



## ARTE GEIE - Alert procedure –

### FOREWORD

With effect from 1 January 2018, [Law no. 2016-1691 of 9 November 2016 relating to transparency, prevention of corruption and modernisation of the economy, known as “Sapin II”](#), supplemented by its [enabling Decree no. 2017-564 of 19 April 2017](#), requires French organisations with more than 50 employees to put a procedure in place to deal with reports made by members of their staff or by external and occasional collaborators. This procedure defines the way in which whistle-blowing reports passed on will be acted on and processed; it opens up an additional reporting channel that enables a whistle-blower’s confidentiality to be kept more strictly confidential.

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1. The general principles of the alert procedure
  - a. The scope of the alert mechanism

According to **Article 8 of the Sapin II Law**, whistle-blowing reports can be made to a direct or indirect superior, to the employer or to a compliance officer appointed by the employer. By virtue of his or her position, the compliance officer must have sufficient competence, authority and resources to carry out his or her tasks. He or she is subject to an enhanced confidentiality obligation (**Article 9 of the Sapin II Law**).

ARTE GEIE has appointed **internal audit**, represented by Marion Conti-Weidner, as the compliance officer responsible for receiving whistle-blowing reports. This appointment is consistent with the financial Regulation specified by its general rule no.7 relating to internal audit<sup>1</sup>.

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<sup>1</sup> *“Internal Audit must be informed immediately, with an explanation of the facts, of any financial irregularities or pecuniary losses of any kind, whether proven or potential. This also applies when there are justified suspicions of professional misconduct that has resulted or risks resulting in pecuniary damage to ARTE GEIE.”*

The scope of the reporting mechanism within ARTE GEIE covers any breach of the procedures, laws and regulations applicable to it, and more specifically the following areas:

- corruption or influence peddling;
- accounting irregularities;
- anti-competitive practices.

It is understood that more generally, and under the same conditions, any crime, offence or serious and manifest breach of the law committed on ARTE's premises can be reported. In particular, this can include failure to comply with health and safety rules, harassment, discrimination or obstruction of the whistle-blowing system.

#### b. The terms and conditions of the alert procedure

*Use of this whistle-blowing mechanism, which is in addition to the other reporting channels that exist within the company, is **optional**. The fact that a member of staff may refrain from using the internal reporting procedure shall not have any consequences with regard to that person.*

If the author of the report wishes to pass on sensitive information, he or she may now follow the following procedure:

- He or she will send his or her report either to his or her direct or indirect superior, or to the compliance officer mentioned in Article 1 of this procedure. In the event that the matter is referred to the compliance officer, he or she may use the following e-mail address: référentéthique@arte.tv
- He or she will provide the necessary facts, information or documents, in whatever form and on whatever medium, to support his or her report. Account will only be taken of facts, data and information formulated in an objective manner and in good faith (as specified at item 5 of this procedure), in relation to areas within the scope of the whistle-blowing mechanism, and which are strictly necessary for the verification operations.
- The compliance officer will, within a reasonable time, send the author of the report an acknowledgement of receipt together with an estimate of the time necessary to review the admissibility of his or her whistle-blowing report.

## 2. The processing of reports

In accordance with the CNIL AU-004 standard relating to whistle-blowing mechanisms (attached to this document), only certain categories of data can be recorded. They must be formulated in an objective manner and be strictly necessary for the facts to be verified.

In this context, only the following categories of information can be processed:

- identity, functions and contact details of the whistle-blower;
- identity, functions and contact details of persons the subject of a whistle-blowing report;
- identity, functions and contact details of persons involved in the reception and processing of the whistle-blowing report;
- facts reported in relation to the existence of conduct or situations contrary to the code of conduct or to other applicable regulations of the company;
- evidence gathered in the context of verification of the facts reported;
- report on the verification operations;
- actions taken in respect of the alert.

Whistle-blowing reports will be analysed on the basis of objective criteria in order to determine the appropriate actions to be taken in respect thereof. If necessary, discussions may be organised with the whistle-blower which protect the confidentiality of his or her identity.

An investigation will be carried out in order to determine the truth and materiality of the facts reported.

Any investigations carried out will first be managed internally, possibly with external support subject to the same confidentiality rules.

The compliance officer will have a period of two months in which to verify the facts reported and to determine the actions to be taken in respect of the report. In any communication, the compliance officer shall indicate the alleged nature of the facts, information or data and of any necessary qualification of the description.

If the facts are proved, the compliance officer is authorised to transmit the information gathered to the competent internal and/or external authorities, while keeping the identity of the whistle-blower confidential. ARTE GEIE may, if necessary, bring disciplinary or legal proceedings against the persons referred to.

The compliance officer appointed by ARTE GEIE shall ensure that all reports received are properly documented, in order to guarantee the complete transparency of the actions stake in the context of such proceedings.

### 3. Confidentiality and the data retention period

ARTE GEIE undertakes to take all necessary measures to protect the identity of whistle-blowers, whether they are members of staff or occasional external collaborators, and of persons the subject of whistle-blowing reports, and to keep the facts confidential, as laid down by Decree no. 2017- 564 of 19 April 2017.

Whistle-blowers must identify themselves, but their identity will be treated as confidential by the compliance officer responsible for the management of whistle-blowing reports. The compliance officer will not take action on the basis of anonymous e-mails or electronic messages.

Except on judicial authority, facts that are liable to identify the whistle-blower can only be disclosed with the consent of the person concerned.

Except on judicial authority, facts liable to identify the person the subject of a whistle-blowing report can only be disclosed once the grounds for the report have been established.

Exceptionally, anonymous reports must be processed under the following conditions:

- the seriousness of the facts mentioned is established and the factual information is sufficiently detailed;
- special precautions must be taken in processing such reports by the person to whom they are first addressed, such as conducting a preliminary review to determine whether it is appropriate to distribute them in the context of the mechanism.

In accordance with the requirements of the CNIL set out in the AU-004 authorisation form concerning data protection, ARTE GEIE undertakes to observe the following data retention periods:

- Information contained in the report file will be destroyed within a period of 2 months from the conclusion of the investigation (information whereby the whistle-blower and the persons referred to can be identified)
- When a report is regarded as not being within the scope of the mechanism as soon as it is received by the person responsible for processing it, information relating to it must be deleted immediately or archived in an anonymous form
- When a report is not followed by disciplinary or legal proceedings, it must be deleted or archived in an anonymous form within a period of two months from the conclusion of the verifications, under the conditions detailed in the decision
- When disciplinary or legal proceedings are brought against the person referred to in a report or against the author of a wrongful report, information relating thereto will be retained until the end of the proceedings.
- Information that is archived will be kept in a separate computer system subject to restricted access for a period not exceeding the time limits for contentious proceedings.

In order to be able to assess the effectiveness of the whistle-blowing mechanism, the person in charge of processing reports shall arrange an annual statistical review concerning the receipt and processing of reports and the action taken in respect thereof.

This annual statistical review shall indicate the number of reports received, the number of matters closed and the number of matters resulting in investigations, as well as the number and type of steps taken during the investigation and upon its conclusion (protective measures, commencement of disciplinary or legal proceedings, sanctions imposed, etc.).

#### 4. Information for potential users of the mechanism

Members of staff or occasional external collaborators using the whistle-blowing mechanism must act in good faith. Good faith requires the report to be made without malice and without the expectation of any personal reward, and that the employee concerned has reasonable grounds for believing the truth of the matters contained in the report.

Abuse of the mechanism may result in disciplinary and/or legal proceedings being taken against the person responsible.

Conversely, use of the procedure in good faith will not expose whistle-blowers to any sanction, even if the facts are not proved after the report has been processed and investigated.

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Clear and complete information for the users of this mechanism is provided in accordance with the collective and individual information obligation provided by the Employment Code and in accordance with Article 32 of the Law of 6 January 1978.

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ARTE GEIE submitted a compliance undertaking to the CNIL on 28 February 2018 as required by the [Single Authorisation form \(AU-004\)](#) governing the establishment of a whistle-blowing mechanism. It is agreed that any person responsible for receiving and/or processing whistle-blowing reports undertakes to observe an enhanced confidentiality obligation and not to misuse the data and information in any way.

#### 5. Information for persons referred to in a report

Any person referred to in a report shall be informed of the information concerning them, as soon as the report is transmitted. That person may have access the report and request the rectification or deletion of inaccurate, ambiguous or outdated information.

When protective measures are necessary, particularly in order to prevent the destruction of evidence relating to the report, the person referred to in the report will be informed after those measures are taken.

The following information will be provided to any person referred to in a report:

- a copy of these rules governing the Group's alert procedure;
- the facts alleged against him or her;
- a list of any departments to which the report has been sent;
- the procedure for exercising his or her rights of access and rectification.

The person referred to in the report may not in any circumstances be informed of the whistle-blower's identity.