



## FAQs concerning the whistleblowing management and the ombudsman (“Lawyer of Trust”)

### 1. What are the responsibilities of the ombudsman?

Employees and any external third party (e.g. customers, suppliers, service providers and other stakeholders) have the right to draw attention to circumstances indicating that laws or internal rules have been broken. Whistleblowers who do not wish to contact the internally responsible departments (Compliance, General Management, etc.) are provided an additional, experienced objective contact person outside the company, the ombudsperson/ „Lawyer of Trust”, who is also subject to special confidentiality obligations. The ombudsman is the person who receives such reports. He offers a legally protected and confidential space outside the company. He instructs the whistleblower about his/her<sup>1</sup> rights and about further procedure. The ombudsman forwards the information to OTTO FUCHS only with the whistleblower’s consent.

The ombudsman may be involved in the procedure as a person of trust. He is available as a contact for the whistleblower at all times. If a whistleblower prefers to speak to a female ombudsperson this is also an option.

### 2. Who may approach the ombudsman?

Any employee or external third party, such as customers, suppliers or service providers and other stakeholders, may approach the ombudsman.

### 3. What kind of information does the ombudsman receive?

The ombudsman receives information indicating a breach of laws or (internal) binding rules. The aim is in particular to investigate and prevent business crime, accounting fraud and significant financial losses, however, any violations of the Code of Conduct, such as discrimination, may also be reported.

### 4. Can I be sure that the ombudsman only passes on information to the extent that I allow him to?

Yes, the whistleblower in his discretion decides what information he gives to the ombudsman and what information the ombudsman is to pass on to the company in the second step. Only in cases of abuse, i.e. when false information is deliberately submitted, does the ombudsman have authority to pass on information against the whistleblower’s will. The ombudsman instructs the potential whistleblower of that proviso the first time contact is established.

### 5. Does it cost me anything to use the ombudsman’s services?

No, the ombudsman may be contacted by anyone free of charge.

### 6. Can I also contact the ombudsman anonymously?

Yes, whistleblowers may also contact the ombudsman anonymously. This already applies to the very first contact with the ombudsman. If so requested, the ombudsman will subsequently protect the anonymity of the whistleblower vis-à-vis the company.

<sup>1</sup> Words imputing a particular gender include other genders. The term ‘employee’, and any other term used in the present document and referenced documents, denotes persons or groups of persons of whatever gender. ‘He’ or ‘she’ is used merely to keep the text simple.



## **7. What happens to the information provided by the whistleblower?**

The reported information will be investigated in accordance with applicable laws, internal rules and in consideration of the interests of all parties involved. After conducting an initial review the ombudsman will forward the information to the Chief Compliance Officer at OTTO FUCHS. When doing so, the ombudsman shall maintain the anonymity of the whistleblower vis-à-vis the company, if so desired. However, OTTO FUCHS believes that such anonymity is necessary in exceptional cases only and expressly welcomes whistleblowers providing such information and disclosing their name. Any details provided by the whistleblower shall be treated confidential at all times.

The Chief Compliance Officer shall initiate an investigation of the facts reported by the ombudsman. In the performance of his duties he is supported by every department within the company. Legal assessment of the facts investigated and determination of appropriate measures to eliminate and prevent improper business practices are carried out jointly by the Chief Compliance Officer and the ombudsman. Examples of such measures may include appropriate civil actions or involvement of a public authority. Even if no violations or infringements have been committed, proposals may be made to modify workflows and business procedures and to amend organisational and behavioural rules

## **8. May I contact the ombudsman about the state of proceedings?**

The whistleblower may seek information from the ombudsman at any time to receive information on the status of its report. At the latest when the matter is closed, the whistleblower shall be informed of the result by the ombudsman, to the legally permissible extent.

## **9. Is the ombudsman “my lawyer” when I establish contact with him?**

No, the ombudsman is not allowed to represent a whistleblower in any official or judicial proceedings. For that reason, the ombudsman cannot and may not take any steps to assert the individual rights or claims of the whistleblower in court.

## **10. Is the ombudsman genuinely independent?**

Yes, the ombudsman works as a professional and independent lawyer and is not bound by any instructions from the company regarding the handling of the reported matter. After due scrutiny, the ombudsman decides whether and to what extent he may disclose information he has obtained to the company.

## **11. How is contact first established?**

Contact is first established by a phone call, by email, by text message or in a personal meeting.

## **12. Can I still approach the relevant persons hitherto within the company?**

Yes, any whistleblower may approach the management team or the Compliance Team as potential contacts. Employees may also contact their supervisors or the works council.

## **13. Do I enjoy protection as a whistleblower?**

Yes, whistleblowers enjoy protection. Zero tolerance shall be shown towards any acts of retaliation against the whistleblower.



#### **14. What steps are taken to prevent abuse of the scheme (denunciating others without cause)?**

It is only in very rare cases that appointing an ombudsman leads to a culture of denunciation. Nevertheless, the ombudsman instructs the whistleblower at the beginning that abuse of the whistleblowing management scheme will not be tolerated and that the ombudsman has a duty to forward the whistleblower's personal details to the company in the event of abuse or misconduct of the whistleblowing system. Employees who deliberately abuse the whistleblowing system will face disciplinary consequences whatever the case. Abuse by external whistleblowers might lead to criminal proceedings or claims for damages.

#### **15. How are data protection and data security rules complied with?**

The ombudsman and OTTO FUCHS ensure compliance with statutory archiving requirements and data protection regulations. The personal data that are gathered are limited to details of the whistleblower's identity and the person(s) involved. The company's Data Protection Officer performs routine checks on whether whistleblowing management is carried out in conformity with data protection laws.

#### **16. Will I be dismissed immediately if I am accused by a whistleblower?**

No, everyone is innocent until proven guilty. Any information received from a whistleblower shall be investigated in compliance with the law and internal rules, taking into consideration the interests of all those involved. The decision on possible measures to be taken is not taken until that procedure has been completed.

#### **17. What happens if I report something, but it then turns out to be false?**

As long as the information is provided in good faith, i.e. that false information was not knowingly provided, the whistleblower does not have to fear any consequences.

#### **18. Do I have to contact the ombudsman if I suspect a breach of law?**

No, use of the ombudsman's services is purely voluntary. The function of the ombudsman has been established as an additional contact.

#### **19. Can I also visit the ombudsman personally?**

Yes, it is possible to visit the ombudsman in person at any time and to have a confidential meeting with him.

#### **20. May I contact or even visit the ombudsman during working hours?**

Yes, the ombudsman may be contacted and visited during working hours.

#### **21. Will I be informed when the information I provided has been processed?**

Yes, at the latest when the matter is closed, the whistleblower shall be informed of the outcome by the ombudsman, to the legally permissible extent.



## **22. Does the ombudsman have to reveal my identity if he gives testimony in criminal or civil proceedings?**

No, if the ombudsman testifies as a witness in criminal, civil or other proceedings, he will disclose the name and identity of the whistleblower only if the company and the whistleblower have given their express and written permission for him to do so.

## **23. May I approach the ombudsman and forego until the end of the meeting my decision as to whether or not the facts and circumstances and/or my personal details are passed on to the company?**

Yes, the ombudsman may be contacted initially on a purely confidential basis. The ombudsman informs the potential whistleblower about his rights at the beginning of the meeting. The whistleblower can decide until the end of the meeting whether and in what form the information is to be passed on to the company.

## **24. Should I also contact the ombudsman if I might have rendered myself liable to prosecution?**

The ombudsman can also be contacted if the whistleblower himself may be liable to prosecution. Firstly, the ombudsman can inform the whistleblower about his rights, and secondly, if you report yourself this will be assessed positively as far as your existing employment is concerned and may be considered in mitigation in any subsequent court proceedings.

## **25. Is the ombudsman under an obligation to pass a reported criminal offence directly to the department of public prosecution?**

No, only in very narrowly defined exceptions, involving serious criminal offences, does everybody have a duty to report a crime to a department of public prosecution.

## **26. How is information processed when the person to contact within the company is him/herself involved?**

In such a case, the ombudsman can approach the company management directly.

## **27. How long does it take for the result of the procedure to be available?**

There is no general answer to that question. Some alerts can be fully processed within a few hours. In cases with complex investigations the procedure may take several weeks.

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