



# Whistleblowing Policy

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LYNX B.V.

## Head Office

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[www.lynxbroker.cz](http://www.lynxbroker.cz)

Germany

[www.lynxbroker.de](http://www.lynxbroker.de)

## Attributes

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## Document version

DATE	VERSION #	AUTHOR	CHANGES
22-10-2019	1.0	Head of Compliance	Final
22-04-2021	2.0	Compliance Officer CZ	First draft of update
29-04-2021	2.0	Compliance Officer DE	Second draft of update
06-08-2021	2.0	Head of Compliance	Redraft of policy in light of accessibility and simplicity required for staff. Also anticipating the EU Whistleblowing Directive and changes that stem from this.
March 2023	2.0	Head of Compliance	Update of policy in line with implemented EU directive
May 2023	2.0	Head of Compliance	Addressing last comments and making last changes.

## Reviewed by

DATE	Role	Comment
June 2021	Compliance Officers for Belgium, Czech Republic and Germany	
July/August 2021	Board plus management team members	
August 2021	Head of Compliance	Anticipated the EU Whistleblowing

		Directive. We monitor the implementation of this Directive on an ongoing basis but it has still not been implemented in amongst others the Netherlands and the Czech Republic. Therefore we did not see any reason to change this policy again in the period before July 2022.
March 2023	Head of Compliance	
April 2023	Management Team	
May 2023	Head of Compliance	

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# 1 Introduction

LYNX requires anyone working for the organization to observe high standards of business and personal ethics in the conduct of their duties and responsibilities, as described amongst others in its **Code of Conduct**. As employees and representatives of LYNX, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

This Whistleblowing Policy (hereinafter “Policy”) is intended to encourage and enable employees and others to raise serious concerns internally so that LYNX can address and correct inappropriate conduct and actions. We wish to encourage a culture of openness and it is in all our interests to ensure that any misconduct does not occur.

In the event the provisions of this policy are contrary to local laws or regulations, the latter prevail.

## 2 Scope of the Policy

### 2.1 Who can make a report?

This policy applies to any (former) employee, applicant and any person who performs or performed work for any LYNX office, regardless of whether or how this is contractually arranged. We are not preparing any country schedules due to the fact that the branch offices of LYNX have no legal personality and we consider the Dutch laws and regulations around whistleblowing leading for all the offices we operate.

### 2.2 What can be reported?

This policy provides for an internal procedure for any such person that reports, or intends to report, a (suspicion of) a misconduct based on reasonable grounds and information acquired in the contact of his or her work-related activities. **Misconduct** includes, but is not confined to:

- An act or an omission likely to prejudice the standing of LYNX
- Criminal offences or failure to comply with a legal provision
- A miscarriage of justice
- Endangerment of the health and safety of any person
- Environmental damage
- A threat to the functioning of the company (any failure to comply with LYNX internal rules)
- The deliberate concealment of any misconduct.

The misconduct should be directly related to LYNX or any of its related parties.

#### Examples of Whistleblowing cases:

- Barclays: A letter raising concerns about the recruitment of the head of financial institutions was sent to the board and the chief executive tried to hunt down the whistleblower. ([Source](#))
- Panama papers: The documents from a Panamanian law firm included hints to hidden wealths in shell companies, protected by countries that sell secrecy. ([Source](#))
- Facebook: A former employee blew the whistle about Facebooks failure to protect its users, allowing misinformation and helping to organise the Capitol Hill Riot. ([Source](#))
- US government agencies: Snowden blew the whistle about mass surveillance programs which invaded privacy of its citizens.

## 3 Your rights

### 3.1 Advice

You are allowed to consult an advisor to obtain advice on how to proceed after a suspicion of misconduct has arisen. The advisor is obliged to keep all information confidential. The advisor is determined on case to case basis under cooperation between Whistleblower and LYNX, as a suitable advisor depends on the specific situation.

### 3.2 No Retaliation

You are protected in making a disclosure to LYNX when in your reasonable belief one or more of the above misconduct has been committed, is being committed or is likely to be committed. If this is the case, we will take all reasonable steps to ensure that you suffer no detriment, retribution, harassment, victimisation or other mistreatment from LYNX. If you raise a misconduct concern, you will be taken seriously and will be treated fairly and justly by LYNX. We will take all reasonable steps to ensure that no person under our control engages in victimization in any form and disciplinary action shall be taken against anyone who engages in retaliation.

The abovementioned protection also applies if the suspicion of misconduct turns out to be incorrect, unless it regards a report with deliberate incorrect or misleading information. Disciplinary action, including termination of employment, may be taken against anyone deliberately raising false and malicious allegations.

Further, the protection also applies to the advisor consulted by you and third persons who are connected with you and who could suffer retaliation in a work-related context, such as relatives.

### 3.3 Confidentiality

LYNX will treat the report confidentially. Anyone who obtains information on a suspicion of misconduct, person who made the report and/or the person who is allegedly responsible for the misconduct will keep this information confidential, unless disclosure is required under applicable law, in the context of further investigations or subsequent court proceedings.

### 3.4 Data Protection

Any processing of personal data carried out pursuant to this Policy, including the exchange of personal data with the competent authorities, shall be carried out in accordance with Regulation (EU) 2016/679 (GDPR). Personal data which are manifestly not relevant for the handling of a specific report shall not be collected or, if accidentally collected, shall be deleted without undue delay.

## 4 Internal report

### 4.1 Reporting channel

If you have a misconduct concern, you should inform a dedicated receiving person which could be **local Legal** or **local Branch Management** in your country.

Contact details are presented in the Annex.

## 4.2 Reporting requirements

The reporting can be done in writing, by mail, by phone. Upon request by the reporting person LYNX also offers reporting by means of physical meetings, within a reasonable timeframe. Anonymous reporting can be done by making use of the so-called idea boxes which are available in all our office locations.

Location of the idea box / mail box in the offices:

The Netherlands	White mailbox located in the dining area (top floor)
Belgium	Black mailbox located in the lift corridor at +2
Czech Republic	Silver mailbox located in front of the HR / Compliance office
Germany	White mailbox on the wall next to the HR office

Regardless of the method of reporting the receiving person has to ensure that there is a documentation, e.g. through a complete and accurate transcript of the conversation. The reporting person has the opportunity to check, rectify and agree the documentation by signing it.

## 4.3 Follow up

The reporting person receives an **“acknowledgment of receipt”** of the report from the receiving person within seven days of the report (unless the reporting happened anonymously).

Two of the people mentioned in Annex 1 will follow-up on the report as quickly as possible. The accuracy of the report will be assessed and, where relevant the breach reported will be addressed (e.g. by starting an investigation). Feedback on the assessment of the report and, if applicable, what further actions are taken or envisaged, will be provided to the reporting person at the latest three months from the acknowledgment of receipt. If it is decided that the suspicion of misconduct will be investigated further, due to confidentiality reasons the reporting person will not be informed about the results of the investigation until the investigation is completed. The reporting person will receive regular updates on the progress of the investigation. Upon completion of the investigation, the reporting person will be informed that the investigation has been completed and whether measures have been taken.

If the reporting person does not agree with the follow-up given or the outcome of the investigation, he or she can submit a report explaining why this is the case. Any concerns will be taken into consideration by LYNX.

## 4.4 Record keeping

Upon receipt of a report of a suspicion of misconduct, the receiving person shall register the report and information on the suspicion in the relevant register.

# 5 External report

It is preferred to make an internal report of a wrongdoing. However, the reporting person can raise concerns externally to the relevant external reporting channel, especially if he/she cannot reasonably be required to follow the internal channel set out above first. The availability of external reporting channels depends on the country (see Annex 1). Situations in which you could consider an external report include, but are not limited to:

- A statutory obligation
- Immediate danger, where a significant and urgent public interest necessitates an immediate external report
- A reasonable suspicion that the ultimate responsible person within LYNX is involved in the



- suspected wrongdoing
- An earlier report about the same concerns made in accordance with the internal procedure that did not put an end to the wrongdoing.

An external disclosure should always be suitable and proportionate.



## ANNEX 1 – Internal contact persons and external channels

Available receiving person	Function	Contact
Jenny Weima (temporary)	Legal Netherlands	<a href="mailto:j.weima@lynx.nl">j.weima@lynx.nl</a> (temporary)
Jitka Karin Čermáková	Legal Czech Republic	<a href="mailto:j.cermakova@lynxbroker.cz">j.cermakova@lynxbroker.cz</a>
Maxim Savaete	Legal Belgium	<a href="mailto:m.savaete@lynx.be">m.savaete@lynx.be</a>
Pia Gruber	Legal Germany	<a href="mailto:p.gruber@lynxbroker.de">p.gruber@lynxbroker.de</a>
Suleyman van Landewijk	Branch representative Netherlands	<a href="mailto:s.vanlandewijk@lynx.nl">s.vanlandewijk@lynx.nl</a>
Chris Schöneberg	Branch representative Germany	<a href="mailto:c.schoeneberg@lynxbroker.de">c.schoeneberg@lynxbroker.de</a>
Brecht Huys	Branch representative Belgium	<a href="mailto:b.huys@lynxbroker.be">b.huys@lynxbroker.be</a>
Jonas Mlýnek	Branch representative Czech Republic	<a href="mailto:j.mlynek@lynxbroker.cz">j.mlynek@lynxbroker.cz</a>

All LYNX employees can consult external channels in the Netherlands. LYNX is monitoring and will update the policy if local external channels apply.

Available external channel Netherlands	Contact
Authority for Consumers & Markets ( <i>Autoriteit Consument en Markt</i> )	<a href="https://www.acm.nl/nl/contact/tips-en-meldingen/tip-ons">https://www.acm.nl/nl/contact/tips-en-meldingen/tip-ons</a> Or anonymously : tel:+31707222500
Authority for the Financial Markets ( <i>Autoriteit Financiële Markten</i> )	<a href="https://www.afm.nl/nl-nl/contact/contactformulier-consumenten">https://www.afm.nl/nl-nl/contact/contactformulier-consumenten</a>
Dutch Data Protection Authority ( <i>Autoriteit Persoonsgegevens</i> )	<a href="https://autoriteitpersoonsgegevens.nl/nl/meldingsformulier-klachten">https://autoriteitpersoonsgegevens.nl/nl/meldingsformulier-klachten</a>
De Nederlandsche Bank N.V.	<a href="https://www.dnb.nl/en/contact/reporting-complaints-and-wrongdoing/reporting-integrity-incident-at-financial-institutions/form-dnb-integrity-reporting-desk/">https://www.dnb.nl/en/contact/reporting-complaints-and-wrongdoing/reporting-integrity-incident-at-financial-institutions/form-dnb-integrity-reporting-desk/</a>
House for whistleblowers	<a href="http://www.huisvoorklokkenluiders.nl">www.huisvoorklokkenluiders.nl</a>

Other, less relevant, available external channels are:

Available external channel Netherlands	Contact
Inspectorate for Health and Youth Care ( <i>Inspectie gezondheidszorg en jeugd</i> )	088 120 5000

Dutch Healthcare Authority ( <i>Nederlandse Zorgautoriteit</i> )	<a href="https://www.nza.nl/contact/meldpunt">https://www.nza.nl/contact/meldpunt</a>
Authority for Nuclear Safety and Radiation Protection ( <i>Autoriteit Nucleaire Veiligheid en Stralingsbescherming</i> )	<a href="https://www.autoriteitnvs.nl/onderwerpen/overtreding-misstand-melden">https://www.autoriteitnvs.nl/onderwerpen/overtreding-misstand-melden</a>

## ANNEX 2 – REGULATORY UPDATE THE NETHERLANDS

As of 18-02-2023, the law on the protection of the whistle blowers is put in place in the Netherlands. As said in the intro, all branches are not a legal entity, so this Dutch law on whistle blowers will be leading in this document. Therefore, any updates or additions to the jurisprudence on whistle blowers needs to be monitored. This Annex gives a insights in the changes this regulation brings about.

### Main takeaways

- Regardless of the content of this update, a remark must be placed on implementation of the new regulation. This regulation contains a transition period for smaller firms between 50 and 249 employees, excluding firms in the finance, environment, transport sector. Therefore, LYNX must comply ASAP, regardless of their size. See : “Voor ondernemers met 50 tot 249 werknemers geldt een [overgangperiode](https://www.transparency.nl/nieuws/2023/02/implementatie-wet-klokkenluiders/#:~:text=Voor%20ondernemers%20met%2050%20tot,bereiden%20op%20de%20nieuwe%20regelgeving.) van de Wet Huis voor klokkenluiders naar de Wet bescherming klokkenluiders. Zij hoeven pas per 17 december 2023 te voldoen aan de nieuwe regelgeving. Dit geeft kleinere bedrijven meer tijd om zich voor te bereiden op de nieuwe regelgeving. Tot die tijd blijft de Wet Huis voor klokkenluiders op hen van toepassing. Deze uitzondering geldt overigens niet voor de bedrijven in de sector financiën, milieu of vervoer”( <https://www.transparency.nl/nieuws/2023/02/implementatie-wet-klokkenluiders/#:~:text=Voor%20ondernemers%20met%2050%20tot,bereiden%20op%20de%20nieuwe%20regelgeving.>)
- If the whistle blowers indicate that they are disadvantaged by their employer because of the report, the employer must prove that this was not the case. The legal obligation to prove guilt shift from the whistle blower to the employer.
- From 18 February 2023 onwards it is not allowed for an employer to prohibit an employee from whistleblowing or making related information publicly known.
- Whistle blowing can be done via text or in person.
- Whistleblowing report must be sent to the employers (we do this via the staff announcement), and it must be accepted by the ‘OR’ or ‘personeelsvertegenwoordiging’
- An employer is not (yet) obligated to facilitate an anonymous way of whistleblowing. Nevertheless, LYNX can facilitate this, so this would be smart to do so. Moreover, the ‘huis voor klokkenluiders’ is not yet in the position to monitor the compliance to the law and therefore can not fine any firm for non-compliance as of now.