of the state budget. 4. The general Offence's Act shall apply to the offenses and their proceedings.

§ 19

(1) An employer who fails to fulfil any of his obligations under § 10 or § 11 may be fined by the Office up to 20,000 EUR.

(2) Upon imposing a fine, the Office takes into account the gravity, manner, duration and consequences of the unlawful conduct and also takes into account the repeated breach of duty and the breach of several obligations.

(3) Fine may be imposed within one year of the day on which the Office became aware of the breach, but no later than three years from the date on which the breach occurred. 4. Fines form an income of the state budget.

§ 20

Common provisions

(1) The whistle-blower who has made a qualified notification and the person, against whom the effect of the legal act has been suspended, shall have the right to receive legal aid under a special regulation. *(14) *(14) § 24f and 24g of Act no. 327/2005 Coll. on Providing Legal Assistance to Persons in Material Need and on Amending and Supplementing Act no. 586/2003 Coll. on Advocacy and on Amendment and Amendment to Act no. 455/1991 Coll. on Trade Licensing (the Trade Licensing Act), as amended, as amended by Act no. 8/2005 Coll. as amended by Act no. 307/2014 Coll.

(2) In cases requiring special consideration, the Office may reimburse the costs of a lawyer or other legal counsel for the whistle-blower, if it is required to make a notification.

§ 21

(1) The Office may request cooperation from the Labour Inspectorate in identifying the facts relevant to the granting the protection pursuant to § 7 and 12. When providing the cooperation, the Labour Inspectorate shall have competences as in the performance of a labour inspection pursuant to a special regulation.

(2) When providing the cooperation pursuant to Section 1 everyone shall have competences as in the performance of a labour inspection.

(3) The Labour Inspectorate may impose a fine of up to 500 EUR upon a natural person and a person entitled to perform legal acts for a legal entity that has not fulfilled his/her

obligations under Section 2 within a specified period of time, even repeatedly, if the obligation has not been fulfilled within an additional period.

(4) The Labour Inspectorate may impose a fine of up to one year from the date of non-fulfilment of the obligation.

(5) Order fines form an income of the state budget.

(6) For the purposes of Sections 1 to 3 The National Labour Inspectorate and the Labour Inspectorate process personal data to the extent laid down by a separate regulation without the consent of the persons concerned.

§ 22

(1) The Office is competent to process personal data to the extent necessary for the performance of its tasks.

(2) If the state administrative body establishes its telephone line for the purpose of notification of activities against the society, all calls shall be recorded; upon recording a call, the public authority shall inform the whistle-blower in advance.

(3) The state administrative body shall keep voice records of the calls pursuant the Section 2 and shall keep them for three years from being recorded on an electronic, non-rewritable medium.

§ 23

(1) The § 1, 2, 10 and 11 are the only provisions of this Act applying to the Slovak Information Service, Military Intelligence and the National Security Authority and their members. While performing the obligation pursuant to § 10 Section 7 by the Slovak Information Service and Military Intelligence cannot jeopardize the interest of the reporting service.

(2) Supervision of compliance of this Act in relation to the Slovak Information Service, Military Intelligence and the National Security Office is carried out by a National Council pursuant to a special regulation.

§ 24

(1) Proceedings under this Act shall not be governed by the Code of Administrative Procedure except for the procedure for granting the Office's approval pursuant to § 7, proceedings on administrative offenses pursuant to § 19 and proceedings for imposing a fine pursuant to § 21.

(2) § 26 of the Code of Administrative Procedure shall apply to delivering a notice of the prosecutor to the employer pursuant to § 4 Section 1, notification of the administrative body to the employer pursuant to § 6 Section 1, notification of the prosecutor or administrative body to the employer pursuant to § 8 Section 5 and confirmation of suspension of the labour law pursuant to § 12 Section 2.

§ 25

Transitional provisions

(1) Protection under this Act is also granted to a natural person who made a notification before entering into force of this Act and filed an application for protection under this Act.

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