



CENIEH
Centro Nacional de Investigación
sobre Evolución Humana

Guide to using the whistleblower channel-Ed1

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GUIDE TO USING THE WHISTLEBLOWER CHANNEL

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OBJECTIVE OF THIS DOCUMENT

The objective of this document is to explain how the whistleblower channel of the Servicio Nacional de Coordinación Antifraude used by the CENIEH works, without prejudice to the possible future provision of an internal whistleblower channel.

This whistleblower channel is the route established to facilitate submission to the competent authorities of any significant information about facts that could constitute corruption, fraud, a conflict of interest, or any other irregularity, in the implementation by the Center of projects or operations financed wholly or partly by funds from the European Union.

Persons who possess knowledge of such conducts can notify the authorities using the whistleblower channel, for the appropriate actions to be taken in each case.

The channel satisfies the requirements of: accessible use, guarantees of confidentiality, and correct practices of tracking, investigation and protection of the informant.

ONE. On the specific channel enabled by the Servicio Nacional de Coordinación Antifraude, and its purpose.

The Servicio Nacional de Coordinación Antifraude has established an online WHISTLEBLOWER CHANNEL at the following address:

<http://www.igae.pap.minhafp.gob.es/sitios/igae/es-ES/Paginas/Denan.aspx>

This is the preferred route for channeling information about facts that could constitute corruption, fraud, a conflict of interest, or any other irregularity, in the implementation of projects or operations financed wholly or partly by funds from the European Union.

Similarly, though only if for exceptional reasons the online channel mentioned cannot be used, the Servicio Nacional de Coordinación Antifraude can be notified by post by sending the documentation in a sealed envelope to the following postal address:

Servicio Nacional de Coordinación Antifraude

Intervención General de la Administración del Estado

Ministerio de Hacienda y Función Pública

Calle María de Malina 50, planta 12.

28006 - Madrid

Nevertheless, having stated this preference, the informant can consider other channels for notifying their complaint, in view of the circumstances and the risk of reprisals envisaged.

TWO. On how to formulate a complaint in the specific channel enabled by the Servicio Nacional de Coordinación Antifraude, and what information should be given.

1.- Identification data for the person reporting:

The person reporting the information must identify themselves with their NIF and full name, and should also give an email address, or a postal address in the absence of this, so that the Servicio Nacional de Coordinación Antifraude can communicate with that person.

When the information is sent to the Servicio Nacional de Coordinación Antifraude on paper, the same identification data must appear in the complaint, with the appropriate signature.

2.- On the content of the complaint.

The information sent to the Servicio Nacional de Coordinación Antifraude should contain as specific and detailed a description as possible of the relevant facts.

In addition and whenever possible, the following should be identified: the persons who may have participated in the events in question, the businesses, funding calls, instruments or administrative files affected by the alleged irregularity, fraud, corruption, or conflict of interest; the exact or approximate date when these took place; the European fund or funds affected; the body or entity that handled the aid; and any other bodies or entities to which the information may have been sent, if any.

Any documentation or evidence facilitating verification of the events reported can also be furnished.

THREE. Posing queries or consultations on the whistleblower channel.

The channel may be used for raising queries about the manner or requirements for submitting a complaint, how it will be processed and, in general, any point about how people in possession of facts

that could constitute fraud, corruption or irregularity in projects or operations financed wholly or partly by European Union funds can proceed.

FOUR. Actions to be taken by the Servicio Nacional de Coordinación Antifraude.

1. The Servicio Nacional de Coordinación Antifraude shall analyze the information received to determine how this should be processed, and perform the verifications and actions it considers necessary under the auspices of the powers attributed to it by the regulations applicable.

For these purposes, it may request any information or additional documentation it sees fit, either from the person making the initial report, or the bodies or entities which could hold the same.

2. The information received will not be processed by the Servicio Nacional de Coordinación Antifraude in the following circumstances:
 - a) When the facts reported do not affect projects or operations financed by funds from the European Union, although this should be understood without prejudice to the possibility that the information will be submitted to the appropriate body for analysis or investigation.
 - b) When the identification data of the person reporting are not given, as set out in section two, point 1.
 - c) When other actions relating to the same or similar facts for the same fund have been archived, and no significant new information is provided.
 - d) When the paucity of the information sent, an excessively generic or non-specific description of the facts, or the lack of evidence supplied, do not allow the Servicio Nacional de Coordinación Antifraude to conduct a reasonable verification of the allegations received or reach a minimal decision about how to act, in the light of the resources available to the Servicio.
 - e) When the information received is manifestly unfounded.
 - f) When, following the analysis referred to in the previous point of this section, the Servicio Nacional de Coordinación Antifraude has good reason to understand that the facts reported do not constitute fraud or irregularity.

In any case, when the information received is not processed pursuant to this point, this circumstance will be communicated to the person who sent the initial information and stating the reasons for this, so that the informant can take such actions as they see fit.

3. When, after the analysis referred to in point 1 of this section, the Servicio Nacional de Coordinación Antifraude understands that the facts could constitute fraud or irregularity affecting the financial interests of the European Union, it shall make a report which shall set out the facts analyzed, with its justified opinion about how the facts should be treated, in accordance with the regulations applicable.

This report will be sent, along with the information received from the informant and the actions taken by the Servicio, to the body which may be competent in each case to continue the process, or take the appropriate additional actions as determined by the type of fraud or irregularity in question.

4. Notwithstanding what was said in the previous section, and in the light of the seriousness of the facts reported, the powers necessary to verify them, the resources available to the Servicio Nacional de Coordinación Antifraude, and the remaining circumstances prevailing in each case, the Servicio may at any moment refer the case directly to the competent body to which that section refers.

The Servicio Nacional de Coordinación Antifraude may likewise at any moment refer the case to the European Anti-Fraud Office (OLAF) when it understands that the information received may be of interest to that Office, so that the appropriate investigation can be opened and, due to the circumstances stated in the previous paragraph, it understands that the Office can analyze or verify the facts more effectively.

5. Referral of the case to the competent body as provided for in the two preceding sections shall be communicated by the Servicio Nacional de Coordinación Antifraude to the informant.

FIVE. Guarantees of confidentiality and absence of reprisals.

1. Staff of the Servicio Nacional de Coordinación Antifraude shall maintain in the due secrecy all information they become aware of through the channel, and they may not use it for any purposes other than those set out in sections one and three hereof.
2. Unless the informant should have explicitly requested otherwise, the Servicio Nacional de Coordinación Antifraude shall maintain their identity in the strictest confidence, and this shall not be revealed to anybody.

To that end, in the report mentioned in point 3 of section four, and in all communications, actions of verification, or requests for documentation performed by the Servicio Nacional de Coordinación Antifraude, data about the identity of the informant, and any other data that could lead to identify them in full or in part, shall be omitted.

Similarly, when, as established in section four, the Servicio Nacional de Coordinación Antifraude refers the case to other bodies for processing, the provisions of the preceding paragraph shall be applicable to the documentation submitted thereto, except when these are judicial bodies or the public prosecutor, and the regulations governing the procedure demand something different. In this latter case, the identity of the informant shall be communicated solely to such persons or bodies as is indispensable.

Finally, and as the regulations for the procedure in question may permit, the Servicio Nacional de Coordinación Antifraude shall itself perform the actions necessary with the body in question so that the procedure may be carried out properly, and any communication between that body and the original informant shall be channeled via the Servicio, to guarantee the confidentiality of the latter.

3. CENIEH Management, and ultimately the Governing Council, shall ensure that in no case may the complainant be the object of any class of reprisals.
4. The provisions of points 2 and 3 of this section shall not be applicable when the person who sent the information to the Servicio Nacional de Coordinación Antifraude has acted in bad faith, in which case the Servicio will decide whether the appropriate actions in accordance with the provisions applicable should be taken.

SIX. Dissemination of the whistleblower channel.

1. To publicize the whistleblower channel provided and facilitate awareness of it by those who might potentially know of facts that could constitute corruption, fraud, conflicts of interest, or any irregularity with regard to projects or operations funded by the European Union, this document will

be brought to the attention of all CENIEH staff who participate in implementing or managing projects wholly or partly financed by European Union funds, with an express reference to the possibility of notifying such facts to the Servicio Nacional de Coordinación Antifraude, as provided for herein.

2. Likewise, in all public tender procedures, including offers of employment, which might be financed by European Union funds, the clause below shall be included in the particular conditions or contractual documents, as may be deemed appropriate:

"Any person possessing knowledge of facts that could constitute fraud or irregularity with regard to projects financed wholly or partly by funds from the European Union, under the auspices of this tender or contract, may report these facts to the Servicio Nacional de Coordinación Antifraude of the Comptroller-General of the State by electronic means, using the dedicated channel provided by that Servicio at the address <http://igaepre.central.sepg.minhac.ape/sitios/igae/es-ES/Paginas/Denan.aspx>".

3. On its website, and in the IT applications used to manage projects funded wholly or partly by the European Union, the CENIEH will include a specific section with an express reference to the possibility of notifying the Servicio Nacional de Coordinación Antifraude of facts that could constitute corruption, fraud, a conflict of interest, or irregularity, together with a direct link to the whistleblower channel, to facilitate the submission of information from those applications and web pages.

SEVEN. Compatibility with the channels and procedures established by other provisions.

To notify the competent authorities of facts that could constitute fraud or irregularity, the provisions hereof shall be understood without prejudice to the possibility of employing the channels and procedures envisaged by the regulations applicable in each case and, in particular, those governing criminal law procedures.

VERSION HISTORY

<i>Version</i>	<i>Changes</i>
1	First edition