



**Perbadanan Insurans Deposit Malaysia**  
**Protecting Your Insurance And Deposits In Malaysia**

**POLICY FOR DISCLOSURE  
OF INFORMATION CONCERNING  
IMPROPER CONDUCT**



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<b>Ref No</b>	BOD/LEGAL/2006/07	<b>Version No</b>	3.0
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Approved by the Board of Directors at the Board Meeting No. 37 on 28 May 2013



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## 1.0 INTRODUCTION

- 1.1 Whistleblowing is a form of disclosure. It involves a person raising concerns at an early stage about serious risks of wrongful activities or reporting a wrongdoing. For the purposes of this Policy, such person is called “the Whistleblower”.
- 1.2 The Whistleblower may be a person who works in or with the Corporation or a person who is external to the Corporation, who has knowledge of the underpinning facts and circumstances surrounding a wrongdoing.
- 1.3 The Corporation recognises that having a whistleblowing system contributes to a more efficient and effective organisation.
- 1.4 This whistleblowing policy (“this Policy”) is intended to enable employees and other persons to make disclosures about wrongdoings at an early stage to the Authorised Officer (defined in Part 2.0) without fear of reprisal so that problems can be identified and resolved quickly.
- 1.5 At the same time, this Policy is to also ensure that the people covered by this Policy exercise their right to make a disclosure responsibly and sensibly when suspecting something amiss.
- 1.6 This Policy is based on the following principles:
- (a) The Corporation is committed to the values of transparency, integrity, impartiality and accountability in the conduct of its business and affairs. It expects wrongdoings such as fraud, corruption, serious financial impropriety and gross mismanagement to be reported and facilitates this through internal mechanisms.
  - (b) This Policy reflects the Corporation’s philosophy to stand ready at all times. It covers disclosures about risks that a wrongdoing is likely to happen. Such disclosures act like an early warning system to identify problems or pre-empt a situation detrimental to the Corporation. It also makes the Corporation better prepared to manage risks and contingencies including how to avoid similar problems in future or prevent similar acts of wrongdoings from recurring.



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- (c) The Corporation promotes an open communication and honest work culture by setting up internal procedures to address concerns. This Policy complements the normal channels of communication and reporting lines within the Corporation. It provides an alternative route for employees to raise concerns if the usual lines of communication are not available as the complaint relates to his or her immediate supervisor or head of division.
- (d) The Corporation encourages its employees to aspire to achieve the highest possible legal and ethical standards. This Policy demonstrates the Corporation's and its employees' commitment to high legal and ethical standards. Integrating whistleblowing policies into our practices and culture helps to deter fraud, corruption, and mismanagement. Through an effective implementation of this Policy, the Corporation is able to preserve its integrity and stand up to public scrutiny. This in turn enhances and builds credibility with our stakeholders.
- (e) The Corporation is an "enforcement agency" under the Whistleblower Protection Act 2010 ("WPA"), and thus, provides protection to "Whistleblowers" for reports falling within its jurisdiction in accordance with the WPA.
- (f) For the Corporation's purposes, the relevant wrongdoings under the WPA are wrongdoings that would, if proven, constitute disciplinary offences and criminal offences committed within the Corporation, as well as wrongdoings that constitute offences under the PIDM Act (whether or not involving an employee of the Corporation). Thus, a breach of the PIDM Act by a member institution is a relevant wrongdoing for the purposes of this Policy.
- (g) The Policy operates within the framework of the Guidelines for Implementation of the Whistleblowing Protection Act 2010 (Act 711) ("the WPA Guidelines") and thus procedures for matters such as disclosures of improper conduct, complaints of detrimental action, management and storage of confidential information are subject to the Guidelines.



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1.7 The purposes and objectives of this Policy are as follows:

- (a) To facilitate the making of a disclosure as early as possible and in a responsible manner by putting into place internal procedures.
- (b) To address a disclosure in an appropriate and timely manner. When disclosure matters are addressed, they may be prioritised according to the nature or gravity of the alleged wrongdoings or reported risks and the magnitude of the repercussions.
- (c) To protect a Whistleblower from reprisal as a direct consequence of making a disclosure and to safeguard such person's confidentiality.
- (d) To treat both the Whistleblower and the alleged wrongdoer fairly. The Whistleblower will be informed of the status of his or her disclosure. The alleged wrongdoer will be informed of the allegations (though not necessarily at the start of the investigation) and given an opportunity to answer the allegations. The identities and personal information of the Whistleblower and the alleged wrongdoer will be revealed to persons involved in investigations or any other processes only in accordance with the WPA and the WPA Guidelines.

1.8 Defined terms used in this Policy shall have the same meaning as that stated in the WPA and the WPA Guidelines, and are as follows.

## 2.0 DEFINITIONS

**“Authorised Officer”** means:

- (a) the General Counsel; or
- (b) the Chairman of the Board.

**Provided That** where the Disclosure relates to the General Counsel, **“Authorised Officer”** shall mean:

- (a) the CEO; or
- (b) the Chairman of the Board.



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“**Board**” means the Board of Directors of the Corporation;

“**CEO**” means the Chief Executive Officer of the Corporation;

“**Confidential Information**” is information that cannot be disclosed under the WPA and includes information about the identity, occupation, residential address, work address, contact details such as mobile phone number or landline number or the whereabouts of a Whistleblower; a person against whom a Whistleblower has made a Disclosure of Improper Conduct; information disclosed by a Whistleblower; and information that, if disclosed, may cause detriment to any person;

“**Corporation**” means Perbadanan Insurans Deposit Malaysia;

“**Detrimental Action**” includes:

- (a) action causing injury, loss or damage;
- (b) intimidation or harassment;
- (c) interference with the lawful employment or livelihood of any person, including discrimination, discharge, demotion, suspension, disadvantage, termination or adverse treatment in relation to a person’s employment, career, profession, trade or business or the taking of disciplinary action; and
- (d) a threat to take any of the actions referred to in paragraphs (a) to (c);

“**Disciplinary Offence**” means any action or omission that constitutes a breach of discipline as provided by law or in a code of conduct, a code of ethics, a circular or a contract of employment, as the case may be;

“**Disclosure**” means a statement made by a Whistleblower whether verbally or reduced into writing, to an Authorised Officer in accordance with the requirements of the WPA;

“**Enforcement Agency**” means any ministry, department, agency or other body set up by the Federal or State or local Government, a body established by Federal or State law, or a unit, section, division, department or agency of a body established by a Federal or State law having investigation and enforcement functions;



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“**Improper Conduct**” is a wrongdoing referred to earlier, and means any conduct which if proved, constitutes a Disciplinary Offence or a Criminal Offence;

“**PIDM Act**” means the Malaysia Deposit Insurance Corporation Act 2011 (Act 720);

“**Related Person**” means any person related to or associated with the Whistleblower, including members of his or her family or close friends, so long as the relationship is not too remote;

“**Remedies**” means remedies that can be sought from a court of law, namely damages or compensation in financial form, an injunction or any other relief that the court sees fit to award;

“**Whistleblower**” means a person who makes a Disclosure in accordance with this Policy;

“**WPA**” means the Whistleblower Protection Act 2010 (Act 711); and

“**WPA Guidelines**” means the guidelines on the implementation of the WPA issued by the Legal Affairs Department of the Prime Minister’s Department, dated 18 January 2011, for Implementation of the Whistleblower Protection Act 2010.

### **3.0 MONITORING AND REVIEW**

3.1 In general, all Disclosures pursuant to this Policy are to be made to the Authorised Officer as designated by the Board.

3.2 The Authorised Officer is responsible for ensuring compliance with this Policy and will prepare reports annually for the Board, and such other reports as required by the WPA.

3.3 Without disclosing Confidential Information, the Board will be apprised of Disclosures of:

(a) wrongdoings that constitute offences under the PIDM Act (whether or not involving an employee of the Corporation);

(b) a serious nature; or



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(c) matters with grave repercussions.

3.4 This Policy may be reviewed and amended from time to time, as and when necessary, to ensure its relevance and effectiveness in keeping with the Corporation's changing business environment or administrative or operational needs.

#### 4.0 PROCEDURES

4.1 This Policy is intended to complement the normal channels of communication and reporting lines within the Corporation. Employees should first consult or raise their concerns with their immediate supervisors, heads of divisions, the head of the Human Capital Division or, where necessary, the CEO. However, if their complaints relate to such persons or if their concerns remain unresolved, this Policy provides a facility for employees to make Disclosures.

4.2 Employees and members of the public may also make Disclosures in regard to the relevant Improper Conduct to any Enforcement Agency having jurisdiction under the WPA.

#### A. WHO CAN DISCLOSE

1. Any person can make a Disclosure in accordance with the WPA. This includes:
  - The Corporation's employees, including employees on contract terms, temporary or short-term employees and employees on secondment.
  - Persons providing services to the Corporation including contractors and consultants.
  - Members of the public.

#### B. WHAT TO DISCLOSE

1. A Disclosure may be made if it relates to one or more of the following instances of Improper Conduct:
  - Corruption or fraud.
  - Criminal offence.



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- Misuse of the Corporation's funds or assets.
- Gross mismanagement within the Corporation.
- Serious financial irregularity or impropriety within the Corporation.
- Serious breach of the Corporation's Code Of Business Conduct And Ethics or Conflict Of Interest Code for its employees and directors.
- An act or omission which creates a substantial and specific danger to the lives, health or safety of the Corporation's employees or the public or the environment.
- Failure to comply with the provisions of the PIDM Act.
- Failure to comply with the provisions of the other Acts of Parliament where the wrongdoer, knowingly, disregards or does not comply with such provisions.
- Knowingly directing or advising a person to commit any of the above instances of Improper Conduct.

2. This Policy addresses Improper Conduct that relates to:

- (a) the conduct of an employee in breach of the Corporation's policies or procedures that would, if the employee is found guilty, constitute a Disciplinary Offence within the Corporation or a serious Criminal Offence; or
- (b) the conduct of any person, whether or not an employee of the Corporation, that would, if the person was found guilty, comprise a Criminal Offence under the PIDM Act.

Where the Improper Conduct is not within the jurisdiction of the Corporation, such as a report of a disciplinary offence within some other organisation (that is not also a breach of the PIDM Act), such a report will not be within the jurisdiction of the Corporation. The Whistleblower will be notified, and his or her consent must be obtained to channel the disclosure about the Improper Conduct to the right enforcement agency.<sup>1</sup>

3. This Policy excludes any issues, complaints or concerns about:

- (a) matters which are trivial, frivolous, malicious or vexatious<sup>2</sup> in nature or are motivated by personal agenda or ill will;

<sup>1</sup> Paragraph C(iii)2 of the WPA Guidelines. See also paragraph (i)B3 of the WPA Guidelines.

<sup>2</sup> Subsection 11(1)(c) of the WPA – this is reason to revoke the protection



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- (b) matters covered by the Corporation's Employee Grievance Procedures;
  - (c) matters pending or determined through the Corporation's disciplinary proceedings;
  - (d) matters pending or determined through any tribunal or authority or court, arbitration or other similar proceedings;
  - (e) matters principally involving questioning the merit of government policy, including matters of policy;<sup>3</sup> and
  - (f) disclosures specifically prohibited by any written law.<sup>4</sup>
4. The Improper Conduct could occur in various ways at any place, including in the course of the Corporation's business or affairs or at any workplace i.e., any place related to the Corporation's business or affairs, for example, on the Corporation's premises, at a charity event organised by the Corporation, or during a conference attended by its employee in the course of his or her work.
5. If an employee is unsure as to whether a particular act or omission constitutes an Improper Conduct under this Policy, he or she is encouraged to seek advice or guidance from his or her supervisor or head of division, or the head of Human Capital Division or, where necessary, the CEO. The Corporation will provide regular training sessions for supervisors and heads of divisions on the provisions of this Policy. A guidance for supervisors and heads of divisions on how they should handle Disclosures or related questions and a flow chart showing the process of how a Disclosure is handled will be distributed at these training sessions.

### C. WHEN TO DISCLOSE

1. A Whistleblower should come forward with any information or document that he or she, in good faith, reasonably believes discloses that an Improper Conduct is likely to happen, is being committed or has been committed.
2. The Whistleblower needs to demonstrate that he or she has reasonable grounds for the concerns. However, he or she is not expected to first obtain substantial evidence

<sup>3</sup> Subsection 11(1)(d) of the WPA – this is also reason to revoke the protection

<sup>4</sup> Proviso to subsection 6(1) of the WPA



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of proof beyond reasonable doubt when making a Disclosure. If he or she knows as a matter of fact that there are serious risks that an Improper Conduct is going to take place, such genuine concerns should be raised at that early stage.

3. Ideally, a Disclosure should be made as soon as possible after coming upon such information or document. Delaying the Disclosure may be detrimental to the Whistleblower as well as to any investigation, and will make it harder for the Corporation to investigate, address and resolve the concerns.
4. If a Whistleblower participated in the Improper Conduct, the protection provided by this Policy and under the WPA may be revoked.<sup>5</sup>

#### **D. HOW TO PROCEED**

1. Generally, all Disclosures pursuant to this Policy are to be made to the Authorised Officer. The Authorised Officer is either the General Counsel or the Chairman of the Board but where the Disclosure relates to the General Counsel, the Authorised Officer is either the CEO or the Chairman of the Board.

#### **Initial Disclosure**

2. A Disclosure can be made in writing or orally.<sup>6</sup>
3. The Authorised Officer will reduce to written form a Disclosure made verbally as soon as practicable, and the Whistleblower is to confirm the written statements by affixing his or her signature on the statements.<sup>7</sup> As far as reasonably practicable, such Disclosure will be made in a private room within the Corporation's office.
4. A Disclosure shall include at least the following particulars:
  - (a) (i) if the Whistleblower is an employee of the Corporation, his or her name, designation, current address and contact numbers; or

<sup>5</sup> Subsection 11(1)(b) of the WPA

<sup>6</sup> Subsection 6(3) of the WPA

<sup>7</sup> Paragraph (i)A(8) of the WPA Guidelines



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- (ii) if the Whistleblower is not an employee of the Corporation, his or her name, name of employer and designation, current address and contact numbers;
  - (b) the basis or reasons for his or her concerns including as many details of the Improper Conduct as reasonably possible, for example, its nature, the date, time and place of its occurrence and the identity of the alleged wrongdoer;
  - (c) particulars of witnesses, if any; and
  - (d) particulars or production of documentary evidence, if any.
5. The Whistleblower may be asked to provide further clarification and information from time to time.
6. Disclosures that do not allow the actual identity or information sufficient to contact the Whistleblower will not qualify for whistleblower protection.<sup>8</sup>

### Screening

7. The Authorised Officer will screen and assess the Disclosure to determine whether it constitutes an Improper Conduct or is excluded from the scope of this Policy. This screening process should not take more than one (1) month from the day the Authorised Officer receives the Disclosure. It may be completed immediately if the Improper Conduct is capable of causing irreparable harm to the Corporation.
8. A Disclosure can be made directly to the CEO or the Chairman of the Board in either of the following circumstances:
- (a) where the Improper Conduct involves the General Counsel; or
  - (b) where the Improper Conduct does not involve the General Counsel but the Whistleblower, in good faith, reasonably believes that there will be a cover-up or that the General Counsel is personally conflicted (for example, the General Counsel is a close friend of the alleged wrongdoer).

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<sup>8</sup> Paragraphs (i)A6 and 7 of the WPA Guidelines



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The Chairman of the Board has the authority to make final decisions including but not limited to any of those mentioned under paragraph 9 below. The Chairman of the Board may designate any persons, from within or outside the Corporation to conduct any investigation or to carry out any other process pursuant to this Policy (for example, to convene any meeting or to conduct an internal audit).

### Deciding Authority

9. Following screening and assessment of the Disclosure to determine whether it constitutes an Improper Conduct or is excluded from the scope of this Policy, in the case where the Disclosure was made to the General Counsel, the CEO has the authority to make final decisions including but not limited to any of the decisions listed in (a) to (i) below. Where the the Disclosure was made to the CEO the Chairman of the Board, the Chairman of the Board has the authority to make final decisions including but not limited to any of the decisions listed in (a) to (i) below.
  - (a) Rejection of the Disclosure.
  - (b) Directing the concerns or any part thereof for consideration under other internal procedures, such as the Employee Grievance Procedures or the disciplinary procedures, if appropriate and applicable.
  - (c) Where the Disclosure relates to matters which lie outside the Corporation's investigative or other powers in line with the WPA and WPA Guidelines, directing the Disclosure to any other Enforcement Agency as provided under and in accordance with the WPA and the WPA Guidelines.
  - (d) Resolution without recourse to an investigation.
  - (e) Directing investigations of the Disclosure and any persons involved or implicated.
  - (f) Suspending the alleged Wrongdoer or any other implicated persons from work to facilitate any fact-finding or to avoid any employee's exposure to a threat or harm.
  - (g) Designating the Authorised Officer or any other persons from within or outside the Corporation to conduct any investigation or to carry out any other process pursuant to this Policy (for example, to convene any meeting or to conduct an internal audit).
  - (h) Obtaining any other assistance (for example, from external auditors or legal advisors).



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- (i) Referral to the police or any other appropriate enforcement authority in accordance with the WPA and the WPA Guidelines.
10. If the Disclosure involves the Chairman of the Board, the Disclosure will be referred directly to the Chairperson of the Remuneration Committee who will then be responsible for the investigation and recommendation to the Board. The Chairperson of the Remuneration Committee may refer the Disclosure to the Chairperson of the Audit Committee if the Improper Conduct comes within the purview of the Audit Committee (for example, if the Improper Conduct is financial in nature e.g. fraud). In the latter event, the Chairperson of the Audit Committee will be responsible for conducting the investigation and making the appropriate recommendation to the Board. In either case, the Board has the authority to make final decisions and, if applicable, shall make a recommendation to the Minister of Finance for the removal of the Chairman of the Board.
11. The duties and responsibilities of the Authorised Officer under the WPA and the WPA Guidelines are set out in the Appendix.

#### **Being Informed, Opportunity To Be Heard and Reports**

12. The Whistleblower will be informed of the status of his or her Disclosure matter as far as reasonably practicable.
13. The Whistleblower and the alleged wrongdoer are expected to give his or her full cooperation in any investigation or any other process carried out pursuant to this Policy.
14. The alleged wrongdoer may be asked, if required, to attend a meeting to discuss the allegations (“the Meeting”) and must take all reasonable steps to attend the Meeting. He or she will be given an opportunity to answer the allegations at the Meeting, and his or her answers will be recorded in the minutes of the Meeting. The Meeting may then be adjourned for the Corporation to get any advice or undertake further investigations if necessary. A Meeting may not necessarily be held within the early stages of an investigation.
15. In the event the Whistleblower is implicated or discovered to be or to have been involved in any Improper Conduct, he or she may also be investigated so as to

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complete the fact-finding process. An investigation is not and shall not be treated as a reprisal by way of Detrimental Action against the Whistleblower, since it facilitates decision-making. The Whistleblower may then be asked to attend a meeting to discuss the allegations and must take all reasonable steps to attend that meeting. He or she will be given an opportunity to answer the allegations at that meeting, and his or her answers will be recorded in the minutes of that meeting. That meeting may be adjourned for the Corporation to get any advice or undertake further investigations if necessary.

16. At the end of such investigation and after a decision is made by the relevant authority, the Authorised Officer shall prepare and submit a final report, which should include the findings and recommended action to be taken, if any (“the Report”). If the investigation shows that:
  - (a) an Improper Conduct has not occurred, the Whistleblower shall be informed within 14 days of the Report being prepared;
  - (b) an Improper Conduct has occurred which constitutes a Disciplinary Offence, and the alleged wrongdoer is not an employee of the Corporation, the Report shall be forwarded to the employer of the alleged wrongdoer within 14 days of the Report being prepared;<sup>9</sup>
  
17. The Corporation is entitled to receive feedback on the results of the disciplinary proceedings, or, as the case may be, reasons as to why no action was taken against the alleged wrongdoer. If the Corporation is not satisfied with the outcome of the disciplinary proceedings, the Corporation shall submit a report to the Minister (“Minister’s Report”) and notify the Whistleblower.<sup>10</sup>
  
18. If the investigation shows that an Improper Conduct has occurred which amounts to a Criminal Offence, the Report shall be forwarded to the Public Prosecutor.<sup>11</sup> Where the Public Prosecutor decides to prosecute, the Corporation shall be entitled to receive periodic reports from the Public Prosecutor on the status of the prosecution until the decision is made.<sup>12</sup> The Corporation will inform the Whistleblower of the decision within 14 days of the decision being made. Where the Public Prosecutor

<sup>9</sup> Paragraph C(iv)3 of the WPA Guidelines

<sup>10</sup> Paragraph C(iv)8 of the WPA Guidelines

<sup>11</sup> Paragraph C(iv)4 of the WPA Guidelines

<sup>12</sup> Paragraph C(iv)7 of the WPA Guidelines



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decides not to prosecute, the Corporation shall inform the Whistleblower within 14 days of the Public Prosecutor's decision.

### Consequence Of Improper Conduct Or Wrongful Disclosure

19. If an employee of the Corporation has, or is found to have:
- (a) committed an Improper Conduct;
  - (b) taken serious risks which would likely cause an Improper Conduct to be committed;
  - (c) made a Disclosure not in accordance with the requirements of this Policy (for example, he or she has made a Disclosure which was found to be dishonest, mischievous or malicious); or
  - (d) participated or assisted in any process pursuant to this Policy otherwise than in good faith,

the corrective actions to be taken against that employee will be determined by the CEO or, if so delegated by the CEO, the Management, which may include disciplinary measures, formal warning or reprimand, demotion, suspension or termination of employment or services with the Corporation or monetary or other form of punishment.

### E. PROTECTION

1. Upon making a Disclosure in good faith, based on reasonable grounds and in accordance with the procedures in this Policy:
- (a) the Whistleblower and any Related Person will be protected from a reprisal by way of Detrimental Action within the Corporation as a direct consequence of his or her Disclosure; and
  - (b) the Whistleblower's Confidential Information will be kept confidential and will not be disclosed in any civil, criminal or other proceedings and any books, documents or papers which are in evidence or liable to inspection shall have



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<b>Ref No</b>	BOD/LEGAL/2006/07	<b>Version No</b>	3.0
<b>Initial Approved Date</b>	26/09/2006	<b>Last Reviewed Date</b>	26/02/2015
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the passages obliterated or concealed from view so far as necessary to protect the whistleblower from discovery.<sup>13</sup>

2. The Confidential Information of the Whistleblower and the alleged wrongdoer may be revealed to persons involved in investigations or any other processes strictly on a “need to know” basis.
3. If an employee of the Corporation or a member of the public, in good faith, reasonably believes he or she is being subjected to Detrimental Action as a direct consequence of having made a Disclosure under this Policy, he or she (“the Complainant”) may consult the Authorised Officer in confidence. Essentially, the complaint will be processed in a similar manner as a Disclosure and is subject to similar requirements.
4. The Improper Conduct being addressed in this instance is the Detrimental Action complained of.
5. If an employee of the Corporation is found to have taken the Detrimental Action complained of; or if the Disclosure was made otherwise than in good faith and is not based on reasonable grounds, the CEO or, if so delegated by the CEO, Management will determine the action to be taken which may include disciplinary measures, a formal warning or reprimand, demotion, suspension or termination of employment or services with the Corporation or monetary or other forms of punishment.
6. If Detrimental Action is found to have been taken by a person who is not an employee of the Corporation against a Whistleblower who is not an employee of the Corporation, the provisions of Part 4.0 Section D Subparagraph 16(b) of this Policy will apply, and a report will be made to the employer of the alleged wrongdoer for further action.

#### **F. REVOCATION OF PROTECTION**

1. If after or during the course of an investigation into a Disclosure by a Whistleblower, it appears that:

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<sup>13</sup> Section 8 of the WPA



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- (a) the Whistleblower himself has participated in the Improper Conduct which is the subject of the Disclosure;
- (b) the Disclosure contained a material statement which the Whistleblower knew or believed to be false;
- (c) the Disclosure of the Improper Conduct was frivolous or vexatious;
- (d) the Disclosure of Improper Conduct involves the questioning of the merits of Government policy or the policy of a public body;
- (e) the Disclosure of Improper Conduct was made solely to avoid dismissal or other criminal or disciplinary action; or
- (f) in the course of making the Disclosure, the Whistleblower commits an offence under the WPA,

then the protection provided pursuant to Section 7 of the WPA, which is set out in Part 4.0 Section E above, will immediately be revoked, and the Whistleblower will be informed of this revocation in writing.<sup>14</sup>

## **G. REMEDIES FROM COURT**

1. A Whistleblower or any Related Person may apply through the Corporation to seek Remedies as stated in this Section.
2. A request for Remedies from the Court may be made by a Whistleblower or any Related Person:
  - (a) within three (3) months of being informed by the Corporation that Detrimental Action has been taken against him or her for having made a Disclosure; or
  - (b) at any time when he or she fears that Detrimental Action for a Disclosure may be made against him or her.

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<sup>14</sup> Section 11 of the WPA



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3. A request for Remedies from the Court may be made either by the Corporation on behalf of the Whistleblower, or by a lawyer appointed by the Whistleblower. If after a request for Remedies is made and action is taken by the Corporation on behalf of the Whistleblower, the Whistleblower informs the Corporation that he or she wishes to apply to court for Remedies through his own lawyer, then the Corporation may discontinue representing the Whistleblower, and costs incurred by the Corporation in applying for the Remedies shall be reimbursed by the Whistleblower to the Corporation.

## 5.0 QUICK CHECKLIST FOR A WOULD-BE WHISTLEBLOWER

### Do

- promptly make a note of concerns and documentary evidence;
- make the Disclosure responsibly and in good faith – think of the consequences before acting;
- follow this Policy and consult the persons stated in Section B Part 4.0 Paragraph 5 of this Policy if unsure about the matter.

### Don't

- be afraid to raise genuine concerns;
- accuse any individuals directly;
- use this Policy because of ill will or further your own personal agenda.

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[Appendix: Duties and Responsibilities of the Authorised Officer under the WPA and the WPA Guidelines]



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## APPENDIX

### Responsibilities of Authorised Officer under the Whistleblower Protection Act 2010 and the Guidelines for the Implementation of the Whistleblower Protection Act 2011

#### Receiving Disclosure Orally or in Writing

- (a) The Authorised Officer will receive the Disclosure orally or in writing. If the Disclosure was made orally, then the Authorised Officer is required as soon as practicable to reduce it into writing.<sup>15</sup>

#### Obtaining Validation from Whistleblower

- (b) The Authorised Officer is required to read the Disclosure of improper conduct to the Whistleblower and obtain validation from the Whistleblower as its accuracy. Once the Whistleblower is satisfied with the information he is then required to sign or affix his finger print as proof of acknowledgement that he has made Disclosure of improper conduct.<sup>16</sup>

#### Register

- (c) The Authorised Officer shall prepare a register and record each Whistleblower who fulfills the criteria under the WPA.

#### Investigation by the Authorised Officer

- (d) The Authorised Officer shall investigate the matter and if the Disclosure of improper conduct does not fall within the Corporation's jurisdiction the Whistleblower shall be notified and his consent must be obtained to channel the Disclosure to the relevant enforcement agency.<sup>17</sup>

#### Enlisting the Assistance of Other Persons for Purposes of Investigation

- (e) In discharging the above responsibilities, the Authorised Officer may enlist the assistance of other persons "out of necessity in conducting an investigation" provided that such other persons maintain confidentiality.

<sup>15</sup> Section 6 WPA and the Guidelines ("Disclosure of Improper Conduct/Complaints of Detrimental Action").

<sup>16</sup> The Guidelines stipulate processes to be complied with if the Whistleblower refuses to make any written notes due to concerns for safety.

<sup>17</sup> Section 20 WPA and Guidelines ("Determination of Jurisdiction to Investigate Disclosure of Improper Conduct/Complaints of Detrimental Action).



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### Report of Investigation

- (f) The Authorised Officer shall prepare a report on the investigation of the Disclosure of improper conduct and the report shall contain the findings of the outcome and recommendation for further action. Where the improper conduct amounts to a criminal offence, the report has to be presented to the Public Prosecutor. Where the improper conduct shows a disciplinary offence, the office/employer of the wrongdoer shall be notified and presented with a recommendation.<sup>18</sup>

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<sup>18</sup> The Guidelines contain further procedures subsequent to the reporting by the Authorised Officer.