



Rode
Kruis

Investigation Protocol

for a Report of Unethical Conduct and Undesirable Behaviour Netherlands Red Cross

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1 Introduction

The Netherlands Red Cross (hereafter referred to as the NRK) has a reporting procedure for the internal reporting of suspected breaches of ethical conduct or wrongdoing or undesirable behaviour; the 'Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross' (hereafter referred to as the reporting procedure). This 'Investigation Protocol for a Report of Unethical Conduct and Undesirable Behaviour' (hereafter referred to as the investigation protocol) describes the procedure for the investigation that the NRK may conduct (or have conducted on its behalf) following a report of a suspected breach of ethical conduct, wrongdoing or undesirable behaviour.

When an alleged breach of ethical conduct, wrongdoing, or undesirable behaviour has occurred, the facts and circumstances will not be clear from the outset in all cases. Also, the role of the people involved (such as the reporter(s), witnesses, person(s) concerned) is often still unclear. A fact-finding investigation will be required to clarify this.

This protocol highlights several aspects:

- the instruction to investigate,
- the investigation methods,
- the imposition of provisional measures,
- communication between different parties,
- the documentation and/or reporting,
- the rights and obligations of the reporter, the person concerned and third parties.

An investigation protocol is an important foundation for conducting a thorough investigation. An investigation is often a significant experience for all involved. The investigation protocol helps to ensure that any necessary investigation is carried out in a careful, straightforward manner. It is not possible to specify all possible investigation situations and investigative actions – each investigation will have its own specific aspects. The protocol also seeks to do justice to those aspects and to the professional space of all those involved in an investigation.

If the report concerns a member of management, then under this investigation protocol, it should be submitted to the supervisory directors instead of the management.

If the report concerns a supervisory director, then under this investigation protocol, it should be submitted to the Chair of the Governing Board instead of the management.

If the report concerns the Chair of the Governing Board, then under this investigation protocol, it should be submitted to the Deputy Chair of the Governing Board instead of the management.

2 Definitions

2.1 Undesirable behaviour

This is an umbrella term for several types of inappropriate behaviour between people in an organisation, including aggression and violence, bullying, discrimination and sexual harassment. The definitions used for these come from the Working Conditions Act (*Arboret*):

- **Aggression and violence**

Aggression and violence are defined as incidents in which a person is psychologically or physically harassed, threatened or attacked under circumstances directly related to the performance of work.

- **Discrimination**

Discrimination is defined as treating a person differently from the way another is, has been or would be treated in a similar situation, based on religion, beliefs, political affiliation, race, gender, nationality, sexual orientation, marital status, age, disability or chronic illness.

- **Bullying**

Bullying is defined as all forms of intimidating behaviour of a systemic nature within the organisation, carried out by one or more persons against a person or a group of persons who cannot or do not defend themselves against this behaviour.

- **Sexual harassment**

Sexual harassment is defined as any form of verbal, non-verbal or physical conduct with a sexual connotation that has the purpose or effect of violating the dignity of a person, in particular when this behaviour creates a threatening, hostile, abusive, humiliating or offensive situation.

2.2 Ethical conduct

Ethical conduct issues can vary in type and severity. A distinction is made between breaches of ethical conduct and wrongdoing, based on common definitions.

2.2.1 Suspicion of a breach of ethical conduct

This is a suspicion with respect to the NRK based on reasonable grounds, including:

- a. conflict of interest
- b. theft, embezzlement
- c. fraud, corruption
- d. manipulation or misuse of information and/or access to information
- e. misuse of powers associated with the position
- f. violation of laws, regulations or policies
- g. irreconcilable functions/ties/activities – conflict of interest
- h. waste and misuse of organisation property
- i. criminal and/or other misconduct outside of working hours that is related to the person's performance, is of an extremely serious nature or is detrimental to the credibility of the organisation
- j. misleading the judiciary
- k. or deliberately withholding information about these facts.

2.2.2 Suspicion of wrongdoing

This concerns a professional or volunteer, who either within the NRK or with another organisation if they have come into contact with that organisation through their work, is suspected of wrongdoing to the extent that:

1. the suspicion is based on reasonable grounds arising from knowledge that the professional or volunteer has gained at the NRK or through their work at another company or organisation, and
2. the public interest is at stake due to the violation of a statutory provision, or danger to public health, danger to the safety of persons, danger to the degradation of the environment, or danger to the proper functioning of the public service or an enterprise, as a result of improper conduct or omission.

2.3 Other terms

- **Professional:** an employee with an employment contract with the NRK. This also includes an intern or external contractor.
- **Person concerned:** this is the person who is or may be the focus of an investigation into a suspected breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Management:** the management of the NRK, consisting of the general manager and the manager of national assistance and society management, who bear the responsibility for deciding whether or not to conduct an investigation, assessing the investigation data, and deciding on disciplinary action.
- **Third parties:** anyone with whom Red Cross professionals or volunteers have dealings in their role, such as those who receive aid, employees of suppliers, as well as former employees.
- **Fact-finding investigation:** an investigation aimed at collecting facts and recording them in writing in response to a report of a breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Factual report:** a report drawn up by the Investigative Committee, stating all of the facts, summaries of statements, and the circumstances and motives relating to the alleged breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Witness:** a person interviewed as part of an ethical conduct investigation in order to gather information about the suspected breach of ethical conduct, wrongdoing, or undesirable behaviour.
- **The Netherlands Red Cross/NRK:** the society with full jurisdiction, with its registered office in The Hague.
- **Reporter:** the professional or volunteer or third party who reports a breach of ethical conduct or undesirable behaviour and the professional, volunteer or third party who reports suspected wrongdoing, or on whose behalf this is done by the confidential advisor, on the basis of the Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross.
- **Report:** the report of a suspicion of wrongdoing, breach of ethical conduct or undesirable behaviour on the basis of the Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross.
- **Hotline:** the place to which a suspicion of wrongdoing, a breach of ethical conduct or undesirable behaviour must be reported for assessment in terms of investigative value on the basis of the Reporting Procedure for Unethical Conduct and Undesirable Behaviour Netherlands Red Cross and this Investigation Protocol for a Report of Unethical Conduct and Undesirable Behaviour. The Ethics and Complaints Coordinator is the chair overseeing the Hotline, which is also run by two other NRK employees from Legal Matters and Finance & Control. Any reports should be submitted by e-mail to meldpunt@redcross.nl.

- **Investigators:** the persons (internal or external) to whom the NRK management assigns the task of investigating the suspicion of the breach of ethical conduct, wrongdoing or undesirable behaviour.
- **Investigative committee:** the established committee that investigates a report that has been submitted, reports on it and, if necessary, advises on the settlement or action to be taken.
- **Confidential advisor:** the person designated to serve as such for the NRK.
- **Volunteer:** a person who performs work for the NRK on a voluntary basis and without an employment contract. The Ready2Helper is included within this procedure/protocol.

3 Cause for investigation

3.1 Receipt of a report

Any professional or volunteer who suspects wrongdoing and any professional, volunteer or third party who suspects a breach of ethical conduct, or who has experienced undesirable behaviour, can, in accordance with the reporting procedure, report a suspicion of a breach of ethical conduct, wrongdoing or undesirable behaviour internally, in writing or orally, to a manager, confidential advisor, or directly to the Hotline by sending an e-mail to meldpunt@redcross.nl. Professionals and volunteers who have completed their work no more than two years ago may also make a report.

It is important for the report to be picked up and handled in a professional manner. Among other things, this starts with a written record of a report that has been made verbally or otherwise. Transparency is essential in both the reporting procedure and the investigation process. Every verbal and written report of a suspected breach of ethical conduct, wrongdoing or undesirable behaviour is immediately registered by the Hotline staff. It should be noted that the registration concerns a *suspicion* of a breach of ethical conduct, wrongdoing or undesirable behaviour; the Hotline staff will then keep track of the progress of each report.

3.2 Assessment of investigative value

Following an intake interview with the reporter, it may be the case that the Hotline staff have insufficient information to assess whether the report can or should be investigated. If so, a preliminary investigation will be needed first. The purpose of this is to investigate whether the suspicion provides sufficient leads to start a fact-finding investigation. A preliminary investigation may consist of a second interview with the reporter, or the checking of certain information. It is important to ensure that the preliminary investigation does not take on the nature of a fact-finding investigation; it is only a small investigation to assess whether actual fact-finding can or should be done.

The Hotline staff then assess whether the report is worthy of investigation. A report is considered worthy of investigation if:

- the Hotline staff regard the report as a suspected breach of ethical conduct, wrongdoing or undesirable behaviour and therefore comes under the competency of the Hotline;
- the report is based on reasonable grounds;
- the report is sufficiently reliable and specific;
- the report is reasonably investigable; there are sufficient possibilities for investigation, and these are not out of proportion.

3.2.1 Reports/complaints without investigative value

If the report is determined not to be worthy of investigation, this assessment will be submitted to the management. After the management has come to a decision on this matter, the reporter will be informed in writing. The letter will explain the grounds on which no further fact-finding investigation is to be done. Where this involves a suspicion of *wrongdoing* (i.e. not in the event of a breach of ethical conduct or undesirable behaviour), reference will be made to the option of reporting this to the House for Whistleblowers. The report is closed and recorded as having no investigative value.

3.2.2 Reports/complaints with investigative value

If the Hotline has determined that the report is worthy of investigation, it is presented to the management with a proposal for the next step to be taken. The management will then come to a decision about whether or not to initiate a fact-finding investigation and appoint an investigative committee. When a report of undesirable behaviour has been made, the wishes of the reporter are always taken into consideration in deciding whether or not to open an investigation.

3.3 Criminal law issues

The NRK does not conduct criminal investigations. If there is a possible suspicion of a crime subject to a legal obligation to report, the management, or an authorised representative within the NRK acting on their behalf, will report the matter to the police or the judicial authorities. A decision may also be made to report a situation or conduct that is not subject to mandatory reporting. If the reporter believes that a matter has not been reported in error, they can choose to do so themselves.

If a criminal investigation is initiated, an internal fact-finding investigation may be conducted simultaneously after coordination with the Public Prosecution Service if the two investigations do not interfere with each other. A breach of ethical conduct or wrongdoing may also involve more than just the description of the specific criminal offence; additional matters may be investigated separately. The criminal justice process and the disciplinary process are separate from each other, and the management must adequately fulfil the responsibility for the disciplinary process.

3.4 Considerations regarding the person concerned

The person concerned in an ethical investigation has certain rights, but also duties. The person concerned is entitled to careful and respectful treatment and is innocent until proven guilty. The person concerned does not have to prove their innocence, but they should remove any doubt about their integrity and cooperate with the fact-finding investigation (providing full disclosure).

For anyone about whom a report has been made, and where the reported fact has not been established or where the person concerned has been exonerated, the same protection applies as for a reporter. This means that as a person concerned, your legal position will not be adversely affected in any way as a result of this report and you will not suffer any adverse consequences as a result of the report in the performance of your job. An exception is made if it is deemed desirable to impose a provisional measure during the investigation.

Provisional measure

Sometimes the nature of the suspected ethical issue, wrongdoing or undesirable behaviour means that it is not desirable for the person concerned to be in the workplace and/or to perform their job. During the investigation or while a criminal investigation is in progress, this may require the issuance of a provisional measure. Provisional measures are measures aimed at promoting, achieving or maintaining peace and order in the work situation. A provisional measure may also prevent evidence (that may be relevant to the investigation) from being destroyed. Only the management can impose provisional measures. If the management decides to impose a provisional measure, the person concerned will be notified in writing.

If ascertaining the truth and the interests of investigation do not prevent it, the person concerned must be notified in writing as soon as possible that their actions are being investigated. However, it will not be desirable in all cases for the person concerned to be informed immediately. The person concerned will want information regarding the course of events during the fact-finding investigation and the continued investigation. If this conflicts with the interests of the investigation, only the information that does not interfere with the collection of evidence and ascertainment of the truth will be provided to the person concerned during the investigation.

When the management notifies the person concerned that a fact-finding investigation is to be initiated into a report about a suspicion of a breach of ethical conduct, wrongdoing or undesirable behaviour, this notification will include at least the following matters:

- A description of the act or omission that prompted the initiation of a fact-finding investigation (or the suspicions with respect to the person concerned) and the investigative questions.
- Notice that the person concerned is suspected to have committed a breach of ethical conduct, wrongdoing or undesirable behaviour.
- Notice that the person concerned and any witness(es) may be heard.
- Notice that the person concerned may seek the assistance of a counsel.
- That the study will be conducted in accordance with the investigation protocol (included as an attachment).
- The names of the investigative committee and how to contact them.
- An invitation to an intake interview with the investigative committee.
- That a provisional measure will be imposed if appropriate. The person concerned will also receive a separate decision on this.

The manager of the person concerned will also be informed of the investigation if it does not conflict with the interests of the investigation. The management makes the decisions with regard to how, to what extent and when to provide information.

3.5 Investigation

The management will appoint an investigative committee. This committee may consist of internal staff, external experts, or a combination of these. The investigators are independent and impartial. The committee members have a duty of confidentiality and must treat all information accordingly. The reporter will be informed in writing that an investigation has commenced, what the investigation involves and by whom it is being conducted.

The Hotline staff draft the terms of reference, which must be approved by the management. The investigation brief must include at least the following items:

- The reason for the investigation;
- A clearly defined task;
- The investigative questions;
- The investigation methods;
- A statement that the management approves of the use of the investigation methods by the investigators;
- The investigative capacity;
- The likely duration of the investigation;

- The costs associated with the investigation.

The investigation brief is clearly delineated and provides clarity to both the investigators and the person concerned. The investigation brief will be included in the final factual report. If, during an investigation, there are reasons to extend the investigation (for example, the breach of ethical conduct, wrongdoing or undesirable behaviour may turn out to be more complicated or extensive than initially thought), this will be further detailed in writing.

The Hotline monitors the procedure and deadlines.

The NRK's investigation protocol is always the guiding principle, even if procedures concerning the external body's investigative methods differ. The NRK management remains responsible for the manner in which the investigation is carried out, the provision of information to all parties involved, and the care of its employees.

4 The investigation of reports

4.1 Investigation of reports of unethical conduct, wrongdoing, undesirable behaviour

4.1.1 Brief

A fact-finding investigation must be conducted by an investigative committee appointed for that purpose on the instructions of the management. The contents of this section apply to both internal and external investigators, who may jointly form an investigative committee.

4.1.2 Investigation methods

The investigation must be carried out with all due care. This means that all interests (the interests of the person concerned, the reporter, the interests of the investigation, the interests of the organisation and the interests of witnesses) are taken into consideration. Careful investigation also involves the manner by which the various interests should be weighted. The principles of subsidiarity and proportionality can be distinguished as follows:

- **Subsidiarity**

Any choice of investigative method should examine the extent to which the least intrusive type is chosen. Specifically, this means that if one investigative method can be perceived by the person concerned as a greater burden than another investigative method, the lighter option should be chosen.

- **Proportionality**

Under the principle of proportionality, the relationship between the investigative method and the interest of the investigation should be weighed up. The burden of the investigative method on the person concerned cannot be disproportionately heavy compared to the interests to be served (the interests of the investigation or the organisation).

The investigative committee may not collect evidence unlawfully (or allow it to be collected unlawfully) and will respect the rights and obligations of the person concerned. After the above consideration, various investigative actions may be required during the investigation, such as:

- conducting interviews with the reporter and the person concerned (to obtain the perspective of both sides);
- conducting interviews with witnesses or other persons;
- consulting various public sources (internet, social media, etc.);
- consulting closed, confidential sources;
- investigating the digital and physical work environment, including the computer, smartphone, tablet, e-mail, and desk and/or closet;
- examining time and work records and claims;
- examining access records;
- investigating telecommunications data (excluding wiretaps);
- observing locations and/or the person concerned, with or without the use of a camera;
- consulting personnel files or personnel data;
- consulting automated payment systems;
- consulting security camera recordings;
- consulting e-mail and/or examining internet usage.

The appendix contains an explanation of some of the investigation methods.

4.1.3 Obtaining information from witnesses

The Investigative Committee has the authority to ask NRK professionals and volunteers and third parties to provide information. Information provided (either orally or in writing) to the Hotline or investigators may be used for the fact-finding investigation.

The request for information can be categorised as follows:

- a request for information regarding facts and/or circumstances;
- request for the provision of and access to written documents and/or goods for inspection.

Investigators must at all times refrain from making misleading statements or undertaking misleading conduct and applying undue psychological and/or physical pressure/coercion.

Invitation of witness to interview

Prior to the interview, the witness will be given as much information as possible about the procedure and the nature and purpose of the interview. They will also be told how long the interview is expected to take. Witnesses may bring a lawyer or confidential advisor (from within or outside the organisation) to the interview. Any costs related to support are at the expense of the witness. Interviews are generally conducted by two investigators.

Interview report

An interview report is made on the spot after the interview. The interviewee may make corrections to the report and indicates its accuracy by signing it immediately. If circumstances prevent the interview report from being drawn up and signed on the spot, this will be done as soon as possible.

Witnesses who have given a signed statement will be given a copy of their statement as soon as possible. If it is in the best interests of an investigation, the time at which the statement is made available may be postponed, and must be no later than the end of the investigation. The investigative committee may also determine the method by which the statement is made available.

4.1.4 Hearing the person concerned

The principle of hearing both sides is also important in the fact-finding investigation. The investigators will give the person concerned the opportunity to be heard. Essentially, the person concerned receives a written invitation to the interview, at which they can respond to the report of a suspected breach of ethical conduct, wrongdoing or undesirable behaviour. Due to privacy protection, the name of the reporter will not be disclosed to the person concerned unless the investigation/report requires it (for example, if the report involves direct action with respect to the reporter), or if the reporter gives consent. The person concerned will also not be provided with the report itself, unless this is necessary due to a legal obligation or if the reporter gives permission to do so (see also Article 5.4 of this investigation protocol).

Invitation

The person concerned will be invited to an interview at least five working days in advance. The invitation will inform the person concerned about the nature and purpose of the interview, as well as about their rights and obligations (such as their cooperation with the investigation). The person concerned will also be told how long the interview is expected to take. Interviews are

generally conducted by two investigators. If the investigation is conducted by external parties, an internal investigator or Hotline staff member may be present at the interview.

Counsel

The person concerned is entitled to have a lawyer present as an observer at the interview. The invitation to the interview will inform the person concerned of this possibility. The person concerned is responsible for deciding whether or not to take advantage of this option; they must bear any costs associated with this, unless the initiator of the investigation deems it reasonable to reimburse the costs incurred. Counsel is present at the interview, but does not participate with respect to the content of it. Another person (such as a confidential advisor or family member) may also be allowed to attend the interview, unless this is undesirable in the interest of the investigation or in the interest of third parties. The assistance of a specific lawyer, confidential advisor or family member may be denied if serious concerns arise about that person, such as their involvement in the matter or a conflict of interest. This option is handled with extreme caution.

Cooperation

The person concerned is obliged to cooperate with the investigation. Cooperation includes an obligation on the part of the person concerned to provide information for the purpose of the investigation. The information provided by the employee must be truthful.

Interview report

An interview report will be made immediately as a record of the conversation. If the person concerned and the investigators agree on the content of the report, they will sign it in its entirety. After signing their statement, the person concerned must receive a copy. The investigative committee will determine the manner by which this occurs.

In exceptional cases, and with the agreement of both parties, it may be decided to record a conversation. The person concerned will be informed that the audio recording will be destroyed as soon as possible and in any case after the case has been concluded. The recordings will be retained for as long as necessary for any civil or criminal case resolution. After that, the recordings will be destroyed.

4.2 Completion of the investigation and case file

The investigators are responsible for objectively recording and reporting on the body of facts. Upon completion of the fact-finding investigation, the investigators will record all of the findings and a summary of the interview reports in a factual report. The body of facts and the investigation into these should be carefully and objectively recorded. Written records are important for matters such as the transparency of the investigation and, if necessary, retrospective accountability for the investigation, the methods used and the decisions made.

The factual report also accounts for the way in which the information was gathered and is assessed against the relevant laws and regulations. The investigators are to record the investigation objectively and refrain from personal opinions or judgments.

The factual report is always anonymised (names are omitted) and no detailed interview reports are attached (only the relevant parts of them are used). This is the standard factual report, which goes to both the management and the person concerned. The identity of the reporter may *not* be disclosed without their express written consent of the reporter (in accordance with

Article 3.2(3) of the reporting procedure). The report will only be made public or provided to third parties if this is required by law.

If the management requests recommendations from the investigators in the investigation brief, these must be attached separately to the report. These recommendations do not concern possible sanctions – instead, they should be about measures for improvement or to prevent a similar situation occurring.

The investigation case file must consist of at least the following:

- the investigation brief;
- the investigation tools and methods;
- a statement of relevant facts and circumstances;
- any relevant written documents, including interview reports;
- the factual report containing the findings.

5 Completion of investigation

5.1 Decisions arising from the factual report

The investigators are to record all the facts objectively. In doing so, they may not draw any conclusions as a result of the facts investigated; that is a task for the management. This therefore keeps the objective investigation separate from and the provision of a normative judgment. Based on advice from HR, the management ultimately decides whether the facts stated in the fact report give cause to qualify the matter as a breach of ethical conduct, wrongdoing or undesirable behaviour.

In the context of both sides of the story being heard, the person concerned may give their opinion on the facts and circumstances relating to the conduct with which they have been charged, based on the factual report. This can be done in the form of a written response to the factual report, or the person concerned may be invited to a conversation with the Hotline staff or the management.

When making decisions, the board then considers the following:

- Was the person concerned guilty of the alleged conduct?
- Does the alleged conduct qualify as wrongdoing, a breach of ethical conduct or undesirable behaviour?
- Is the alleged conduct attributable to the person concerned?
- Was the person concerned able to recognise that their conduct was unacceptable?
- Is the proposed measure proportionate to the seriousness of the conduct?

The management then makes a decision on any measure to be taken, substantiating the decision reached based on the investigation results.

5.2 Investigation deadlines

The following deadlines are to be observed. After the reporter has made a verbal or written report to the Hotline, the Hotline staff will take a written statement from the reporter within one week. Once the report has been put in writing by the Hotline staff and signed by the reporter, the Hotline will advise the management within a week as to whether or not the report should be investigated. After the management has decided that a fact-finding investigation should be carried out, an investigative committee will be appointed. The committee will then start the fact-finding investigation as soon as possible. After the fact-finding investigation has been completed and a factual report produced, the management will reach a decision as soon as possible, but in any case within two weeks. If the decision cannot be made within this period, the reporter will be informed of this in writing and with reasons, and will be notified of the time period within which they will receive a decision. The person concerned will also be informed of this.

5.3 Retention periods

Personal data and records processed in connection with a fact-finding investigation will be retained in accordance with the same guidelines that apply to documents related to performance within personnel files. The retention period for the investigation case file is three years. Investigation data will not be added to a personnel file, but will be stored in a separate, restricted environment.

5.4 Communications

Highly confidential information will be handled and highly confidential documents produced. Therefore, in the context of privacy protection and confidentiality of information, it is important to provide only the information that is necessary or to which the person or persons in question are entitled.

All those involved in an investigation (the person concerned, any witness(es), the reporter, the lawyer, the confidential advisor, the Hotline staff, etc.) are bound by an obligation of confidentiality. This stipulates that they will treat information known to them about the report, the reporter and the person concerned, the investigation or facts from the investigation with all due confidentiality and care. Confidential information shall be provided using communications equipment that meets the security requirements applicable to confidential documents.

5.4.1 Communication during the investigation

Communication about a breach of ethical conduct, wrongdoing or undesirable behaviour is important, including for awareness and prevention. It can prevent or eliminate anxiety, rumours, and an unsafe feeling among professionals and volunteers. During the investigation, those involved are to exercise restraint and consideration with respect to communications (and the timing thereof) about the breach of ethical conduct, wrongdoing or undesirable behaviour to both the person concerned and other stakeholders, such as colleagues and fellow volunteers. The interest of the investigation (the interest of the NRK) is paramount in the considerations, but the privacy of the person concerned is also a high priority.

Sometimes the name of the person concerned must be mentioned in a communication about a provisional measure: colleagues need to know that a person concerned has been denied access and/or has been suspended. If the name of the person concerned is to be mentioned, this can only be done after informing the person concerned about this communication. The immediate manager or another person will maintain contact with the person concerned during the course of the investigation, providing guidance and appropriate support.

If the report has been refuted or has not been confirmed, this will – only after consultation with the person concerned – be communicated to the organisation or the department where the person concerned works. Rehabilitation requires very careful and intensive supervision of the employee, and communication plays an important role in this. In the event of a criminal investigation, communication about the matter within the NRK will proceed only with the approval of the prosecutor.

Communication with/to the person concerned

The person concerned against whom the fact-finding investigation is directed must be informed as soon as possible that an investigation has been initiated into their actions, if this does not conflict with the interests of the investigation. Due to privacy protection, the name of the reporter will not be disclosed to the person concerned over whom the report has been made. An exception can be made if the investigation/report requires it (for example, if the report involves direct action with respect to the reporter), or if the reporter gives consent. The person concerned will also not be provided with the report itself, unless this is necessary due to a legal obligation or if the reporter gives permission to do so.

Communications with witnesses (internal and external)

Witnesses are to be provided with a copy of their statement if desired. In the interests of the investigation, this copy may be made available at a later date. There is essentially no further communication with witnesses.

5.4.2 Communications after completion of the investigation

Person concerned

Upon the conclusion of the investigation, the management will notify the person concerned in writing that the investigation has been completed. If no breach of ethical conduct, wrongdoing, or undesirable behaviour has been identified, the management shall notify the person concerned of this in writing. If the investigation shows that there has been a breach of ethical conduct, wrongdoing or undesirable behaviour, the person concerned will be informed of the further procedure and measure(s).

Reporter

Upon the conclusion of an investigation, the reporter will receive written notification from the management that the investigation has been completed. The reporter is mainly informed about the investigation and its findings in a procedural manner. The management will decide what information will or will not be provided after carefully considering the interests of all parties involved.

Witnesses

Witnesses are not generally informed about the completion of the investigation. However, if the management chooses to do so, they will be notified in a limited and general way.

5.5 Right of inspection

At the conclusion of an investigation, the person concerned will be given access to the anonymised factual report as sent to the management by the investigators. The person concerned may respond to this in the context of giving their own account of the matter. The response is not part of the factual report and will lead to adjustment only if there are factual inaccuracies.

The management will not give the person concerned access to investigation documents if this may violate the privacy protection of others, unless required to do so by law or regulation, including the General Data Protection Regulation.

Other than this, the anonymised factual report is only accessible to those who are directly involved in the investigation or handling of the report: the management, the Hotline, the investigative committee and, in the case of the disciplinary process, an HR employee (for advice on possible sanctions).

5.6 Care during the process

An internal investigation can mean a lot to all of the parties involved in the investigation, and also cause a lot of upheaval in the immediate work environment. It is therefore important to bear this in mind and provide any care necessary. For example, a conversation with stakeholders (such as team members) can clarify why an investigation has been initiated and why certain research methods have been chosen. Incorrect perceptions (rumours) can also be corrected. This kind of conversation can also be an important learning opportunity for the professionals/volunteers and a means of prevention.

Managers and HR advisors, as well as investigators (internal or external) may all be involved in providing this care. Naturally, attention must also be paid to the person concerned, especially when they need to reintegrate into a different or the same workplace. In the event that rehabilitation is necessary, the person concerned and their immediate work colleagues will have to be intensively supervised.

Recovery activities

After a breach of ethical conduct, wrongdoing or undesirable behaviour, it is important to check a number of things:

- have all risks to the Netherlands Red Cross been identified and covered?
- has the integrity of the data systems been maintained?
- is it necessary to repair or mitigate financial, legal or reputational damage?
- must other actions be undertaken to prevent similar incidents from occurring?

Appendix: explanation of investigation methods

Searching the workplace

The workplace of the person concerned may be searched if this is relevant to the investigation. Essentially, only the business location and business resources may be searched. In searching for evidence that contributes to determining the truth, investigations into private matters should be avoided as much as possible. If the person concerned will not be returning to their workplace, they will be allowed to retrieve their personal items. Searching the work environment is subject to the following preconditions:

- The search must be conducted by at least two members of the investigation team.
- Permission from management is required before this search may take place.
- The direct manager of the person concerned should be informed where possible.
- The search of the workplace should preferably take place in the presence of the person concerned.
- Covert searches of the work environment are an option if the interests of the investigation require this. Management permission is required for this.
- If necessary, locked drawers and cabinets may be forced open after permission from management.

Observation

If the necessary information cannot be directly requested from the person concerned or a third party or otherwise ascertained, observation of the person concerned may be used as a method of investigation if this serves the interests of the investigation. In principle, the observation should only relate to activities performed by the person concerned during working hours. However, there may be times when off-duty observation is also required. Observation is a strong measure, particularly when used outside of working hours. Therefore, the suspicion of a breach ethical conduct, wrongdoing or undesirable behaviour must be sufficient to justify the additional invasion of privacy. Potentially less severe measures should also be considered first.

Observation using a photographic and/or video camera is legitimised under Article 6(1)(f) of the General Data Protection Regulation (GDPR). This states that data processing (in this case the use of the camera) may be necessary to promote a legitimate interest of the responsible party (in this case the business interest of the Netherlands Red Cross) or of a third party to whom the data is provided, unless the interest or the fundamental rights and freedoms of the data subjects, in particular the right to privacy, prevails. Below are a number of preconditions that apply to covert observation involving the use of cameras.

- The management must authorise covert camera use.
- The installation of cameras for the purpose of observation is permitted if this is necessary for the protection of legitimate business interests. Business interests may include protecting property from theft or damage. The use of cameras should always be done in conjunction with other measures.
- Cameras should only be used when other measures/solutions have proven sufficiently ineffective. The application of the principles of proportionality and subsidiarity is of great importance.
- The overt use of cameras must be made clear to employees by means of signs or stickers, for example.
- Data storage should be done in accordance with the General Data Protection Regulation, assuming a maximum retention period of four weeks after the investigation is completed.

- Covert camera use is only allowed if incidents such as common theft and fraud continue despite all kinds of efforts and measures. This is therefore a last resort and should only be used if there are no other solutions or less invasive measures.
- The failure of previous investigative methods to produce results must be demonstrated.
- A report of the observation must be made.
- Covert camera use should only be temporary. Permanent covert surveillance is never permitted.
- Only those individuals, for example the person concerned, and locations relevant to the investigation may be placed under surveillance by covert cameras.
- Covert camera use by investigators should never take place in publicly accessible areas.
- No sound recordings are allowed (image only).
- Employees must be informed about the hidden cameras afterwards.
- Before the camera surveillance may take effect, a data protection impact assessment (DPIA) must be carried out to verify that the use of the hidden camera meets the legal requirements.
- The use of covert camera surveillance requires the consent of the Works Council.

Telecommunications investigation

Investigating the use of telecommunications means investigating the use of e-mail, internet communication or a mobile or landline phone. The investigation of telecommunications includes the recording of business telephone calls. The following conditions are attached to the investigation of telecommunications:

- The management must approve the use of this method.
- In principle, the investigation of telecommunications is limited to telecommunications traffic data. This data entails matters such as when and with whom someone makes a phone call. Monitoring the content should only take place if absolutely necessary.
- A legitimate interest must exist before telephone calls may be recorded.
- If there are less profound methods available to investigate the incident, then these methods should be chosen.
- In principle, employees should be aware that phone calls can be recorded.
- Covert recording of telephone conversations is possible only in exceptional cases (such as in the case of threats, bomb threats, and suspicion of criminal behaviour).
- The covert recording of telephone conversations should be used as a method of investigation only when no other means are available to achieve the same objective.
- If covert recordings are to be used, measures must be in place to prevent unauthorised access to the recordings.
- One measure that should be taken is the automatic destruction of recordings that are not of immediate interest.
- Recordings of telephone calls will not be kept longer than necessary, preferably no longer than six months.
- Employees are always informed about the covert monitoring afterwards.
- Before the investigation is to be carried out, a data protection impact assessment (DPIA) must be carried out to verify that the investigation meets the legal requirements.
- The use of covert telephone recording requires the consent of the Works Council.

Investigation into automated systems

Automated systems include things like computer networks, business computers, smartphones, laptops, e-mail and internet use. The investigation of automated facilities is subject to the following preconditions:

- In principle, the person concerned must give permission for their hard drive to be copied.

- In situations in which the interests of the investigation make it undesirable to inform the person concerned or to ask for their permission, this may be deviated from. It follows that the initiator of the investigation may give permission for the hard disk or network disk to be copied, without consulting the person concerned.
- Permission from the competent authority is required before this measure may be implemented. Consideration must therefore be given to the privacy interests of the person concerned versus the interests of the internal investigation.
- The period in which the search can be made should be delineated. With respect to proportionality and privacy, searching all Internet traffic and e-mails is not permitted.
- The investigation of automated facilities must be justified and a motivation for this is therefore required.
- Before the investigation is to be carried out, a data protection impact assessment (DPIA) must be carried out to verify that the investigation meets the legal requirements.
- The use of this method requires the consent of the Works Council.