

REPORTING PERSONS PROTECTION ACT (ZZPri)

Chapter 1 General provisions

Article 1 (Subject of the Act)

With a view to protecting public interest, this Act establishes the methods and procedures for reporting and dealing with breaches of regulations of which persons become aware in a work-related context, and for protecting those who report or publicly disclose information on such breaches. The Act also sets out the powers of the Commission for the Prevention of Corruption and the safeguards and support measures to prevent or nullify retaliation.

Article 2 (transposition of the European Union Directive)

This Act transposes Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17; hereinafter: Directive 2019/1937/EU) into the legal order of the Republic of Slovenia.

Article 3 (Scope of the Act)

(1) This Act shall apply to the reporting of breaches of regulations in force in the Republic of Slovenia (hereinafter: breach).

(2) This Act shall apply insofar as another Act or a directly applicable legal act of the European Union does not otherwise regulate the matters governed by this Act.

(3) This Act shall not apply where the Act governing criminal procedures and the Act governing the protection of classified information apply, unless otherwise provided in this Act.

Article 4 (Definitions)

For the purposes of this Act, the following definitions shall apply:

1. "report" means the oral or written communication of information on breaches occurring in a work-related context in the private or public sector;
2. "internal reporting" means reporting within the legal entity, in the private or public sector, in which the breach occurred;
3. "external reporting" means reporting to the external reporting bodies;

4. "public disclosure" means the making of information on breaches in a work-related context available to the public;
5. "information on breaches" means information, including grounds for suspicion, about actual or potential breaches of regulations that occurred or are very likely to occur in the organisation with which the reporting person has or has had a working or similar relationship, as well as about attempts to conceal such breaches;
6. "employer" means the legal or natural person with whom the reporting person has an employment or similar relationship;
7. "employment and similar relationship" means an employment relationship, but may also include a relationship outside the employment relationship in the case of volunteering, internship, apprenticeship, contract work, student work, participation in tendering procedures as a candidate, performance of an official function, exercise of the rights, duties and powers of a shareholder, member of a supervisory or administrative body of an entity, as well as any other participation in the activities of a legal or natural person pursued by self-employed persons on the basis of a contract, or work under the supervision and direction of external contractors, subcontractors or suppliers, irrespective of the remuneration and whether the relationship has already ended or is only in the process of being established through a recruitment procedure or through negotiation prior to the signing of the contract;
8. "work-related context" means a current or past employment or similar relationship in the private or public sector through which a person acquires information on breaches and within which this person could suffer retaliation if they reported such information;
9. "person concerned" means a natural or legal person who is referred to in the report or public disclosure as a person to whom the breach is attributed or with whom that person is associated;
10. "facilitator" means a natural person who assists a reporting person in the reporting process in a work-related context, and whose assistance should be confidential;
11. "related persons" means persons who have suffered or are likely to suffer retaliation in the work-related context as a result of their connection with the reporting person, such as colleagues or relatives of the reporting person, and legal entities that are owned by the reporting person, for which the reporting person works or are otherwise associated with the reporting person in a work-related context;
12. "person of trust" means one or more trusted persons or an internal organisational unit receiving and handling internal reports;
13. "follow-up" means any action taken by a person of trust, an officer of an external reporting body or the Commission for the Prevention of Corruption to establish the accuracy of the allegations made in a report and, where relevant, to address the breach reported, including actions such as informing the employer's person responsible for follow-up, internal investigation, inspection, reporting of a criminal offence, recovering funds or ending the proceedings;
14. "retaliation" means any direct or indirect act or omission that occurs in a work-related context, is prompted by internal or external reporting or by public disclosure, and causes or may cause unjustified detriment to the reporting person;
15. "public sector" has the same meaning as in the Act governing public employees.

Chapter 2
Conditions for protecting a reporting person

Article 5
(Reporting person and conditions for protection)

(1) A reporting person is a natural person who reports or publicly discloses information on breaches acquired within their work-related context.

(2) Reporting persons shall qualify for protection under this Act in cases insofar as they had reasonable grounds to believe that the information on breaches reported was true at the time of reporting, and where internal reporting complied with Article 8 of this Act, external reporting with Article 13 of this Act or public disclosure of information on breaches with Article 18 of this Act.

(3) Reporting persons shall not qualify for protection under this Act in cases where the reporting took place two or more years after the breach's cessation.

(4) Facilitators and related persons shall also qualify for protection under this Act if it is likely that they have suffered or may suffer retaliation as a result of their connection with the reporting person.

(5) A reporting person who has made an anonymous report, but who is subsequently identified, shall also qualify for protection under this Act.

(6) Persons who report breaches falling within the scope of Directive 2019/1937/EU to relevant institutions, bodies, offices or agencies of the European Union shall qualify for protection under this Act under the same conditions as persons who report externally.

(7) A reporting person who has reported a criminal offence to the police or a state prosecutor's office shall qualify for protection in accordance with the provisions of Articles 19 to 25 of this Act; support measures and assistance in applying safeguards shall be provided by the Commission for the Prevention of Corruption.

Chapter 3 Common provisions on reporting

Article 6 (Prohibition of disclosure of identity and confidentiality)

(1) No one may disclose the identity of a reporting person to anyone other than the person of trust and the external reporting body without the reporting person's express consent. This shall also apply to any other information from which the reporting person's identity may be inferred, whether directly or indirectly.

(2) Notwithstanding the preceding paragraph, the identity of the reporting person and other information referred to in the preceding paragraph may also be disclosed where requested by a state prosecutor, if this is strictly necessary for the investigation of criminal offences, or by a court, if this is necessary for the purposes of judicial proceedings, including judicial proceedings for safeguarding the right of the person concerned.

(3) In the event of the disclosure of identity referred to in the preceding paragraph, the reporting person shall be informed in writing prior to the intended disclosure, stating the reasons for the disclosure, unless the state prosecutor or the court considers that such notification would jeopardise the related investigations or judicial proceedings.

(4) Notwithstanding the provisions of paragraphs one and two of this Article, no one may disclose the identity of a reporting person if such disclosure would endanger someone's life or seriously jeopardise the public interest, security or national defence.

(5) The employer may not establish the identity of the reporting person.

(6) The provisions of the Act governing access to public information shall not apply to documents and other material relating to the report until the end of the proceedings. Information on the identity of the reporting person shall not constitute public information even after the end of the proceedings. This provision shall also apply in the case where documentary material is transferred to another competent authority for consideration.

(7) Entities liable for the establishment of internal reporting channels referred to in Article 9 of this Act and external reporting bodies referred to in Article 14 of this Act that receive information on a breach involving a business secret or other statutory secret, may use or disclose this information only in the context of follow-up.

Article 7

(Record keeping of reports and processing of personal data)

(1) Any report shall be recorded in the record of reports in such a way as to comply with the prohibition on disclosure of identity and the confidentiality requirements set out in the preceding Article.

(2) Oral reporting shall be documented in the form of an accurate transcript of the content. An oral report may also be recorded with the consent of the reporting person. For reporting by telephone, after prior notification and with the consent of the reporting person, the call may be documented by making a recording. The reporting person shall be given the opportunity to check, rectify and, if they so wish, indicate their agreement with the oral report's transcript by signing it.

(3) The record of reports shall contain information on the reporting person, the facilitator, related persons, the person concerned and persons who may assist in investigating the reported breach (personal name or pseudonym, postal address, e-mail address, telephone number and other contact addresses), the material submitted by those persons and the material generated in the report processing procedure, including the recording or transcript of the call or conversation referred to in the preceding paragraph. For this purpose, the persons who deal with the report and are authorised to remedy the breach may process personal data necessary for investigating the breach, for dealing with the consequences of the breach, for rectifying the breach and for protecting the reporting person.

(4) Unless otherwise provided by another Act, the data in the record of reports shall be kept for five years after the end of the proceedings. After the retention period's expiry, the personal data referred to in the preceding paragraph and the content of the report shall be destroyed, while the record-keeping information on reports and the report referred to in paragraph five of Article 12 of this Act may be retained beyond the expiry of this period in accordance with internal rules.

(5) Personal data that are clearly unnecessary for the processing of reports shall not be collected. If such data are collected by mistake, they shall be deleted without undue delay.

Article 8 (Internal reporting)

The reporting person shall provide information on the breach using the internal reporting channel, except where otherwise provided for in this Act.

Article 9 (Establishing internal reporting channels)

(1) An internal reporting channel shall be established by providing a specific email address and a telephone number or other contact details for receiving reports, by determining measures to prevent the disclosure of the identity of the reporting person, and by appointing a person of trust.

(2) Entities in the public and private sectors with 50 or more employees (hereinafter: liable entity) shall be obliged to establish an internal reporting channel.

(3) Notwithstanding the preceding paragraph, entities with fewer than 50 employees but at least ten employees shall also establish internal reporting channels if their main registered activity is health care or water collection, purification and distribution, sewage management, waste collection, transportation and treatment, secondary raw material recovery, environmental restoration and other waste management.

(4) Regardless of the number of employees, internal reporting channels shall also be established by ministries, administrative units, government services, public agencies, the Office of the President of the Republic of Slovenia, the State Attorney's Office of the Republic of Slovenia, the Constitutional Court of the Republic of Slovenia, the Court of Auditors of the Republic of Slovenia, the Ombudsman, the Information Commissioner, the Commission for the Prevention of Corruption, the National Review Commission, the Advocate of the Principle of Equality and by local self-government authorities.

(5) Notwithstanding paragraph two of this Article, internal reporting channels shall also be established by private sector entities with fewer than 50 employees, if so provided by other Acts transposing acts of the European Union or directly applicable regulations of the European Union listed in Parts I B. and II of the Annex to Directive 2019/1937/EU.

(6) Entities liable for the establishment of the internal reporting channels, referred to in paragraphs two to five of this Article, shall designate a person of trust from among their employees. Liable entities may also designate administrative staff or determine an information system for receiving and keeping records on reports.

(7) Liable entities may designate an external service provider for receiving reports. A liable entity and a service provider shall agree on the manner of sending the reports received to the person of trust or to the administrative staff referred to in the preceding paragraph, while the service provider may also provide the reporting person with the information referred to in paragraph fifteen of this Article. The provider shall comply with the provisions of this Act concerning the protection of the identity of the reporting person and of confidentiality.

(8) Local self-government authorities may establish a common internal reporting channel, which shall be managed by one of the units involved or by a joint municipal administration. Any local self-government authority with 50 or more employees must appoint its own person of trust.

(9) Private sector liable entities with fewer than 250 employees may share resources for receiving reports and investigating reported breaches.

(10) The Supreme Court of the Republic of Slovenia shall establish a common internal reporting channel for courts while the Supreme State Prosecutor's Office of the Republic of Slovenia shall establish a common internal reporting channel for state prosecutors' offices.

(11) Primary schools, kindergartens, music schools and institutions for educating and training children and adolescents with special needs in the territory of the same local self-government authority may establish a common internal reporting channel operated by one of the institutions involved or by the local self-government authority.

(12) Upper secondary schools, colleges and residence halls for upper secondary students in the same local self-government authority area may establish a common internal reporting channel managed by one of the institutions involved.

(13) The liable entity shall establish a report processing procedure that ensures the completeness, integrity and confidentiality of the information and prevents its unauthorised persons from gaining access to the content of the reports, to information about the reporting person and to information about the persons concerned.

(14) The liable entity shall adopt an internal act describing the internal reporting channel and specifying in particular:

1. person of trust and, where relevant, administrative staff or information system for receiving and keeping records of reports, and external service provider, if any, for receiving reports;
2. e-mail address, telephone number or other contact details for receiving reports;
3. procedure for receiving and handling internal reports;
4. measures to prevent unauthorised persons from gaining access to information about the reporting person and other content contained in the record of reports;
5. informing of internal organisational units responsible for remedying the breach, the manner in which the management will be informed about the handling of the report;
6. the manner of informing the employees and other persons within the work-related context concerning the liable entity about the content referred to in paragraph fifteen of this Article.

(15) The liable entity shall provide easily and transparently accessible information on the use of internal reporting channels and on the internal act referred to in the preceding paragraph. They shall also provide information on the external reporting proceedings to the external reporting bodies and, where relevant, to institutions, bodies, offices or agencies of the European Union.

(16) By 1 March of the current year, the liable entity shall report to the Commission for the Prevention of Corruption, using the electronic form available on the Commission's website, the number of anonymous and justified reports received and the number of addressed retaliatory measures, and provide information about the person of trust.

Article 10

(Duties of the person of trust)

- (1) The person of trust shall examine and deal with the report of a breach.

(2) The person of trust shall provide the non-anonymous reporting person with information on protection under this Act, on procedures for external reporting to external reporting bodies and, where relevant, to institutions, bodies, offices or agencies of the European Union, as well as information on non-governmental organisations engaged in protecting reporting persons.

(3) The person of trust shall provide the reporting person who is subject to retaliation with information on legal options and assist them in administrative and judicial proceedings for retaliation by issuing a certificate of the lodged report, providing evidence from the reporting proceedings that the reporting person needs in further proceedings for retaliation, and the like. The person of trust may consult the Commission for the Prevention of Corruption on the safeguards.

(4) The person of trust shall cooperate with the external reporting body where necessary for the purpose of processing a report before the person of trust or the external reporting body.

Article 11 **(Examination of internal report)**

(1) Upon receipt of a report, the person of trust shall keep record of it in accordance with Article 7 of this Act and shall conduct an examination as to whether the following conditions are met for its consideration:

1. it is made by a natural person;
2. it relates to information on a breach of regulations in force in the Republic of Slovenia and was obtained by the reporting person within the work-related context;
3. reported information is not manifestly untrue;
4. it was made by the reporting person before the expiry of two years after the breach's cessation.

(2) The person of trust shall not address the report if the conditions referred to in the preceding paragraph are not fulfilled or if it is considered that an examination would not be worthwhile because the breach has had no consequences or its consequences are either no longer present or are insignificant.

(3) Within seven days of its receipt, the person of trust shall examine the report and, if the conditions for its consideration laid down in paragraphs one and two of this Article are fulfilled, the person of trust shall issue to the reporting person the acknowledgment of the report's receipt, including the date and time of receipt.

(4) If the person of trust finds that the conditions for addressing the report referred to in paragraphs one and two of this Article are not fulfilled, they shall inform the reporting person within the time limit referred to in the preceding paragraph of the reasons why the report will not be addressed.

(5) If the reporting person is anonymous, the provisions of paragraphs three and four of this Article shall apply if the reporting person has specified to whom to send acknowledgement of receipt of the report or of the information on the reasons why the report will not be considered.

(6) If the person of trust finds that the conditions for addressing the report have not been met, they may nevertheless, on their own initiative, take such action as considers necessary to remedy the breach, if they should so decide in light of the gravity of the

breach's consequences. In doing so, the identity of the reporting person shall be protected in accordance with Article 6 of this Act.

Article 12 (Handling internal reports)

(1) The person of trust shall handle the report with care, confidentiality and independence, and shall not be bound by instructions in any particular case.

(2) The person of trust shall, in particular, obtain from the reporting person and the person concerned the information necessary for the formulation of proposals for measures aimed at putting an end to the breach, remedying the consequences of the breach or preventing a future breach.

(3) The person of trust shall take the necessary steps to put an end to the breach. If such person is not competent to bring the breach to an end or to rectify its consequences, they shall inform the persons or internal organisational units responsible for putting an end to the breach about the report and the proposed measures referred to in the preceding paragraph.

(4) The person of trust shall, as a general rule, address reports in the order in which they are received. In the internal act referred to in paragraph fourteen of Article 9 of this Act, the liable entity may also provide for priority treatment of reports according to the gravity of the breach's consequences.

(5) The person of trust shall conclude the procedure in respect of the report within three months of its receipt by providing a report stating whether and for what reasons the report is unfounded. If the report is substantiated, it shall indicate in particular the proposed and implemented measures to bring the breach to an end, to remedy its consequences or to prevent future breaches, the conclusions on the effectiveness of the proposed measures carried out, and any proposed and implemented measures to protect the reporting person.

(6) The person of trust shall, subject to the protection of the reporting person's identity, communicate the conclusions set out in the report to the liable entity's management.

(7) When the procedure is concluded, and at the latest within three months from the report's receipt, the person of trust shall inform the reporting person on the merits of the report, the measures proposed and taken, the outcome of the proceedings, or the status of the internal reporting proceedings, if the remedial action procedures have not yet been completed after three months. An annotation shall be used to keep record of an oral report in the record of reports.

(8) The person of trust shall proceed in accordance with the preceding paragraph also in the event of an anonymous report, provided that the reporting person has specified to whom the report referred to in the preceding paragraph is to be sent.

(9) In internal reporting proceedings, the provisions of the Act governing the general administrative procedure shall not apply.

Article 13
(External reporting)

The reporting person shall provide information on the breach directly through the external reporting channel if the internal reporting channel is not established, if the internal report cannot be dealt with effectively, or if the reporting person considers that there is a risk of retaliation in the event of an internal report.

Article 14
(External reporting bodies)

The external reporting bodies are as follows:

1. Agency for Communications Networks and Services of the Republic of Slovenia,
2. Securities Market Agency
3. Slovenian Competition Protection Agency,
4. Slovenian Traffic Safety Agency,
5. Insurance Supervision Agency,
6. Agency for Public Oversight of Auditing,
7. Bank of Slovenia,
8. National Review Commission for Reviewing Public Procurement Procedures,
9. Financial Administration of the Republic of Slovenia,
10. Market Inspectorate of the Republic of Slovenia,
11. Office of the Republic of Slovenia for Money Laundering Prevention
12. Information Commissioner,
13. Information Security Inspection Service,
14. Radiation and Nuclear Safety Inspection Service,
15. Radiation Protection Inspection Service,
16. Food Safety, Veterinary Sector and Plant Protection Inspection Service,
17. Labour Inspectorate of the Republic of Slovenia,
18. Public Sector Inspectorate,
19. Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning,
20. Public Agency of the Republic of Slovenia for Medicinal Products and Medical Devices
21. supervisory authorities in accordance with the rules governing the use of the EU Cohesion Policy funds in the Republic of Slovenia,
22. Health Inspectorate of the Republic of Slovenia,
23. Slovenian Sovereign Holding and
24. Commission for the Prevention of Corruption.

Article 15
(Obligations of the external reporting body)

(1) The external reporting body shall appoint one or more external reporting officers.

(2) The external reporting body shall adopt an internal act describing the external reporting channel and specifying in particular:

1. external reporting officer, including, where relevant, administrative staff and information system for receiving and keeping records of reports;
2. e-mail address, telephone number or other contact details for receiving reports;
3. procedure for receiving and handling external reports;

4. measures to prevent unauthorised persons from gaining access to information about the reporting person and to the content of the record of reports.

(3) The external reporting body shall conduct an assessment of the effectiveness of internal procedures for receiving and following up on reports, which shall also identify the risks of disclosure of the identity of the reporting person. The external reporting body shall update the assessment of the internal procedures every three years, taking into account its own experience as well as that of other authorities, and adapting its procedures accordingly.

(4) By 1 March of the current year, the external reporting bodies shall report to the Commission for the Prevention of Corruption, using the electronic form available on the Commission's website, the number of anonymous and justified reports received, the number of breaches dealt with and the types of measures taken, the number of addressed retaliatory measures, the assessment of financial damage, if any, and the amounts recovered following investigations and proceedings in relation to the reported breaches.

(5) The external reporting body shall publish at least the following information on its website:

1. external reporting bodies referred to in Article 14 of this Act;
2. contact details of the external reporting officers and specific address for external reporting (for example, e-mail address, telephone number or other contact details for receiving reports with an indication as to whether telephone conversations are recorded);
3. procedure for reporting a breach and handling an external report, including a range of possible follow-up actions, and the possibility of internal reporting;
4. conditions for exercising the right to protection;
5. measures to protect identity and confidentiality as well as information on the processing of personal data;
6. explanation of the prohibition of retaliation, information on the support measures and powers of the Commission for the Prevention of Corruption and on legal remedies and procedures to protect against retaliation;
7. conditions under which the reporting person is protected from liability for breach of confidentiality;
8. information on non-governmental organisations engaged in protecting reporting persons.

Article 16 (Handling external reports)

(1) The reporting person shall make an external report to the external reporting body that is competent for handling the reported breach according to its powers and duties.

(2) If there is no external reporting body in the area to which the reported breach relates, the reporting person shall make the report to the Commission for the Prevention of Corruption, which shall proceed with the report in accordance with paragraph three of this Article.

(3) Where an external report is received by the Commission for the Prevention of Corruption or by an external reporting body that lacks the competence to address the breach reported, it shall refer the report to the competent authority and shall acknowledge the receipt of the report to the reporting person pursuant to paragraph five of this Article and inform them of the completion and outcome of the proceedings pursuant to paragraph eleven of this Article. In doing so, the identity of the reporting person shall be protected in accordance with Article 6 of this Act.

(4) If the competent authority to which the report has been referred for consideration pursuant to the preceding paragraph is not an external reporting body, the Commission for the Prevention of Corruption shall be responsible for protecting the reporting person pursuant to Article 17 of this Act.

(5) The external reporting body shall acknowledge the report's receipt to the reporting person within seven days of such receipt, unless the reporting person expressly requests otherwise or the external reporting body considers that acknowledging the report's receipt could jeopardise the protection of the reporting person's identity. The external reporting body shall also do the same in the event of an anonymous reporting person, provided that the anonymous reporting person specifies where the acknowledgement is to be sent.

(6) The external reporting body shall deal with the report in accordance with its powers, in the manner and according to the procedure laid down in the sectoral regulations. In doing so, the identity of the reporting person shall be protected in accordance with Article 6 of this Act.

(7) The external reporting body shall only address a report of a reporting person who exercises their rights under this Act if the reporting person explicitly states in the report that there is a risk of retaliation and that they, acting as a reporting person, need protection under this Act.

(8) The external report shall be dealt with by a person of the external reporting body to whom the specific case shall be assigned under the internal rules on the assignment of cases, or, in the case referred to in Article 17 of this Act, by the external reporting officer.

(9) Reporting through the external reporting channel after two years from the breach's cessation shall not be considered under this Act.

(10) Where the reporting person has previously made an internal report, the external reporting body may cooperate with the person of trust and obtain information on the processing of the internal report.

(11) The external reporting body shall inform the reporting person of the completion and outcome of the proceedings. If the proceedings are still pending at the end of three months from the receipt of the report, the external reporting body shall inform the reporting person of the status of the proceedings, in particular of the measures envisaged or taken. An annotation shall be used to keep record of an oral report in the record of reports. The external reporting body shall also do the same in the event of an anonymous reporting person, provided that the anonymous reporting person specifies where the acknowledgement is to be sent.

Article 17 **(Protection of reporting persons in dealing with external reports)**

(1) If the competent authority in dealing with a report establishes that protection of the reporting person is necessary because of the risk of retaliation alleged by the reporting person or arising from the circumstances of the report, or if an attempt of or retaliation has already occurred, it shall assign the report to the external reporting officer, who shall advise the reporting person on protection in accordance with Chapter 7 of this Act.

(2) The external reporting officer shall advise the reporting person who is subject to retaliation on available legal options and shall, within the scope of their powers, assist such

person in administrative and judicial retaliation proceedings, for example by issuing a certificate of the report filed or by providing evidence from the report proceedings that the reporting person shall need in other proceedings.

(3) The external reporting officer may consult the Commission for the Prevention of Corruption about safeguards. If the external reporting officer deems it necessary, they may, with the consent of the reporting person, propose to the Commission for the Prevention of Corruption that it take over in protecting the reporting person.

Chapter 6 Public disclosure of breaches

Article 18 (Public disclosure of breaches)

(1) A reporting person who publicly discloses information on breaches shall be entitled to protection under this Act:

- if they made an internal or external report but no appropriate action was taken to remedy the breach within three months of the report; or
- where they have reasonable grounds to believe that the breach may constitute an imminent or manifest danger to the public interest, in particular to life, public health and safety, or where there is a risk of irreparable harm, or a risk of retaliation in the case of external reporting, or where the specific circumstances of the case indicate that there is little prospect that the breach will be adequately dealt with, in particular where evidence may be concealed or destroyed, or where the external reporting body has colluded with the perpetrator or is implicated in the breach.

(2) The provisions of the preceding paragraph shall not apply to cases where the protection of the reporting person as a source of information for journalists is specifically regulated by the Act governing the media, unless the provisions of this Act are more favourable to the reporting person.

Chapter 7 Protection of reporting persons

Article 19 (Prohibition of retaliation)

(1) Any retaliatory measures against the reporting person shall be prohibited and in particular:

1. dismissal;
2. suspension of employment contract;
3. demotion, or denial or withholding of promotion;
4. transfer of job duties, change of place of work, change of working hours, reduction in work, non-payment or reduction of salary and other allowances, non-payment of bonuses and severance payments;
5. denial or withholding of education and professional training;
6. low job performance appraisal, low annual appraisal or negative employment reference;
7. initiating disciplinary proceedings, passing of disciplinary measures or penalties;

8. mobbing, coercion, intimidation, harassment or exclusion and lack of protection of dignity against such conduct by others;
9. discrimination, inferior or unfair treatment;
10. failure to conclude a fixed-term employment contract when the conditions laid down by law for the conclusion of a fixed-term employment contract are fulfilled;
11. termination of the fixed-term employment contract before the expiry of the period or before the end of the reason for concluding this contract;
12. other arbitrary actions by the employer, including actions that cause damage, including to the person's reputation, in particular on social networks, financial loss, including loss of business and loss of income;
13. early suspension or termination of a contract for the purchase of goods or services or other interruption of business cooperation;
14. revocation, suspension or withdrawal of a licence or permit;
15. arbitrarily ordering medical examinations or fitness-for-duty evaluations;
16. blacklisting on the basis of an informal or formal agreement within a sector or industry resulting in the inability of the reporting person to obtain new employment in the industry or sector;
17. initiating malicious proceedings against the reporting person.

(2) Threatening or attempting to retaliate is also considered retaliation.

Article 20 (Safeguards and support measures)

(1) The safeguards under this Act are measures provided to reporting persons with regard to the type of retaliation, in particular:

1. confidentiality and prohibition of disclosure of the reporting person's identity (Article 6);
2. exclusion of the reporting person's liability (Article 21);
3. judicial protection and interim injunctions in the event of retaliation (Article 22);
4. legal aid (Article 23);
5. unemployment benefits (Art. 24);
6. psychological support (Art. 25).

(2) For the purpose of applying the safeguards, the Commission for the Prevention of Corruption shall issue to the reporting person, upon the reporting person's request, a certificate of eligibility for protection under this Act. For the purpose of issuing the certificate, it may obtain the necessary information from the person of trust, the external reporting officer or the public or private sector entity that dealt with the report.

(3) In further proceedings on the basis of the report, the person of trust, the external reporting officer or the Commission for the Prevention of Corruption shall advise and assist the reporting person with regard to the safeguards within the scope of their powers.

(4) The Ministry responsible for justice may grant a non-governmental organisation the status of a non-governmental organisation in the public interest in the area of integrity at the level of state and civil society if it fulfils the conditions under the Act regulating non-governmental organisations and if it provides counselling, legal assistance, representation in retaliation proceedings or psychological support to reporting persons.

Article 21 (Exclusion of liability for disclosure)

(1) A reporting person who reports or publicly discloses information on breaches pursuant to this Act shall not be in breach of any restriction or prohibition on disclosing information and shall not have any liability related to such reporting or public disclosure, provided that the report or public disclosure did not contain any false information and that there were reasonable grounds to believe that the reporting or public disclosure of such information was necessary to disclose the breach pursuant to this Act.

(2) The preceding paragraph shall not apply with regard to the restrictions on the disclosure of information laid down by the regulations on protecting classified information, professional secrecy of lawyers, healthcare staff, judicial consultations and criminal procedure rules.

(3) Notwithstanding the provisions of the Act governing business secrets, the reporting or public disclosure of information involving business secrets shall not be unlawful if the reporting or disclosure is in accordance with this Act.

(4) The reporting person shall not be liable in respect of the acquisition of or access to the information reported or publicly disclosed if such acquisition or access does not constitute a criminal offence in itself.

(5) In any proceedings against the reporting person for offending, defamation, breach of copyright, breach of confidentiality of information pursuant to paragraphs one to four of this Article, breach of data protection rules or claims for damages, the reporting person shall not be liable for any reporting or public disclosure under this Act and may, in a motion to dismiss a claim against them, rely on the report or public disclosure if they believed on reasonable grounds that the reporting or public disclosure was necessary to disclose the breach under this Act.

Article 22 (Judicial protection)

(1) A reporting person may seek judicial protection before a competent court in respect of the retaliation referred to in Article 19 of this Act.

(2) If in the proceedings for interim measures, the reporting person proves having reported prior to any retaliation, it shall be deemed that there is a risk for the enforcement of the claim to be prevented or significantly impeded.

(3) The proceedings referred to in paragraphs one and two of this Article shall be indispensable.

(4) In the proceedings referred to in paragraphs one and two of this Article, the reporting person shall be exempt from the payment of court fees.

(5) In proceedings before a court or other authority, it shall be presumed, in respect of damage suffered by the reporting person, that the damage is the result of retaliation prompted by reporting or public disclosure, if the reporting person proves having reported or publicly disclosed the information about the breach and having suffered damage. In such cases, the person who took the measure has the burden of proving that it was lawful and appropriate, and was unrelated to the report.

(6) By 1 March of the current year, the Supreme Court of the Republic of Slovenia shall report to the Commission for the Prevention of Corruption on the number of new proceedings referred to in paragraphs one and two of this Article, on the number of proceedings that have been finally concluded and on the type of the Court's decision.

Article 23 (Legal aid)

(1) A reporting person shall be entitled to free legal aid under this Act in judicial proceedings brought by them against the employer due to retaliation, or in judicial proceedings brought by the employer against them as retaliation, or in judicial proceedings relating to his reporting, provided that they prove having reported under this Act prior to the retaliation.

(2) The reporting person shall be entitled to legal aid notwithstanding the provisions on the applicant's financial circumstances and notwithstanding indents one and three of Article 8 and paragraph one of Article 24 of the Legal Aid Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*] No 96/04 – official consolidated text, 23/08, 15/14 – Constitutional Court decision and 19/15).

(3) The competent authority for providing legal aid shall give priority to considering requests submitted pursuant to this Act.

Article 24 (Unemployment benefit)

(1) If the employer has terminated the reporting person's employment contract and if the reporting person seeks judicial protection under Article 22 of this Act and proves through a certificate from the Commission for the Prevention of Corruption referred to in paragraph two of Article 20 of this Act to be entitled to protection under this Act, the reporting person may exercise unemployment insurance rights under the Act regulating the labour market as is laid down for the termination of employment contracts without any fault on the part of the employee.

(2) A reporting person shall exercise the right to unemployment benefits if they register in the Register of the Unemployed by submitting an application to the Employment Service of Slovenia within 30 days of the termination of the employment contract.

(3) Notwithstanding the provisions of the Act regulating the labour market, a claimant who has not reached the minimum period of insurance required for entitlement to unemployment benefit shall be entitled to unemployment benefits in the minimum amount of the benefit as laid down by the Act regulating the labour market.

(4) Notwithstanding the provisions of the Act regulating the labour market, the claimant shall be granted the unemployment benefit for the period until the final decision of the court referred to in Article 22 of this Act.

(5) If an unemployment benefit has been paid pursuant to this Article, of which the recipient of the benefit is obliged to notify the court referred to in Article 22 of this Act, the court shall decide in the proceedings under Article 22 of this Act that the unsuccessful party

shall return to the Employment Service of Slovenia the benefit paid until the final decision of the court. The court shall inform the Employment Service of Slovenia of the final decision.

(6) The Act regulating the labour market shall apply to questions concerning the right to unemployment benefits not otherwise regulated by this Article.

Article 25 (Psychological support)

If a reporting person needs psychological support as a result of retaliation, the Commission for the Prevention of Corruption may, at the initiative of the reporting person, a person of trust or an external reporting officer, propose treatment at a mental health centre, a clinical psychological outpatient clinic or a psychiatric outpatient clinic in the public health service network.

Chapter 8 Powers of the Commission for the Prevention of Corruption

Article 26 (Powers of the Commission for the Prevention of Corruption)

Under this Act, the Commission for the Prevention of Corruption shall have the powers to:

1. advise a reporting person who has been subject to retaliation on available legal options and shall, within the scope of its powers, assist them in administrative and judicial retaliation proceedings following an internal or external reporting or public disclosure;
2. provide support measures and assistance to the reporting person in applying the safeguards in accordance with Article 20 of this Act;
3. provide comprehensive information and advice under this Act, in particular concerning the procedures and legal remedies available to the reporting person for protection against retaliation, and information on the rights of the person concerned, in a manner that is easily accessible to the public and free of charge;
4. advise and assist the person of trust and the external reporting officer when offering protection to the reporting person against retaliation in accordance with paragraph three of Article 10, and paragraph two of Article 17 of this Act;
5. advise and assist liable entities and external reporting bodies in establishing channels for the receipt of internal and external reports;
6. issue recommendations and clarifications on the issues dealt with in this Act;
7. on the basis of the annual reports by persons of trust referred to in paragraph sixteen of Article 9 of this Act, by external reporting bodies referred to in paragraph four of Article 15 of this Act, by the Supreme Court of the Republic of Slovenia referred to in paragraph six of Article 22 of this Act, as well as its own records on reporting proceedings, it shall prepare by 1 April of each year a joint annual report for the previous year, which shall contain statistical data on the addressed breach reports under this Act, broken down by external reporting body and by activity, and shall make it public on its website. In preparing the report, the Commission for the Prevention of Corruption shall take into account the criteria for reporting to the European Commission.

Chapter 9
Minor offence authorities and criminal law provisions

Article 27
(Minor offence authorities)

(1) The Commission for the Prevention of Corruption shall have the competence to conduct and decide in the minor offence proceedings in the case referred to in Article 29 and in the cases referred to in Articles 28, 30 and 31 of this Act:

1. if it deals with an external report;
2. if the breach relates to an internal report and no external report has been made to the external reporting body in this matter;
3. if the report has been made to institutions, bodies, offices or agencies of the European Union; or
4. if the reporting person has reported the criminal offence to the police or a state prosecutor's office.

(2) The external reporting bodies shall have the competence for conducting and deciding in minor offence proceedings in the cases referred to in Articles 28, 30 and 31 of this Act, if an external report is concerned.

Article 28
(Minor offence by the reporting person)

A natural person shall be fined from EUR 400 to 1,200 for the minor offence of intentional reporting or public disclosing false information in contravention of paragraph two of Article 5 of this Act.

Article 29
(Minor offences in violation of the system)

(1) A legal person shall be fined from EUR 2,000 to 4,000 and, if the legal person is considered a medium-sized or large company under the Act regulating companies, it shall be fined from EUR 3,000 to 6,000 for the minor offence of:

1. failure to establish an internal reporting channel in accordance with paragraph one of Article 9 of this Act;
2. failure to describe in an internal act the reporting channel in accordance with paragraph fourteen of Article 9 or paragraph two of Article 15 of this Act;
3. failure to report to the Commission for the Prevention of Corruption within the time limit referred to in paragraph sixteen of Article 9 or paragraph four of Article 15 of this Act.

(2) For the minor offence referred to in the preceding paragraph, a sole trader or a natural person who performs an independent activity shall be fined from EUR 1,000 to 2,000.

(3) For the minor offence referred to in paragraph one of this Article, the responsible person of a legal person, the responsible person of a sole trader or a natural person who performs an activity independently or the responsible person of a state authority or a local self-government authority shall be fined from EUR 300 to 2,000.

Article 30
(Very minor offences)

(1) A legal person shall be fined from EUR 2,000 to 4,000 and, if the legal person is considered a medium-sized or large company under the Act regulating companies, it shall be fined from EUR 3,000 to 6,000 for the minor offence of:

1. trying to establish the identity of the reporting person, facilitator or related person in contravention of paragraph five of Article 6 of this Act in conjunction with paragraph four of Article 5 of this Act;
2. threatening or attempting to retaliate in contravention of paragraph two of Article 19 of this Act.

(2) For the minor offence referred to in the preceding paragraph, a sole trader or a natural person who performs an independent activity shall be fined from EUR 1,000 to 2,000.

(3) For the minor offence referred to in paragraph one of this Article, the responsible person of a legal person, the responsible person of a sole trader or a natural person who performs an activity independently or the responsible person of a state authority or a local self-government authority shall be fined from EUR 300 to 2,000.

Article 31
(Serious minor offences)

(1) A legal person shall be fined from EUR 5,000 to 20,000 and, if the legal person is considered a medium-sized or large company under the Act regulating companies, it shall be fined from EUR 10,000 to 60,000 for the minor offence of retaliation in contravention of paragraph one of Article 19 of this Act.

(2) For the minor offence referred to in the preceding paragraph, a sole trader or a natural person who performs an independent activity shall be fined from EUR 3,000 to 15,000.

(3) For the minor offence referred to in paragraph one of this Article, the responsible person of a legal person, the responsible person of a sole trader or a natural person who performs an activity independently or the responsible person of a state authority or a local self-government authority shall be fined from EUR 500 to 2,500.

(4) A natural person shall be fined from EUR 300 to 2,500 for the minor offence of disclosing information about the reporting person, related persons or facilitator in contravention of paragraph one, two or four of Article 6 of this Act

Article 32
(Amount of fine in expedited minor offence proceedings)

A fine in an amount exceeding the minimum fine under this Act may be imposed in expedited proceedings for the minor offences referred to in this Act.

Chapter 10
Transitional and final provisions

Article 33
(Time limits for establishing reporting channels)

(1) Private sector liable entities with 250 or more employees and public sector liable entities shall establish internal reporting channels in accordance with Article 9 of this Act within 90 days of the entry into force of this Act.

(2) Private sector liable entities with up to 249 employees shall establish internal reporting channels in accordance with Article 9 of this Act by 17 December 2023.

(3) The external reporting bodies shall establish external reporting channels in accordance with Article 15 of this Act within 90 days of the entry into force of this Act.

(4) The Commission for the Prevention of Corruption shall establish an information system for reporting in accordance with paragraph thirteen of Article 9 and paragraph four of Article 15 of this Act within one year from the entry into force of this Act.

Article 34
(Amendments to the provisions of the Integrity and Prevention of Corruption Act)

(1) Point 5 of paragraph one of Article 13 of the Integrity and Prevention of Corruption Act (Official Journal of the Republic of Slovenia [*Uradni list RS*], No 69/11 – official consolidated text, 158/20 and 3/22 – ZDeb) shall be deleted.

(2) In paragraph two of Article 23, the following wording shall be deleted: "This provision shall also apply in the event that the materials referred to in this paragraph has been referred to another body for consideration. The reporting person may send a report that contains information that is defined by an Act as classified information only to criminal law enforcement authorities or to the Commission."

Paragraphs four and five shall be deleted.

The current paragraphs six and seven shall become paragraphs four and five.

Paragraph eight shall be deleted.

(3) Article 24 shall be amended to read as follows:

"Article 24
(Protection of reporting persons)"

(1) Where in the case of retaliation prompted by a report, the reporting person is to be provided protection under Article 23 of this Act, the provisions of Articles 6 and 7 and Chapters 7, 8 and 9 of the Reporting Persons Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*] No 16/23; hereinafter: Reporting Persons Protection Act) shall apply.

(2) Retaliation referred to in the preceding paragraph shall be deemed to be the measures defined in point 14 of Article 4 of the Reporting Persons Protection Act."

(4) Article 25 shall be deleted.

(5) In indent four of paragraph two of Article 76, the words "five and six" and the wording "whether the report has been made in good faith and" shall be deleted, along with the fifth and sixth indents.

(6) Indent three of paragraph one of Article 77 shall be deleted.

Indent one of paragraph two shall be deleted.

Paragraphs six, seven, eight and nine shall be deleted.

The current paragraphs ten to seventeen shall become paragraphs six to thirteen.

Article 35 (Entry into force)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.