

# SKWhistle

How do you avoid liability risks while safeguarding your reputation?  
We have the solution for you!

## **What is SKWhistle? And why is SKWhistle necessary?**

SKWhistle is a customized modular solution for the legally compliant implementation of a whistleblowing system (“whistleblowing tool”).

We support you in setting up and establishing a whistleblowing system for your company. Upon request, we will also advise you on selecting a technical solution.

Jointly with our cooperation partner, WhistleB, we are offering you a tried-and-tested system that assures your legal compliance.

### **Legal requirements:**

- All companies with more than 250 employees must have established a whistleblowing system by the end of 2021 – smaller companies are granted slightly more time.
- The German legislator is currently transposing these requirements into directly binding German law.
- Companies that fail to implement the system on time will be subject to sanctions, including fines.

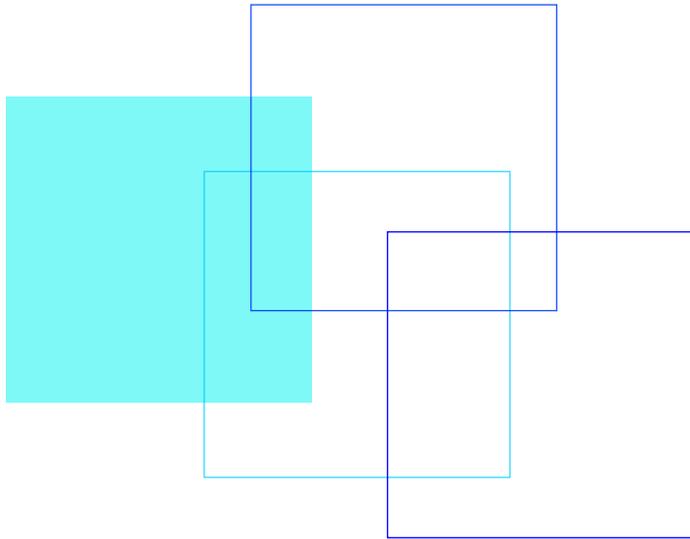
## Our advisory offering

SKW Schwarz supports you with legal expertise, practical know-how, technical understanding, and pragmatic solutions. Our “one-face-to-the-client” principle ensures that you will have a permanent contact person from our team of experts at your side.

With SKWhistle, we have assembled a modular advisory solution for you. Just pick the relevant components from the following modules. We will also gladly support you in your selection process. Contact us at any time!

### Modules





## Preparation

# Basic legal package: drafting a legal concept

## Our advisory modules in detail

### Compliance

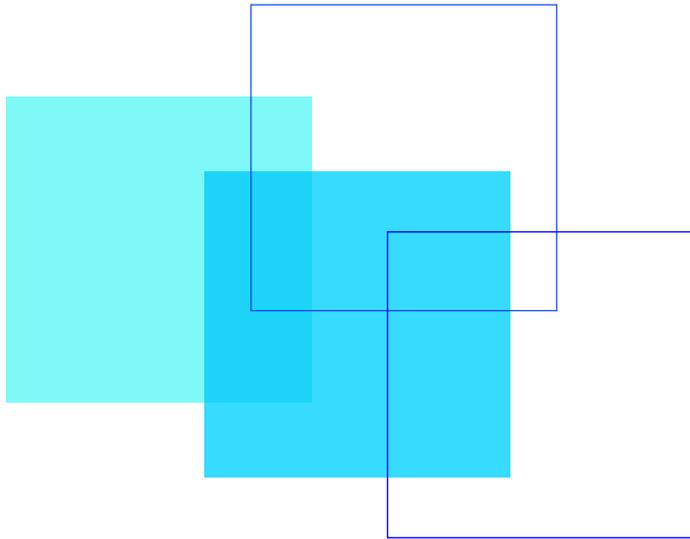
- Initial workshop on the legal requirements for a whistleblowing system
- Checklists of legal issues that need to be reviewed when introducing a whistleblowing system
- Risk analysis of key compliance risks
- Holding practice-oriented online and face-to-face training on compliance topics in legally compliant whistleblowing systems, tailored to the relevant contact persons in your company
- Providing training materials and service cards

### Data Protection

- Initial workshop on data protection compliance, in particular on the legal basis for data processing in whistleblowing systems
- Ensuring data protection for whistleblowers, data subjects and compliance officers
- Drafting data protection templates for the whistleblowing process
- Support in data protection law relating to the national and international information exchange within the group
- Support in data protection law to define the erasure periods for the whistleblowing system
- Support in data protection law to enable anonymous reporting and the handling of data protection breach notifications

### Employment Law

- Initial workshop on the requirements of employment law and works constitution law to introduce a whistleblowing system
- Drafting company agreements to introduce a whistleblowing system
- Drafting argumentation structures towards the works council
- Drafting a whistleblower protection mechanism



## Selection

# Provider selection

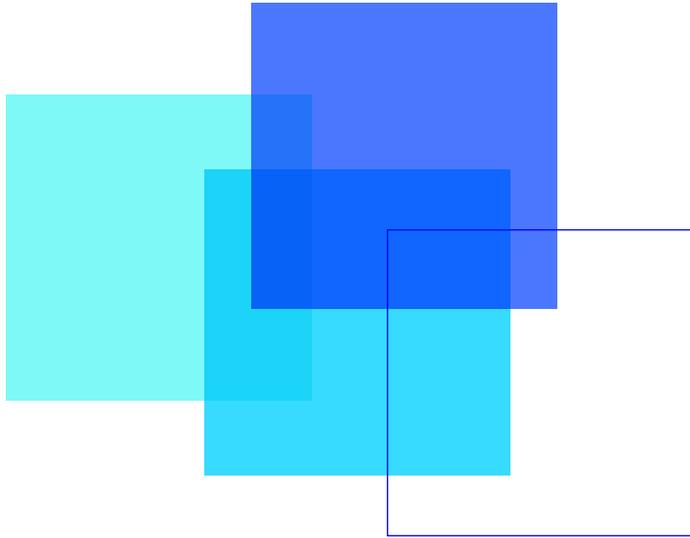
## Our advisory modules in detail

### Choosing the right provider

- Analyzing the status quo when reviewing offers from providers to implement a whistleblowing system
- Supporting the selection of the most suitable and legally reliable whistleblowing system for you, taking into account what is
  - actually legally necessary
  - economically feasible and
  - operationally realizable

### Partner WhistleB

Upon request, we are offering you a tried-and-tested legally compliant system jointly with our cooperation partner, WhistleB.



## Implementation

# Implementing the selected whistleblowing system and legal transposition

## Our advisory modules in detail

### Compliance

- Support in implementing a whistleblowing system
- Training for employees working with the whistleblowing system

### Data Protection

- Support in data protection law to draft the processing directory for the whistleblowing system, to perform the data protection impact assessment, and to ensure data subject rights
- Support in data protection law to enter into contracts with providers for processing on behalf of a controller, including the review of appropriate technical and organizational protection measures
- Ensuring international data transfer at providers outside the EU/EEA in consideration of the CJEU Schrems II ruling

### Employment Law

- Conducting talks and negotiations with the works council and support in conciliation proceedings
- Support in communication with the workforce
- Workshops and training on the topic, with compliance officers, managers, and the workforce



## Whistleblowing management

# Actual operation of the whistleblowing system

## Our advisory modules in detail

Prior to setting up your whistleblowing system, you should consider how to organize its active operation. Upon request, we will gladly assume whistleblower management on your behalf (for any length of time).

When actively operating a whistleblowing system, notifications must be checked for their legal relevance, processed in accordance with the statutory provisions and, where necessary, resolved.

### Instant Service

We categorize and review incoming leads in the first phase after the system is implemented.

Based on the process developed here, we train your internal whistleblowing team and hand over the tasks.

### Intensive Review

Upon request, we will thoroughly review notifications for legal relevance and recommend action for remedial measures.

### Audit Services

We assume the internal investigation and resolution of serious legal violations and support management in an advisory capacity.



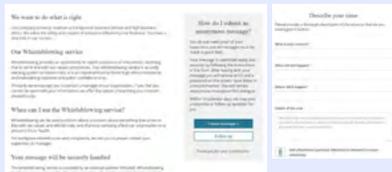
## **Technical implementation with WhistleB**

WhistleB offers a user-friendly whistleblowing system that meets the strictest security standards to protect you, your workforce, your data, and your organization's reputation. The reporting channel allows your employees and stakeholders to anonymously report suspected misconduct so that you can respond right away. Whistleblowers' reports are managed securely and efficiently as "cases" in the online case management tool.

# How the system works

## 1. Reporting channel

The whistleblower reports an event of concern by accessing the reporting channel homepage and filling out the questionnaire. The web-based channel is accessible from all devices, including smartphones.



The whistleblower can send the notification anonymously or openly in any language.

## 2. Case management tool

The Case Manager receives immediate notification via email and text.



After logging into the case management tool, the Case Manager reviews and responds to the notification. Login is secure and includes multi-factor authentication. Support for secure translations is included.

## 3. Dialog between Case Manager and whistleblower

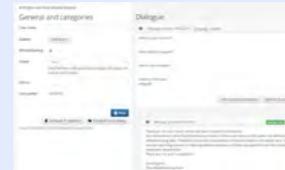
The dialog between the Case Manager and the anonymous whistleblower continues. Logging into the notification channel, the whistleblower reads the Case Manager's response. Data is encrypted during transmission and storage.



You decide the access to notifications by individuals in your organization, because only authorized case managers may decrypt and read notifications.

## 4. Investigations of notifications

Investigations of notifications are supported by advanced, user-friendly investigative functions.



These include, but are not limited to, notification categories, process status, notes, file uploads as evidence, and secure chat between authorized individuals or reassignment of the entire case.

A screenshot of a table showing investigation results. The table has columns for 'Case ID', 'Status', 'Category', 'Name', 'Received', 'Last update', and 'Actions'. The table contains several rows of data, with some rows highlighted in red and orange.

Once an investigation is complete, the case is closed in accordance with applicable statutory provisions, such as the GDPR.

## 5. Assessment tools

Statistics and report generation tools provide an overview of current and historical data, status, notifications, performance metrics, and detailed analysis.



The dashboard allows you to individualize settings. The report generator offers flexible options, such as a standard presentation for specific target groups.

## **Your contacts to implement a whistleblowing system**

With SKWhistle, we have assembled a modular advisory solution for you. The individual modules of SKWhistle are offered either at agreed fixed prices or individually according to effort. Jointly with our cooperation partner, WhistleB, a market-leading provider of whistleblowing systems, we are offering you a tried-and-tested system that assures your legal compliance. As a client of SKW Schwarz, you will benefit from exclusive cost savings.

Contact us at **[kommunikation@skwschwarz.de](mailto:kommunikation@skwschwarz.de)**.

We will gladly get back to you at short notice and discuss how to proceed further.

## About SKW Schwarz

SKW Schwarz is an independent law firm with more than 120 lawyers, four locations, and a common claim: We think ahead. In a world where everything is in motion, you need legal advice that recognizes change as an opportunity. That picks up where others leave off.

That is just as passionate about complex issues as it is about new technologies, new markets, and new challenges.

As a full-service law firm and member of TerraLex, we are globally networked and advise in all relevant areas of business law. Including in an area that is particularly important for businesses: the future. That is why today we are already working in the key legal areas of tomorrow. Digital transformation, disruptive technologies, and innovative business models are changing everything. The legal issues that arise here every day are our passion.

## About WhistleB

WhistleB is a global whistleblowing service provider and business ethics & compliance expert.

We help customers foster a safer and more transparent workplace environment.

We are a fast-growing company and the WhistleB service is currently used in more than 150 countries.

In December 2019, WhistleB became part of NAVEX Global, the worldwide leader in integrated risk and compliance management software and services.



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