



**Босна и Херцеговина**  
Агенција за идентификациона  
документа евиденцију  
и размјену података



**Bosna i Hercegovina**  
Agencija za identifikacijske/identifikacione  
isprave/dokumente, evidenciju  
i razmjenu podataka

Pursuant to Article 19 of the Law on the Agency for identification documents, registers and data exchange of Bosnia and Herzegovina ("Official Gazette of BiH", no. 56/08) and Article 5 (2) and Article 13 of the Law on protection of whistleblowers in the institutions of Bosnia and Herzegovina ("Official Gazette of BiH", no. 100/13), the Director of the Agency for identification document, registers and data exchange has passed a:

## **RULEBOOK**

### **ON INTERNAL REPORTING OF CORRUPTION AND PROTECTION OF WHISTLEBLOWERS IN THE AGENCY FOR IDENTIFICATION DOCUMENTS, REGISTERS AND DATA EXCHANGE OF BOSNIA AND HERZEGOVINA**

#### **PART I – GENERAL PROVISIONS**

##### **Article 1 (Subject)**

(1) The Rulebook on internal reporting of corruption and protection of whistleblowers in the Agency for identification documents, registers and data exchange of Bosnia and Herzegovina (hereinafter: the Agency) sets out ways of reporting internal corruption and other irregularities, handling and acting upon received notifications of corruption, the obligation of informing a whistleblower on the undertaken measures, the protection of whistleblowers and other issues regarding the internal reporting of corruption and other irregularities.

(2) The provisions of this Article shall also apply to a whistleblower who is not an employee of the Agency.

##### **Article 2 (Terms used in this Rulebook)**

(1) In terms of this Rulebook:

- a) corruption means any action having elements of a criminal act,
- b) other irregularity means any action having elements of infringements and actions related to violation of discipline, including breaches of the Code of Ethics.

(2) Internal reporting means reporting of corruption by an employee of the Agency.



## **PART II – INTERNAL REPORTING OF CORRUPTION**

### **Article 3**

#### **(Right to internal reporting of corruption and form for reporting corruption)**

(1) Any civil servant, employee, elected or appointed person within the Agency, who has knowledge and/or substantial evidence of corruption or other irregularities in the Agency, may submit an internal report of corruption or other irregularities or circumstances indicating the existence of corruption or other irregularities.

(2) Abuse of the reporting right referred to in paragraph (1) above shall be characterized as a violation of duty.

(3) Persons who are not employees of the Agency are also entitled to exercise the right referred to in paragraph (1) of this Article.

(4) A report of corruption shall be submitted on the form provided in the Annex to this Rulebook and makes its integral part.

(5) The form for reporting corruption referred to in paragraph (4) of this Article shall be publicly available on the website of the Agency and shall include:

- a) full name and position title of the employee to whom the allegations from the report substantive evidence refer and of a witness and/or other entity who is familiar with the reported act,
- b) information on corruption act or other irregularities reported with its factual description (place and date of commitment of such act, its description, etc.),
- c) information whether superior and/or responsible persons have already been introduced with the existence of the corruption act or other irregularities,
- d) if any actions have been undertaken to eliminate the corruption or other irregularities,
- e) providing and enclosing evidence to substantiate and confirm the allegations referred to in the report of corruption (if in possession of a whistleblower).

### **Article 4**

#### **(Ways of internal reporting)**

(1) Confidential internal reporting means reporting when the identity of a whistleblower is known.

(2) Anonymous internal reporting may be done without specifying the identity of the whistleblower.

### **Article 5**

#### **(Communication channels to report the corruption)**

Confidential internal reporting and anonymous internal reporting of corruption may be done through the following communication channels:

- a) e-mail: [prijava.korupcije@iddeea.gov.ba](mailto:prijava.korupcije@iddeea.gov.ba),
- b) mail,
- c) fax (of the Agency),
- d) sealed mailbox.

**Article 6**  
**(Acting upon received reports)**

(1) Liaison officer for integrity is obliged to print and place in the envelope a notification of corruption received via e-mail enclosed with the possible attachments, and immediately seal and send it to the Director of the Agency. He/she shall insert the date of the receipt of the notification of corruption and sign his/her name on the envelope.

(2) Officers in the records management services are obliged to immediately notify the Director when notifications of corruption have been received and provide him/her with them without delay.

(3) There shall be a sealed mailbox for reporting corruption or other irregularities in each of the territorially separated basic organizational units and the Director, by the decision, shall appoint a person in each of the basic organizational units who is entitled to access the mailbox.

(4) The authorized person is obliged to provide immediately the Director of the Agency with received notifications from the mailbox, and if it is opened, it shall be treated as referred in paragraph (1) of this Article.

**Article 7**  
**(Committee in charge of acting upon received notifications)**

(1) Director of the Agency shall, by a decision, appoint a three-member Committee for receiving, recording and acting upon notifications of corruption (hereinafter: the Committee) for a two year period.

(2) If notification of corruption involves a member of the Committee or if a member of the Committee is reasonably unable to participate in the procedure, the Director shall pass a decision on appointment of another alternative member in the subject procedure.

**Article 8**  
**(Responsibilities and competences of the Committee)**

The Committee is responsible to:

- a) receive reports of corruption and other irregularities,
- b) implement the above actions for the purpose of determining merits of the notification of corruption or other irregularities,
- c) to prevent additional further actions on determining merits of the notification of corruption and other irregularities, upon approval of the Director of the Agency,
- d) to inform a whistleblower, no later than 15 days as of the date of receipt of the notification, on rejection of the notification, procedure or final deadline to solve cases,
- e) to prepare reports on determined corruption incidents or other irregularities and inform the Director of the Agency, proposing further measures and actions to be undertaken.
- f) to record immediately any received notification of corruption, i.e. official record about the notification, in the central register of all corruption notifications,
- g) to prevent any action aiming to disclose the identity of the anonymous whistleblower,

- h) to monitor and analyse implementation of corrective measures and inform the Director of the Agency thereof, as well as to propose specific corrective measures.

## **Article 9**

### **(Procedure upon receipt of corruption notification)**

(1) Upon opening of a report and reading its contents, Director of the Agency shall provide the Committee with the report if he/she considers that there is a corruptive action to be determined and investigated. Otherwise, he/she may stop the procedure by a decision.

(2) In order to implement the prior operations of determining the merits of the notification, the Committee is entitled, when necessary, to have immediate access to cases, documents and official premises of the Agency. If it is required to access confidential data of the Agency for the purpose of investigation, the Committee shall obtain prior consent of the Director.

(3) The Committee is obliged to carry out prior operations and determine legal qualification of the act, within 10 days as of the receipt of a notification, and to write a report thereof and provide it to the Director of the Agency, proposing further actions to be undertaken to determine merits of the notification of corruption; or to pass decision on conclusion of the case, and possible notifying of the authorities responsible for criminal prosecution or body responsible to initiate a disciplinary procedure against an employee or notifying other competent authorities.

(4) Upon passing the decision on further measures to be undertaken, the Committee is entitled to take statements from the employees and other persons engaged in the work of the Agency concerning the subject of the notification of corruption and undertake other necessary measures to determine merits of the notification.

(5) All employees and other interested parties are obliged to cooperate with the Committee, and respond to their invitation, and provide them with data important to determine factual situation.

(6) Stopping Committee to implement procedures is considered to be a violation of duties.

(7) An official record or minute shall be made on the actions referred to in paragraphs (2) and (4) of this Article.

(8) Director of the Agency, or the Committee upon consent of the Director, shall notify a whistleblower, not later than 15 days as of the day of receipt of the notification of corruption, on rejection of the notification of corruption, or on acting upon, or on final deadline required to undertake further actions for the purpose of determining merits of the notification of corruption.

(9) Exceptionally from the provisions of paragraph (8) of this Article, an anonymous whistleblower will not be informed of the prior undertaken operations, unless there is a corresponding technical possibility of communication with the anonymous whistleblower.

#### **Article 10**

##### **(Confidentiality of the procedure)**

(1) Commission, as well as all other persons who are involved in the procedure for acting upon notifications of corruption, are obliged to keep the notification of corruption, data specified therein, so as the identity of a whistleblower as an official secret.

(2) Any activity oriented to revealing the identity of the anonymous whistleblower shall be prohibited.

#### **Article 11**

##### **(Register of corruption notifications)**

(1) The Committee is obliged to establish and maintain register of notifications of corruption, and they are obliged to register any received notification of corruption, i.e. official record on notification of corruption.

(2) Director of the Agency and the Committee are entitled to access to the register of notifications of corruption and an authorized official when the access to registers is required to determine merits of the notification of corruption, i.e. to determine whether an abuse of right to report corruption occurred.

### **PART III – RIGHTS AND RESPONSIBILITIES OF A PERSON WHO HAS A STATUS OF A WHISTEBLOWER**

#### **Article 12**

##### **(Protection of rights of a person who reported corruption)**

(1) An employee who has knowledge of the existence of corruption or other irregularities, or who reports corruption, or other irregularity in the Agency must not be a subject of any harmful actions aimed at diverting to report corruption or other irregularities, i.e. punishment for reporting corruption or other irregularities.

(2) Director, so as other direct superiors are obliged to ensure the protection of personal and professional integrity of a whistleblower.

#### **Article 13**

##### **(Responsibility of a person who reported corruption for abuse of rights)**

(1) The abuse of right to report corruption shall be considered a violation of duties.

(2) When during the execution of the preliminary operations to determine the merits of a notification of corruption or further actions on accountability for the reported actions, it has been determined that a person who reported corruption abused the reporting right, contrary to the provisions of the Law on protection of whistleblowers in institutions of Bosnia and Herzegovina and this Rulebook; the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption and Administrative Inspection of the Ministry of Justice of Bosnia and Herzegovina will be informed thereof in order to initiate a misdemeanor proceeding subject to the provisions of Article 12 (3) of the Law on protection of whistleblowers in institutions of Bosnia and Herzegovina.

(3) If determined that the abuse of the reporting right has characteristics of the criminal act of false reporting, the Agency shall notify the competent prosecutor's office thereof.

#### **Article 14**

##### **(The right to obtain the status of whistleblower)**

(1) A person who internally reported corruption is eligible to address the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption to obtain the status of a whistleblower if he/she considers that harmful measures can be taken or already been taken on him/her because of the specified internal reporting of corruption.

(2) In accordance with the Law on protection of whistleblowers in institutions of Bosnia and Herzegovina, a person who obtains the status of a whistleblower shall not be considered materially, criminally or disciplinary responsible for disclosure of business secrets in case of reporting corruption.

#### **Article 15**

##### **(Acting upon the Instruction of the Agency)**

(1) When the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption, in accordance with Article 8 (2) of the Law on protection of whistleblowers in institutions of Bosnia and Herzegovina, issues an Instruction, the Agency shall no later than three days as of the day of receipt of the instruction carry out corrective measures in order to eliminate committed harmful actions.

(2) A corrective measure must be elimination of harmful measures and restore in the original state.

### **IV PART – TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 16**

##### **(Obligation to familiarize with the provisions of this Rulebook)**

(1) A Senior associate for human resources shall be responsible to inform all the employees of the Agency about rights and obligations herein in the shortest possible time.

(2) All the employees of the Agency shall be obliged to sign a declaration claiming they are aware of the rights and obligations contained in this Rulebook and the Law on the protection of whistleblowers in institutions of Bosnia and Herzegovina, the declaration shall be filed and kept in personal files of the employees.

#### **Article 17**

##### **(Passing general acts)**

(1) The Director of the Agency shall pass the Decision on appointment of the Committee members referred to in Article 7 (1) and the Decision referred to in Article 6 (3) within 7 days as of the day of entry into force of this Rulebook.

(2) A public relations officer shall, within 7 days as of the day of passing of the Decision referred to in paragraph (1) of this Article, publish the information how to submit a notification of corruption as well as a notification form on the website of the Agency.

**Article 18**  
**(Ceasing of effect)**

As of the day of entry into force of this Rulebook, the Guidelines on manner of internal reporting for suspicion or circumstances indicating existence of corruption by the employees of the Agency for identification documents, registers and data exchange of BiH, no.: 15-03-02-2-316/14 of 31 March 2014 shall cease to have effect.

**Article 19**  
**(Entry into force)**

This Rulebook shall enter into force as of the day of its adoption and will be published on the notice board and official website of the Agency.

Ref: 15-03-02-2-1122/15  
Banja Luka, 26 February 2015

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DIREKTOR  
mr Siniša Macan

дигитално потписано / digitalno potpisano / digitally signed



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## Annex I

### **FORM FOR REPORTING CORRUPTION AND/OR OTHER IRREGULARITIES IN THE AGENCY FOR IDENTIFICATION DOCUMENTS, REGISTERS AND DATA EXCHANGE OF BOSNIA AND HERZEGOVINA**

Corruption means actions having characteristics of a criminal act, while irregularities means actions related to violation of code of ethics or violations of discipline, i.e. actions characterized as infringements.

If filing an anonymous corruption notification form, you are not required to provide your identity data.

#### **Personal data of a person who is reporting corruption:**

Name and surname:	Address:
Telephone:	Signature:
E-mail:	

**A person suspected of corruption (name, surname and position of the employee suspected of corruption and of a witness and/or other individuals involved):**

**Information on reported corruptive activity and/or irregularity including description of facts (place and date when the activity took place, how a person found out about the activity, and description of the activity...):**

<b>Information if any superior and/or responsible person has already been familiar with the existence of corruption and/or irregularities::</b>
<b>If any actions to remove corruption and/or irregularities have been undertaken:</b>
<b>List of proofs to underlay and support allegations specified in the corruption notification form (proposing witnesses, suggesting objects to be used as evidence, etc. if in your possession)</b>
<p>Please enclose any written or physical evidence, if in your possession, to this corruption notification form and send it by:</p> <p>a) e-mail: <a href="mailto:prijava.korupcije@iddeea.gov.ba">prijava.korupcije@iddeea.gov.ba</a>, b) mail: Agencija za identifikacione dokumente, evidenciju i razmjenu podataka Bosne i Hercegovine, Banja Luka, ul. Petra Kočića br. 61, marked as „Do not open –irregularity notification“, c) fax (of the Agency), d) mailboxes in the headquarter of the Agency, Centre for storage, personalization and transport of personal documents Banja Luka and regional centres in Sarajevo, Mostar, Bijeljina and Bihać.</p>

### **Responsibility of a person who reported corruption for abuse of rights**

1. The abuse of right to report corruption is considered a violation of duty.
2. If determined that the abuse of the right to report corruption includes elements of a criminal act of false reporting of corruption, the Agency for identification documents, registers and data exchange of Bosnia and Herzegovina shall inform the responsible prosecutor's office thereof.

### **Notification for all those who report corruption**

Not later than 15 days as of the day of receipt of the corruption notification form, you will be notified on rejection, on acting upon or on final deadline required to conclude the case if contact information is available to the Agency for identification documents, registers and data exchange of Bosnia and Herzegovina.



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Annex II

## STATEMENT

I, \_\_\_\_\_, hereby confirm that I am completely introduced with and accept the provisions of this Rulebook on internal reporting of corruption and protection of whistleblowers in the Agency for identification documents, registers and data exchange of Bosnia and Herzegovina no.: 15-03-02-2-1122/15 of 26 February 2015, as well as the Law on protection of whistleblowers in institutions of Bosnia and Herzegovina („Official Gazette of BiH“, no. 100/13).

Statement given by:

Banja Luka, \_\_\_\_\_

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