

Europeana Foundation Policy on Raising Concerns for Supervisory Board, Advisory Board and Board of Directors (Revision February 2024)

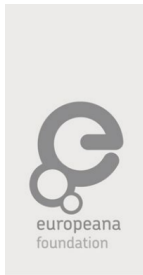
Policy on Raising Concerns for Europeana Foundation Boards

- I. [Overview](#)
- II. [When to Raise a Concern](#).....
- III. [Policy Ownership and Oversight](#)
- IV. [How to Raise a Concern](#).....
- V. [How Concerns Will Be Addressed](#).....
- VI. [Right of Reply](#)
- VII. [Confidentiality](#).....
- VIII. [Policy Distribution](#)
- IX. [Contact Details for Raising Concerns](#)

I. Overview

Europeana Foundation is committed to the highest standards of legal and ethical conduct. As part of fulfilling this commitment, Supervisory Board, Advisory board and Board of Directors members are asked to speak up if they have concerns that activities by a Supervisory or Advisory board member may be illegal, unethical or violate the statutes, the internal rules, the code of conduct, or any of our other policies. The policy provides detail about how a concern raised within Europeana Foundation boards is looked into and how the principles of speaking up will be implemented. The Board of Directors, the Supervisory Board, and the Advisory Board believe this creates a culture of commitment to ethics, where everyone should feel empowered to speak up and be supported.

II. When to Raise a Concern



Members of the Supervisory and Advisory boards and the Board of Directors may raise a concern if they believe that a fellow board member has engaged, is engaging or may engage in any illegal or unethical conduct or has violated, is violating or may violate any law, rule or regulation, the statutes, the internal rules or any other of the Foundation's policies. This policy is for members of the Supervisory and Advisory Boards. This includes the members designated by the Europeana Network Association or the Europeana Aggregators Forum as their respective representatives on the Supervisory Board and Advisory Board; and the members who sit on the Advisory Board under the respective presidency of the Council of the EU.

A concern may be submitted at any time. However, members are encouraged to raise a concern as promptly as possible after becoming aware of it so that the concern may be addressed in a timely manner.

Members should not raise malicious, vexatious concerns, nor should they knowingly raise untrue concerns. Those who raise concerns must do so with a reasonable belief that raising a concern is in the interest of the safe, legal, and/or ethical functioning of the Foundation in respect of any law, the Foundation rules or regulations, the statutes, internal rules or any other of its policies.

III. Policy Ownership and Oversight

The Supervisory Board is responsible for overseeing the development, implementation of, and compliance with, this policy. The Supervisory Board may delegate its oversight responsibility, in whole or in part, to one (1) or more designated members of the Supervisory Board as the policy owner(s).

The Supervisory Board appoints designated person(s) on the board as 'Raising of Concerns Policy Owner', to whom a concern may be addressed.

Under extenuating circumstances when the concerned Policy Owner cannot perform the role in regards with a raised concern any more, the Supervisory Board will decide on another Policy Owner.

IV. How to Raise a Concern

Concerns may be submitted to the designated person(s) on the Supervisory Board in writing (including by email) or orally. No specific form is required to be filled out in order to submit a concern, but members of the Supervisory Board, Advisory Band Board of Directors are encouraged to provide as much information as possible, keeping to the facts, staying neutral and giving accurate detail about the issue(s) they are concerned with, supported by any relevant evidence if applies. This is especially important if a concern is raised anonymously. The confidentiality terms apply as specified herein *Section VI. Confidentiality*.

V. How Concerns Will Be Addressed

As a general matter, initial intake of concerns will be handled by the designated member(s) of the Supervisory Board who owns the policy, and who will direct the course of action. The policy owner may engage the Chair and/or the Vice Chair of the Supervisory Board, the Chair or Vice Chair of the Advisory Board if applicable, and/or the Board of Directors to address the matter in an appropriate manner based on the nature of the concern. In the event a concern is raised in relation to a Supervisory or Advisory Board member designated by the Europeana Network Association or the Europeana Aggregators Forum, the policy owner will engage the Chair of the Europeana Network Association or the Chair of the Aggregators Forum as applicable. Anyone who may have or be perceived to have a conflict of interest with respect to the concern, will not participate in any actions with respect to the concern.

Steps in the process to address a concern include:

- 1) The policy owner will record the date the concern was received, the level of confidentiality/anonymity, as requested or required and a summary of the concerns, and will keep an on-going record of updates, feedback and reports.
- 2) The policy owner will safeguard the right of reply as described herein *Section V Right of Reply*.
- 3) The policy owner will carry out an initial assessment of the concern to determine the steps to be taken in order to address the matter appropriately on a case by case basis. The steps may include:

- a) Intake conversation with the person who has raised the concern to get a full understanding of the issue
- b) Establishing a channel of dialogue with the subject of the concern to get a full understanding of the matter
- c) Carrying out a proportionate investigation
- d) Resolving the matter with the parties involved
- e) Dismissing the concern after an initial assessment thereof
- f) Seeking expert and/or independent advice

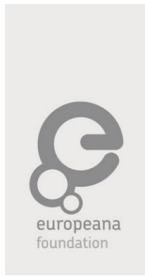
In the event the policy owner decides the concern warrants an investigation process, the chair of the Supervisory Board, the chair of the Advisory Board (if the matter concerns the Advisory Board), and the Board of Directors will be informed and their support sought. An investigation may be carried out in line with the following principles:

- the investigation is chaired by a suitable person
- the investigation is completed promptly within an agreed timescale
- the investigation has a level of independence that is proportionate to the gravity and complexity of the concern
- wherever possible the concern will be addressed by a single investigation that will also - where appropriate - look at any wider issues relevant to the concern raised
- the investigation will be objective and evidence based

The investigation will produce a report addressed to the Chair and/or Vice Chair of the Supervisory Board, that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring. In respect of the confidentiality of the process, the report will include recommendations to the Chair and/or Vice Chair of the Supervisory Board as to whom the report and recommendations need to be made known to.

VI. Right of Reply

The person about whom a concern is raised shall have the right to be informed of the raised concern in writing, and will have the right of reply as part of a due process of addressing the concern and investigation.



VII. Confidentiality

All concerns will be treated in strictest confidence. Concerns received anonymously will be investigated, to the extent reasonable and practicable under the circumstances. In the event the investigation cannot be pursued due to confidentiality, or the subject is of a legal nature, anonymity and confidentiality may be outside the control of the Europeana Foundation.

The confidentiality of the process shall be fully respected by the policy owner, the person who raises the concern and the person who is the subject of the concern in terms of any communication about the matter. The policy owner may also advise of the confidentiality of the matter of concern to any third parties who may be witness to or party to the concern raised.

To the extent possible after a concern has been resolved, and consistent with the considerations above, the resolution will be discussed with the person who raised the Concern.

To the extent possible according to the statutes, the law under which the statutes are governed and any applicable law, no public announcements or internal communications beyond the parties involved will be made.

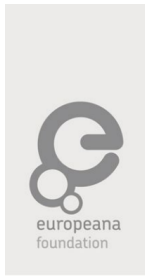
All digital documents and records related to the raised concern are collected, encrypted and stored in a secured environment, endorsed by Europeana Foundation. At the time of handling the raised concern, the Policy Owners will establish retention policies that dictate how long the documents and records must be retained and when they can be safely destroyed – through secure digital data erasure – or archived until it is necessary.

All documents and information related to board members raising concerns will be handled in a manner that complies with General Data Protection Regulation (GDPR) and Europeana Privacy Statement¹.

VIII. Policy Distribution

This Policy, as it may be amended from time to time, will be read in conjunction with the Internal Rules of the Foundation.

¹ <https://www.europeana.eu/fr/rights/privacy-policy>



The policy will be distributed to the Supervisory Board, Advisory Board and Board of Directors, and will be published on Europeana Pro.

IX. Contact Details for Raising Concerns

This Policy was adopted by the Supervisory Board on 9 August 2023.

The revised Policy was adopted by the Supervisory Board on [DATE]

Policy Owners: Marco De Niet and Brid Dooley, Supervisory Board Members, Europeana Foundation

Contact details of the Policy Owners: m.c.de.niet@library.leidenuniv.nl and Brid.Dooley@rte.ie

[Log](#) for documenting the process by the concerned Policy Owner after a concern has been raised.

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