



# A proposal for the implementation of a Whistleblower Channel in GNU Health

# GHCon2020



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Nowadays there is a strong development in order to achieve more transparency and to fight against bribery and corruption in different kinds of organizations. One example is the 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. Furthermore, as a worldwide step to protection, the International Standard Organization is finishing the last papers of the ISO/DIS 37301 about Compliance management systems and the ISO/DIS 37002 about Whistleblowing management systems.

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- Why?
- Discovering violations on time, lets the institution to adopt internal solutions on quick ways and to correct what's wrong, being “proactive” but no reactive.
- Another point is that any institution must have in mind, is to take care of its external reputation: Being proactive with data privacy protection or anti-bribery regulations and with whistleblowers protection will always leave a good impression to others.

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Some countries that belong to the European Union block are early adopting positions to deploy Whistle-blower channels in private sector.

But this is not the only move: The entire block is ready to adopt legislations that enforces companies and public sector to have their own channels in order to strengthen the protection of Fundamental rights, and that includes data protection and informational self-determination.

Furthermore, the (EU) 2019/1937 Directive of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law<sup>4</sup> that entered into force, will be fully effective for all the countries through December 17, 2021.

And that's an important step for all the countries inside and of course, outside the block. Why? Because we're talking about stronger laws to protect fundamental liberties, as happened almost 3 years ago with the publication of the GDPR.

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The ISO/DIS 37301 about Compliance management systems from the International Standards Organization, on its stage to be published as a final document, establishes the terms for an effective expected compliance from the companies and organizations.

In this way, the 37301 states that “Compliance is an ongoing process and the outcome of an organization meeting its obligations. Compliance is made sustainable by embedding it in the culture of the organization and in the behavior and attitude of people working for it. While maintaining its independence, it is preferable if compliance management is integrated with the organization’s other management processes and its operational requirements and procedures.”.

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But we should pay special attention to the ISO/DIS 37002 about Whistleblowing management systems from the International Standards Organization, which states that “Whistleblowing is the act of reporting suspected wrongdoing, or risk of wrongdoing. Studies and experience demonstrate that a large proportion of wrongdoing comes to the attention of the affected organization via reports from persons within or close to the organization.

Organizations are increasingly introducing internal whistleblowing policies and processes in response to regulation or on a voluntary basis.

This document provides guidance to organizations for establishing, implementing, maintaining and improving a whistleblowing management system...”.

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- Which are the main features?
- Encryption end to end
- Time Stamp (integrity and transparency)
- Data Protection by Design and by Default
- Anonymity (optional)
- A third party to receive and process the complaint (optional but recommended)

In other words, this means protection to the whistleblower while any illegal situation is being communicated.

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- Why could this be important for GNU Health?
- Having such a channel will be mandatory in the EU for any institution with more than 50 employees and for every public institution on 21st December 2021.
- Thus it would be one more reason to implement GNU Health for this kind of institutions.
- We could use this situation to implement also Data Protection Management features in GNU Health.



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## References

- (EU) 2019/1937 Directive of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law

<https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A32019L1937>

- ISO/DIS 37301 about Compliance managementsystems

<https://www.iso.org/obp/ui/#iso:std:iso:37002:dis:ed-1:v1:en>

- ISO/DIS 37002 about Whistleblowing management systems

<https://www.iso.org/obp/ui/#iso:std:iso:37002:dis:ed-1:v1:en>

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Thank you for your attention. Any questions?