



DATE: 10th November 2019

SUBJECT: Whistleblowing Guidance Note for DMCC Members

1. What is the purpose of this Guidance Note?

The purpose of this guidance note ("**Guidance Note**") is to encourage any DMCC Member (as defined in section 3 below) who becomes aware of any wrong-doings within or closely connected to any DMCC Member or any persons or companies related to any of them ("**DMCC Matters**") to report his/her concern at the earliest opportunity so that the matter can be properly investigated. DMCCA is committed to treating all disclosures consistently and fairly and to take all reasonable steps to maintain the confidentiality of investigations within the requirements of applicable laws.

This Guidance Note is complementary to, and intended to be read in conjunction with, the rules and regulations of the DMCCA applicable to DMCC Members from time to time ("**DMCCA Rules & Regulations**").

2. What is meant by the term "Whistleblowing by DMCC Member"?

In this Guidance Note, "**Whistleblowing**" describes when a DMCC Member discloses to DMCCA information which suggests, in the reasonable opinion of that person, that there is a Whistleblowing Concern relating to DMCC Matter.

"**Whistleblowing Concern**" is a concern about a DMCC Member regarding actual or potential illegal activity or unacceptable or undesirable behaviour of public concern or which may have reputational impact. For the avoidance of doubt, Whistleblowing Concern can be raised for any wrong- doings of a DMCC Member, including but not limited to the any of the following:

- (a) financial malpractice or impropriety or fraud;
- (b) failure to comply with a legal obligation or applicable laws;
- (c) human rights abuses (including dangers to health and safety or the environment);
- (d) criminal activity;
- (e) improper conduct or unethical behavior;
- (f) attempts to conceal any violations of the DMCC Rules and Regulations or AML/CFT laws;
- (g) falsification of documents or fraudulent suppliers; and
- (i) direct or indirect violations of the DMCC Rules and Regulations or AML/CFT laws.

3. Who does Whistleblowing apply to?

Whistleblowing applies to any of the following (each, a "**DMCC Member**"):

- (a) DMCC member companies;
- (b) employees of DMCC member companies;

- (c) former employees of DMCC member companies;
- (d) individuals whose contracts or immigration requirements in respect of employment by a DMCC member company are in process or otherwise subject to being finalised;
- (e) consultants, contractors or suppliers engaged by DMCC member companies;
- (f) all accredited members, their employees or former employees of DMCC memberships and clubs;
- (g) owners, tenant or residents of, and visitors to, the DMCC Free Zone; and
- (h) owners' associations and related management companies in respect of property located in the DMCC Free Zone.

4. Suspicions of a Whistleblowing Concern

On discovery of any information which could give rise to a Whistleblowing Concern, the DMCC Member wishing to make a disclosure should promptly disclose such information to DMCCA, stating in such disclosure an explanation of the associated grounds for reasonable suspicion.

The term “**reasonable suspicion**” means that the DMCC Member does not have to prove the possible violation or suspected wrongdoing but must be able to substantiate his/her suspicions. The suspicion must be sufficiently specific and based on personal observations or documents (e.g. e-mails, reports, letters or photos). Hearsay is not sufficient grounds for DMCCA investigation.

5. Procedures for reporting to DMCCA

Any DMCC Member wishing to disclose a Whistleblowing Concern may send an email notification to DMCCA with any supporting evidence to members.whistleblowing@dmcc.ae. A DMCC Member may choose to notify DMCCA of a Whistleblowing Concern on an anonymous basis from any form of email account.

On receipt of notification, DMCCA Compliance department will review and assess the validity of the reported case and determine appropriate actions including if it is necessary to escalate the case on a confidential basis to relevant local and federal government authorities.

DMCC Members are called upon to report any Whistleblowing Concern promptly. Reports can be made on an anonymous basis.

Reports that are not sufficiently substantiated due to a lack of factual information may not be capable of investigation.

6. Anonymity and Confidentiality

6.1. Anonymity

A DMCC Member may choose to notify DMCCA of a Whistleblowing Concern on an anonymous basis.

An anonymous disclosure may be investigated by DMCCA at its sole discretion. In exercising this discretion, the factors to be taken into account will include:



- (a) the seriousness of the issues raised;
- (b) the credibility of the concern; and
- (c) the likelihood of confirming the allegation from attributable sources.

6.2. Confidentiality

DMCCA will treat any disclosure made pursuant to this Guidance Note and the identity of the DMCC Member making such a disclosure in a confidential and sensitive manner. Disclosure may only be made to the extent required or permitted by law or legal or regulatory authority. An investigation arising from an anonymous disclosure may itself reveal the identity of the disclosing party. A DMCC Member who makes a disclosure to DMCCA may be called upon by legal or regulatory authority to provide a statement relating to the Whistleblowing Concern.

7. Protection

A disclosure of information in accordance with this Guidance Note will offer protection to a person provided the disclosure is made:

- (a) in good faith; and
- (b) with reasonable suspicion.

Such protection may, however, not be available to a person who raises malicious, unsubstantiated or untrue claims of misconduct or wrongdoing. DMCCA does not accept any responsibility or liability for any consequences, losses, damages or harm, whether direct, indirect, special, incidental or consequential, arising out of any disclosure made pursuant to this Guidance Note, under any applicable law.

8. Timescales for Investigations

Due to the varied nature of circumstances, which may involve internal investigators and/or local or federal governmental authorities, DMCCA is unable to prescribe precise timescales for any Whistleblowing investigation. DMCCA will ensure that investigations are undertaken efficiently and effectively without compromise to the integrity or credibility of process.