

FAQ on Whistleblowing

Here are some frequently asked questions and answers regarding our electronic reporting channel and making reports in general.

1. Why does it make sense to report on potential compliance violations?

By your report, we become aware of potentially illegal or harmful behavior. Possible violations of rules can be detected early on and may be remedied quickly. The occurrence of (greater) damage can thus possibly be prevented. We strongly support an open speak-up culture and encourage you to inform us about concerns that you may have.

2. What may I report on?

Our reporting system is open to all types of reports, but especially to reports of discrimination, harassment, corruption, embezzlement, theft, anti-competitive behavior, money laundering, tax evasion and similar offenses. Of course, you can also report violations that pose risks to human rights or the environment.

3. May I report anonymously?

Yes, you may report anonymously via our electronic reporting system (whistleblowing.bestsecret.com).

Please note, that it is easier to process your report, if we know your identity and we encourage you to not report anonymously. It goes without saying that if you share your identity with us, that we will treat your information as confidential and will only inform those persons about your identity who need to know about it to process your case.

4. Who else may I report to?

If you would prefer to not use the electronic reporting system, you may contact the compliance department (compliance@bestsecret.com) at any time. Of course, you can also request an in-person meeting. Alternatively, you may report to your supervisor, the legal department, your HR business partner or corporate security.

5. What happens to my report?

You will find further information on how we process your report internally in the policy on "Whistleblowing".

6. Why am I possibly being asked follow-up questions?

So that we can follow up the report as efficiently as possible and thus ensure that your concern is clarified more quickly and better. Of course, you can also answer questions anonymously if you have already submitted your report anonymously.

7. What could happen to the person if an important report is made about him or her?

Of course, that depends on what that person has done. If it's nothing bad, you might just seek a conversation with him or her. However, in the case of bad misconduct that severely harms people or the company, the person may face disciplinary action such as a warning or termination.

8. What personal data is processed about me?

When you file a report, we collect the following personal data and information: your name (if you have disclosed your identity), whether you are an employee of one of the entities of BestSecret Group and, if applicable, the names of persons and other personal data of the persons you name in your report. We also process personal data about you that you provide to us or that results from the circumstances of your report, for example, as part of the contact information you provide. Personal data may include your name, work or home email address and/or phone number, and other contact information or positions and job titles. The actual information from the report itself may also contain personal data.

9. Is my data being treated confidentially?

Your data will be treated confidentially and protected in line with the relevant German and European data protection regulations, in particular the EU General Data Protection Regulation (GDPR) and the German Federal Data Protection Act. Also, the provisions of the German Whistleblower Protection Act (Hinweisgeberschutzgesetz) will be taken into account.

Whenever you submit a report via our (internal) reporting channels, BestSecret Group SE will be the data protection law controller. If the report relates to an employee employed by another company of BestSecret Group, the data may – if necessary for the further processing of the report – be forwarded to such other group company.

10. Are the persons affected by my report informed about my report?

The data subjects are usually not informed about who made the report. Please note that the data subjects usually have to be confronted with the allegations made against them so that they can protect their rights of defense. Therefore, it is possible that they will be able to draw conclusions from the accusations as to who made the report even if no explicit information on the reporting person's identity is made. In addition, it is conceivable that your identity will be revealed in the course of official proceedings, e.g. investigations by the public prosecutor.

11. Is my data transferred to third parties?

It may be necessary in any individual case that personal data is transferred to third parties in order to follow up with the reported incident. If we are legally obliged to do so or if it is permitted under data protection law, we may transmit personal data to authorities, for example, to the police or the public prosecutor's office (Art. 6 para. 1 lit. c GDPR). When processing the report or in the course of an investigation, it may be necessary to make information available to other employees within BestSecret Group, for example, if the information relates to processes in subsidiaries. We always ensure that the relevant data protection regulations and the German Whistleblower Protection Act (Hinweisgeberschutzgesetz) are observed when passing on information.

12. Could I suffer disadvantages from my report?

Whistleblowers who submit their report in good faith, i.e. who themselves believe that it is a legitimate report, will not be disadvantaged or sanctioned in any way for submitting the report. This also applies, of course, if the suspicion should subsequently turn out to be unfounded.

However, we reserve the right to take legal action in the event that the information provided is incorrect either by conscious action or by gross negligence.

13. What is the legal basis for the whistleblower system and the processing of my data?

The processing of personal data is based on the legitimate interest of BestSecret Group in the detection and prevention of corruption, anti-trust violations, fraud and other malpractices and thus in the prevention of damage to the entities of BestSecret Group, its employees, its customers and suppliers. The legal basis for this processing of personal data is a legitimate interest of Best Secret Group SE according to Art. 6 para. 1f GDPR.

As a rule, there is no right to object to data processing on the basis of the so-called legitimate interest (Art. 21 para. 1 p. 2 GDPR).

14. How will my personal data be processed?

Your personal data will be processed to the extent necessary for the operation of the whistleblower system as well as for the investigation of the reports made, e.g. the legal examination of the report. Personal data is stored for as long as it is required for the clarification and final assessment of the report or as long as we are otherwise authorized to do so. The provisions of the German Whistleblower Protection Act (Hinweisgeberschutzgesetz) will be taken into account. In general, data will be deleted or anonymized within two years after the case has been closed.

15. May I request an update on the state of my case or the result of the investigations of my report?

We will try to keep you informed about the status and the outcome of our investigation. However, this is not always possible for various legal and confidentiality reasons. Therefore, we cannot guarantee to provide you with information, in particular, if this would jeopardize the purpose of the investigation or if confidentiality, data protection or the rights of defense or personality of persons affected by the report cannot be adequately guaranteed. The provisions of the German Whistleblower Protection Act (Hinweisgeberschutzgesetz) will be taken into account.

16. Which data protections rights do I have?

As a whistleblower you have special data subject rights (Art. 15 et. Seq. GDPR). Among other things, the right to information about the data processed about your person, the right to correct incorrect and complete incomplete data and – under certain circumstances – the right to restrict the processing of your data or to delete the data processed about your person. You also have the right to contact Best Secret Group SE's data protection officer if you wish to receive further information about data processing or raise concerns about data processing. The data protection officer is:

Jana Budde
intersoft consulting services AG
Bernhard-Wicki-Straße 7
80636 München

You have the right to appeal to the competent data protection authority if you have doubt about the lawfulness of the data processing.