

KMC whistle-blower scheme

Updated on 16. November 2020

1 INTRODUCTION

KMC, kartoffelmelcentralen AMBA establish a whistle-blower scheme as of 1st December 2020. The scheme includes the KMC group entities listed on the intranet in affiliation with this guideline.

The whistle-blower scheme focuses on misconduct and suspicion of such misconduct, which might be crucial to individuals' lives or health or to the included KMC group companies or their associated companies as a whole. This includes situations such as:

- serious breaches of safety at work
- violence or sexual assault
- forgery
- environmental pollution
- bribery
- fraud

The whistle-blower scheme is an alternative to the usual communication channels, and a whistle-blower may thus subject to his or her own choice either use the usual communication channels or the whistle-blower scheme.

Employees may report any knowledge, concerns or suspicions to immediate superiors or other supervisors in the organization as alternative to the whistle-blower scheme.

Any external persons who wants to report any knowledge, concerns or suspicions may contact legal counsel Axel Bonde on ab@kmc.dk or tel.: 0045 96 42 55 17 as alternative to the whistle-blower scheme.

The whistle-blower scheme is established with the aim of:

- give employees of KMC an alternative opportunity in relation to the ordinary communication channels, to report certain gross, repeated or systematic errors, neglect or offenses in KMC or any suspicion thereof, whether committed by KMC as such, or by the employees of KMC during their employment.
- ensure that there is transparency in KMC in relation to serious misconduct and offenses,
- protect KMC employees, who report on misconduct of suspicions thereof through the whistle-blower scheme.
- Ensure a system for effective prevention and remedy of serious misconduct and illegalities in KMC.

In this guideline you can read more about the whistle-blower scheme established by KMC and how the processing of personal information is carried out in connection with the whistle-blower scheme.

1.1 Applicability

The whistle-blower scheme applies to all staff employed by the included KMC Group companies and any staff in other ways working for included KMC Group companies, including the executive board and board of directors, and for external business relations.

For a list of all included companies, please see a list <here>.

1.2 Definitions

In this guideline, the following definitions shall apply:

KMC, kartoffelmelcentralen AMBA, the executive board, board of directors and the KMC Group companies adapting to the whistle-blower scheme will hereafter be referenced to as “KMC”.

The individual submitting a report through the whistle-blower scheme will hereafter be referenced to as the “whistle-blower”.

Any individual person or individuals reported through the whistle-blower scheme will hereafter be referenced to as “the reported individual” or “the reported individuals”.

2 THE WHISTLE-BLOWER SCHEME

2.1 Who can be reported

KMC itself can be reported through the whistle-blower scheme, as well as any employees, the executive board, board of directors and individual board members. All of the above can be subject to closer investigation.

2.2 How to report suspicion or knowledge

Reporting can be done through the whistle-blower scheme at

<https://whistleblower.dahllaw.dk/WhistleBlowerForm.aspx?customerID=5493>.

The form contains a brief guide on the type of information that should be included in the report.

Reporting can also be done at <https://whistleblower.dahllaw.dk>. A login box appears where customer ID 5493 must be entered before the reporting form opens up.

2.3 Report information anonymously

Information can be reported anonymously through the whistle-blower scheme, though it is voluntary to remain anonymous or to disclose the identity of the whistle-blower. The page of the reporting form does not log the IP address or location of the user.

To ensure full anonymity, do access the whistle-blower scheme from a computer other than the provided work computer and while not on a KMC network.

Even if the identity of the whistle-blower is not disclosed directly, it is possible, that the case or circumstances that are being reported, can be linked to the identity of the whistle-blower and the whistle-blower may thus be identified. If the whistle-blowers identity is disclosed, KMC can have an obligation to disclose the identity to the reported individual.

KMC recognizes the wish to report anonymously but encourages to report with an indication of who the whistle-blower is, as there will be a better opportunity to investigate the matter and make contact with the whistle-blower for further information.

2.4 CONSEQUENCES FOR EMPLOYMENT

If the whistle-blower scheme is used to report suspicion or knowledge about misconduct or offenses, there shall not be any unfavourable treatment or consequences of the employment for the whistle-blower, if employed by KMC. Therefore, reporting of suspicions or knowledge of misconduct within KMC committed by either KMC as such or a colleague can be done without any consequences for the whistle-blower’s employment.

However, if the report includes the whistle-blower as a reported individual, the report can of course have consequences for the whistle-blower and the employment at KMC if it turns out that a misconduct or offense has occurred.

Individuals deliberately submitting false reports or submitting in bad faith will not enjoy protection. If the scheme is misused, there might be civil, criminal and, if employed by KMC, disciplinary sanctions implemented, including but not limited to termination of employment.

2.5 INFORMATION PROVIDED TO THE REPORTED PERSON/INDIVIDUAL

The reported individual is normally notified that a report has been made. Together with the notification, the following information will generally be provided:

- the set of actions that the reported individual is accused of having engaged in
- any information related to the particular circumstances for which the information has been collected, so that the reported individual is able to protect his/her interests, such as:
 - the type of information reported and collected as part of the investigation
 - the recipients of the information
 - the rules regarding access and rectification of information relating to the reported individual

However, the reported individual will not be notified if it is considered that the reported individual's interest in knowing the information must deviate for the sake of private interests, including the interests of the reported individual, or the prevention, investigation, detection and prosecution in criminal proceedings where investigations or evidence may be jeopardized if the reported individual is notified.

An investigation might not prove that misconduct or an offence has occurred. If that is the case, the reported individual(s) will be notified of the result. Though, the investigation might also lead to proof or at least the probability that misconduct or an offence has occurred. In such cases, KMC can choose to investigate the case further, pass on information from the case and initiate sanctions against the individuals included the report.

In such cases, KMC will assess on a case-by-case basis when the reported individual(s) are to be notified and informed about the report.

2.6 RIGHTS OF DATA SUBJECTS

Subject to the applicable personal data protection regulations (the General Data Protection Regulation and Databeskyttelsesloven), both the whistle-blower and the reported individual(s) has certain rights when personal data about them is processed in the whistle-blower scheme.

The right of access includes that both the whistle-blower and the reported individual can request access to information processed or collected through the whistle-blower scheme.

When the right of access is exercised, KMC shall provide information on:

- the information being processed
- the purpose of the processing
- the categories of recipients of the information
- from which source the personal data originate

2.6.1 This means that if the identity of the whistle-blower is known to KMC, KMC is obliged to disclose the identity of the whistle-blower to the reported individual in most situations. However, right of access does not apply if it is determined that the reported individuals interest in having knowledge of the information ought to deviate for the sake of private interests, including the interests of the reported individual, and including considerations of the whistle-blower.

Request for access to information must be submitted to the person responsible for KMC's whistle-blower scheme. Contact information can be found in section 2.9.

2.6.2 Subject to the General Data Protection Regulation, the whistle-blower and the reported individual may also exist the right to request rectification or erasure of personal data or restriction of processing concerning the whistle-blower or the reported individual and to object to processing.

If the whistle-blower or the reported individual disagree to KMC's processing of personal data, both have right to lodge a complaint with the supervisory authority (Datatilsynet).

2.7 DATA SECURITY AND DATA PROCESSING

The whistle-blower scheme consists of an IT system provided by DAHL Advokatpartnerselskab, that runs on servers located in Denmark. It is only possible to report to the system electronically, and the subsequent investigation and casework is only recorded in the system. DAHL Advokatpartnerselskab acts as data processor and has a signed data processing agreement with KMC, who is the data controller or processor.

KMC has taken the necessary security measures for a whistle-blower scheme in order to comply with the General Data Protection Regulation, Databeskyttelsesloven and the Danish Data Protection Agency guidelines.

A report submitted through the whistle-blower scheme means that KMC, will process personally identifiable information about the reported individual and the whistle-blower, if their identity is indicated or may be identified because of the content or nature or other circumstances of the report.

Personal data submitted through the scheme is processed based on:

- the Danish Data Protection Act, Section 6, cf. the General Data Protection Regulation Article 6(1), (f) (legitimate interests)
- the Danish Data Protection Act, Section 8(3) (legitimate interests) for information on criminal offences
- the Danish Data Protection Act Section 8(5), cf. Section 7(1) and the General Data Protection Regulation Article 9(2), (f) (determination and pursuit of legal claims) for any processing of special categories of personal data.

In order to comply with the applicable personal data protection regulations, only people who have a work-related need to access and process the information reported are authorized to do so. Personal data collected through the whistle-blower scheme is processed for the intended purpose of:

- checking and assessing if any misconduct, offence or potential offence has been reported
- investigating a report further
- drawing the necessary conclusions, including whether there should be a disclosure of information or sanctions imposed against the reported individual(s)

Personal data is only disclosed to the police or other relevant authorities, if there is reason to do so in an investigation.

If the report falls outside the scope of the whistle-blower scheme or if the initial checking and/or assessing of the report shows the report to be unfounded, the information is normally deleted immediately.

In other situations, the information is deleted within two months if no notification has been made to any relevant authorities by the end of the investigation, or if the information has not been transferred to an employee's personnel file.

If a notification was made to relevant authorities, the information included in the report will be stored during the investigation and generally deleted immediately after the authorities close the case.

If the reported individual is an employee at KMC and a disciplinary sanction is imposed, based on the information gathered, or there are other objective and necessary reasons why KMC continues

to retain information about the employee, the information will be stored in the personnel file of the employee and subject to applicable legislation at all times.

2.8 WHAT CANNOT BE REPORTED

Other matters not included in the whistle-blower scheme that an employee wish to report must still be reported through the usual communication channels. This includes at least:

- instances of bullying
- cooperation difficulties
- incompetence
- absence
- breach of guidelines regarding dress code, smoking, alcohol, e-mail and internet use, etc.

2.9 INTERNAL CONTACT DETAILS

For any questions regarding the whistle-blower scheme or any exercise of rights as a data subject, please contact the KMC internal responsible for the whistle-blower scheme:

Name of KMC internal responsible: Legal Counsel Axel Bonde

E-mail: ab@kmc.dk

Telephone: (+45) 96 42 55 17

If you do not want to contact KMC directly, please refer to section 2.10 below.

2.10 CONTACT OUTSIDE OF KMC

KMC's solicitor at DAHL Advokatpartnerselskab is available if there are any questions or concerns regarding the whistle-blower scheme, where the potential whistle-blower do not want to contact KMC directly.

Name of solicitor: Søren Wolder

E-mail: swk@dahlaw.dk

Telephone: (+45) 88 91 92 45 / (+45) 30 84 35 12

The solicitor is bound by professional secrecy and does not disclose information about identity, questions or potential inquiries to KMC.

2.11 Controls

A yearly control of the whistle-blower scheme process is conducted and documented by KMC, in order to maintain compliance with applicable law and regulations related to running a whistle-blower scheme. The purpose of the control is to verify that the approved process and online tool is up to date and works as intended.

3 GUIDELINE REVIEW AND UPDATE

This guideline is to be reviewed on an annual basis. The review will be conducted by KMC General Legal Counsel together with DAHL Advokatpartnerselskab and presented to the KMC CEO for approval.
