

RESTRICTED

WHISTLEBLOWING POLICY

VERSION 1.2

1. Introduction

- 1.1 The Insurance Authority (“IA”) is committed to maintaining high standards of transparency, accountability and integrity. It expects and encourages its employees and other counterparties (e.g. contractors, suppliers, etc.) to report suspected fraud, misconduct, malpractice or irregularity within the IA.

2. Purpose

- 2.1 The Whistleblowing Policy (“Policy”) aims to outline channels and guidance on how to report suspected fraud, irregularity, malpractice or misconduct within the IA, and offers reassurance that protection will be accorded to those filing the reports against discrimination or reprisal.

3. Scope of Coverage

- 3.1 Cases reported under this Policy should be connected with discharge of official duties by staff of the IA. Some examples are:
- criminal offence and unlawful acts such as blackmail, bribery, corruption, fraud, forgery and theft;
 - failure to comply with legal or regulatory obligations;
 - abuse of authority or office;
 - breach of internal policies or rules such as confidentiality undertaking, financial control and procurement procedure; and
 - act or omission that threatens the lives, health or safety of the general public.
- 3.2 The following are not covered under this Policy:
- complaint about existing provisions within and policies emanated from the Insurance Ordinance;
 - matter with no nexus to the IA;
 - allegation against former staff of the IA;
 - staff grievance on unfair treatment; and
 - dissatisfaction on how staff of the IA perform their duties.

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4. Protection for the Whistleblower

- 4.1 The whistleblower should ensure accuracy of the information supplied to the IA and will not be subject to any form of discrimination or reprisal, so long as he/she is acting in good faith. Nonetheless, the IA may opt not to proceed with or continue pursuing an investigation and to take actions against anyone known to have made false or malicious allegations.

5. Confidentiality

- 5.1 Although every effort will be made to protect the identity of a whistleblower, he/she should refrain from disclosing details about the case. Where circumstances dictate that the identity must be revealed under applicable laws or regulatory obligations, the whistleblower will be informed.

6. Reporting Channels

- 6.1 A whistleblower should complete the **Whistleblowing Report Form**¹ (“Report Form”) and send it with supporting documents to the Senior Internal Audit Manager (“SIAM”) of the IA through the following channels:

Post*/In Person: Insurance Authority
19th Floor, 41 Heung Yip Road
Wong Chuk Hang
Hong Kong
(Attn: Senior Internal Audit Manager)

Email: whistleblowing@ia.org.hk

* The Report Form should be placed in a sealed envelope marked “*Strictly Private and Confidential – To be opened by the addressee only*”.

- 6.2 For a case that implicates the SIAM, attention should be directed to the IA Secretary via the address cited in Section 6.1 or by email at complaint-against-IA@ia.org.hk.

¹ https://www.ia.org.hk/en/aboutus/governance/files/Whistleblowing_Report_Form.docx

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7. Time Limit

- 7.1 A case will be dealt with if it is lodged within one year from the date the whistleblower becomes aware of the situation. Cases lodged after this date will still be addressed if there are justifications for the delay.

8. Anonymous Cases

- 8.1 The IA will only accept cases lodged anonymously where solid materials/evidence are available. It may discontinue and then re-open an investigation upon discovery of new materials/evidence. In any event, a decision made by the IA is final.

9. Communication with the Whistleblower

- 9.1 An acknowledgement will be sent to the whistleblower within ten working days after receipt of a case if contact information is provided. The outcome of an investigation will be communicated to the whistleblower within a reasonable timeframe.

10. Investigation and Reporting Process

- 10.1 The SIAM will carry out a preliminary assessment of each case received and report to the Audit and Risk Committee (“ARC”) or to the IA Board if the ARC Convenor is involved, without the need to route through the Chief Executive Officer (“CEO”) and the Director of Corporate Services. The ARC or the IA Board may authorize the Internal Audit Section (“IAS”) or another party to conduct an investigation.
- 10.2 If a case involves the ARC Convenor, the SIAM should report to the IA Board; if it involves the IA Chairman (who is a member of the ARC), the SIAM should report to the ARC without his/her presence; if the case involves the ARC Convenor and the IA Chairman, the SIAM should report to the IA Board without their presence; if the case involves other member(s) of the IA Board, the SIAM should report to the ARC or the IA Board without his/her/their presence; if the case involves the SIAM, the IA Secretary should invite the ARC to appoint a suitable party to follow up.
- 10.3 Depending on the subject matter, referrals may be made to a public/regulatory body or law enforcement agency (“LEA”) within ten working days upon receipt of a case after seeking approval from the ARC Convenor or the IA Chairman. If the case involves the ARC Convenor and the IA Chairman, the CEO should be consulted; if

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the case involves the ARC Convenor, the IA Chairman and the CEO, referral should be made directly by the SIAM.

- 10.4 Once a referral is made, the IA will withhold actions and inform the whistleblower. When the investigation is completed, a report on actions taken and recommendations for improvement should be prepared. The ARC or the IA Board may also order that a panel be established to investigate complex cases.
- 10.5 A decision made by the IA is final unless new materials/evidence are presented and is not subject to appeal. If the whistleblower continues to pursue without additional input, the SIAM may refrain from further engagement with him/her after obtaining endorsement from the ARC or the IA Board (without the presence of those members who are involved in the case).

11. Personal Data

- 11.1 The personal data obtained under this Policy will be used solely for conducting an investigation or other purposes permitted by law. The whistleblower is entitled under the Personal Data (Privacy) Ordinance to check whether the IA is holding his/her personal data and request access to or correction of such data subject to limitations contained therein. Enquiries should be made in writing to the Personal Data Privacy Officer of the IA at 19th Floor, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong or by email at cgs@ia.org.hk.

12. Record Retention

- 12.1 The record of all cases should be kept by the IAS for a minimum period of three years and up to seven years from the date of closure.

13. Periodic Review

- 13.1 This Policy should be reviewed at least biennially and the amendments thereto should be approved by the ARC.