

Nefndasvið Alþingis
Austurstræti 8-10
150 Reykjavík
Iceland

20 November 2013

RE: Disclosure of Information and Protection of Whistleblower Bill, case no. 453

Dear Madam or Sir,

We are writing to you regarding the Disclosure of Information and Protection of Whistleblower Bill, which we understand has been introduced to the Althingi. We very much appreciate the opportunity to provide input on this very important legislative proposal.

Transparency International is the global coalition against corruption. Through more than 100 national chapters worldwide and an international secretariat in Berlin, we work with partners in government, business and civil society to put effective measures in place to tackle corruption. Our mission is to stop corruption and promote transparency, accountability and integrity at all levels and across all sectors of society. Our core values are: transparency, accountability, integrity, solidarity, courage, justice and democracy. We are politically non-partisan and place great importance on our independence.

TI has been working to improve whistleblower laws and protections since 2008. Currently we are working with governments, corporations, NGOs, and research and academic institutions in more than 40 countries. We have played a role in the passage, improvement or proposal of numerous whistleblower laws and procedures. We are the only international NGO to have developed recognised standards for whistleblower protection legislation.

The Disclosure of Information and Protection of Whistleblower Bill includes many of the fundamental elements of a comprehensive whistleblower protection law. In particular, it appears to cover:

- public- and private-sector employees
- confidential and anonymous disclosures
- internal and external disclosure channels
- a broad definition of wrongdoing that may be disclosed
- a broad definition of retaliation
- a broad definition of compensation
- the superceding of loyalty and confidentiality clauses

Importantly, the bill would establish a standalone law, which is essential for an enforceable and credible whistleblower protection system.

Overall, and in principle, the bill provides a solid framework for legal protections for whistleblowers. In terms of application and enforcement, we would advise that any implementation regulations include:

- the establishment of an independent agency to receive and investigate whistleblower disclosures and complaints
- a stipulation that the burden of proof falls on employers to demonstrate that actions taken against employees were not motivated by whistleblowing
- a stipulation for penalties for those who retaliate against whistleblowers

- a stipulation that malicious and knowingly false disclosures are not protected, and that victims of malicious disclosures are eligible for compensation
- clear internal and external reporting channels
- unambiguous rules for the disclosure of national security information and official secrets
- opportunities for a fair and transparent hearing for aggrieved whistleblowers
- periodic reviews of the law and its enforcement by non-governmental stakeholders
- mechanisms to follow up valid whistleblower disclosure with appropriate policy reforms

We urge members to enact a whistleblower law in accordance with TI's "International Principles for Whistleblower Legislation", which are available here...
http://www.transparency.org/whatwedo/pub/international_principles_for_whistleblower_legislation

A strong whistleblower law in Iceland, by comparison, would put the country ahead of a vast majority of countries in the EU. In a report we released earlier this month, we found that in only 4 of 27 EU countries studied would a government or company employee who discloses serious wrongdoing be adequately protected by law from being fired or harassed. The report is available here...

http://www.transparency.org/whatwedo/pub/whistleblowing_in_europe_legal_protections_for_whistleblowers_in_the_eu

Thank you very much for again the opportunity to comment on this important proposal. We are hopeful that Iceland will implement a strong, designated law to protect whistleblowers and enable the disclosure of information in the public interest.

Best regards,

Mark Worth

Whistleblower Programme Coordinator

Transparency International

Alt-Moabit 96, 10559 Berlin, Germany