



WHISTLEBLOWER POLICY AND PROCEDURES
FOR
BURSA MALAYSIA GROUP

April 2020

This handbook is the copyright of the Internal Audit of Bursa Malaysia Berhad. No part of this manual may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without prior permission in writing from the Director of Internal Audit

WHISTLEBLOWER POLICY AND PROCEDURES

TABLE OF CONTENTS

1.0	DOCUMENT ADMINISTRATION		
1.1	Record of Revision		3
1.2	List of Abbreviations		3
2.0	INTRODUCTION		
2.1	Purpose		4
2.2	Scope		4
2.3	Exclusions		4
2.4	Oversight and Ownership of Policy		5
2.5	Definitions		5 - 6
3.0	DEFINING WHISTLEBLOWING		
3.1	What is Whistleblowing?		6 - 7
3.2	Other Procedures		7
4.0	SAFEGUARDS		
4.1	Requirement of Good Faith		7 - 8
4.2	Protection Against Detrimental Action		8
4.3	Protection of Confidential Information		8
4.4	When Protection May Not Be Available		9
5.0	REPORTS OF IMPROPER CONDUCT		
5.1	Lodging a Report of Improper Conduct		9 - 10
5.2	Anonymous Reports		10
6.0	INVESTIGATION		
6.1	Log of Reports of Improper Conduct		10
6.2	Investigation Procedures		11
6.3	Preliminary Investigation		11 - 12
6.4	Full Investigation		12
6.5	Findings of Investigation		12 - 13
6.6	Decision		13
6.7	Corrective Action		13
6.8	Disciplinary Action		13
7.0	WHISTLEBLOWER PROTECTION ACT 2010 (“ACT”) AND LISTING REQUIREMENT		
7.1	Whistleblower Protection Action		14
	2010 - Application of the Act		
7.2	Listing Requirement		14 - 15
	APPENDIX A		
	FORM FOR DISCLOSURE OF IMPROPER CONDUCT		16 – 17
	APPENDIX B		
	FORM FOR COMPLAINT OF DETRIMENTAL ACTION		18
	APPENDIX C		
	SALIENT TERMS OF THE WHISTLEBLOWER PROTECTION ACT 2010 ...		19 – 21

WHISTLEBLOWER POLICY AND PROCEDURES

1.0 DOCUMENT ADMINISTRATION

1.1 Record of Revision

Revision No.	Description of Change	Revised By	Change Date	Effective Date
1.0	Document Creation	Internal Audit	28 December 2011	28 December 2011
2.0	1 Enhancement of Employee policy. 2 Included document control in Section 1.0. 3 Included Listing Requirement.	Basheerah Syed Ahmed, SVP Internal Audit	22 April 2020	30 April 2020

1.2 List of Abbreviations

Acronym	Definition
AC	Audit Committee
BHEUU	Bahagian Hal Ehwal Undang-Undang
Bhd.	Berhad
CEO	Chief Executive Officer
IA	Internal Audit
I/C	Identity Card
MACC	Malaysian Anti-Corruption Commission
SMS	Short Message Service

WHISTLEBLOWER POLICY AND PROCEDURES

2.0 INTRODUCTION

2.1 PURPOSE

- 2.1.1 This Whistleblower Policy and Procedures (“Policy”) seeks to enhance corporate governance and to foster an environment where integrity and ethical behavior is maintained and any improper conduct and/or wrongdoing in the company may be exposed.
- 2.1.2 The Policy may also act as an early warning system and may enable the company to remedy any improper conduct and/or wrongdoing before serious damage is caused.
- 2.1.3 The purpose of this Policy is to provide a formal, confidential channel to enable Employees and external parties to report in good faith, serious concerns of any improper conduct and/or wrongdoing that could adversely impact Bursa Malaysia Berhad or its subsidiaries, its Employees, shareholders, investors, or the public at large without fear of being subject to Detrimental Action (refer Section 4.2).

2.2 SCOPE

- 2.2.1 This Policy applies to all Employees of Bursa Malaysia Berhad and its subsidiaries.
- 2.2.2 This Policy covers all reports made against any Employee who has committed an improper conduct.
- 2.2.3 A report of Improper Conduct may be made by:
- (a) any Employee who has knowledge of an Improper Conduct committed by another Employee; or
 - (b) any External Party that has knowledge of an Improper Conduct committed by an Employee.

2.3 EXCLUSIONS

- 2.3.1 This Policy excludes procedures for external parties to lodge reports of an Improper Conduct committed by any market participants such as Listed Companies or Participating Organisations or Trading Participants.
- 2.3.2 Any reports of Improper Conduct committed by market participants and/or any breach of the securities laws by any market participant should be channelled to the Securities Commission which is an “enforcement agency” under the Whistleblower Protection Act 2010 (“Act”). As Bursa Malaysia is not recognised by the Legal Affairs Division / Bahagian Hal Ehwal Undang-Undang (“BHEUU”) of the Prime Minister’s Department (which is the coordinating agency of the Act) as an “enforcement agency” under the Act, any reports made to Bursa Malaysia will not be subject to the protection provided for under the Act.

WHISTLEBLOWER POLICY AND PROCEDURES

2.4 OVERSIGHT AND OWNERSHIP OF POLICY

- 2.4.1 The Audit Committee of Bursa Malaysia is responsible for the oversight of, and is ultimately accountable for this Policy.
- 2.4.2 The Audit Committee has delegated day to day responsibility for the administration and implementation of the Policy to the Director of Internal Audit. The use and effectiveness of this Policy shall be regularly monitored and reviewed by the Director of Internal Audit.
- 2.4.3 The Director of Internal Audit (IA) shall be responsible for incorporating any amendments and updates into this document, obtaining the approval of the Audit Committee for those amendments and updates and distributing the same to the relevant parties.

2.5 DEFINITIONS

CEO	The person holding the office of Chief Executive Officer
Company	Bursa Malaysia Berhad and/or any of its subsidiaries
Confidential Information	Any information that is by its nature confidential or sensitive and/or not generally available to the public and, in this Policy, include: <ul style="list-style-type: none"> (a) Information about the identity, rank, position or other personal details of a Whistleblower; or (b) a person against whom a Whistleblower has made a disclosure; or (c) information disclosed by a Whistleblower; or (d) information that, if disclosed, may cause detriment to any person.
Detrimental Action	Unfair dismissal, victimisation, demotion, suspension, intimidation or harassment, discrimination, any action causing injury, loss or damage or any other retaliatory actions
Director of IA	The person heading the Internal Audit function of the Company
Employee	Any employee of the Company and shall include contract staff, consultants, temporary employees and interns
External Party	An individual or organization other than the Employees of the Company

WHISTLEBLOWER POLICY AND PROCEDURES

Improper Conduct	Any conduct which if proven constitutes a criminal offence or any conduct that constitutes a wrongdoing or malpractice and may include any of the examples stated in section 3.1.2.
Independent Party	An independent third party appointed by the Audit Committee to conduct any investigation in respect of any report of Improper Conduct
Management	Immediate supervisors, Heads of Department, Heads of Division and the CEO
Policy	Whistleblower Policy and Procedures for the Bursa Malaysia Group
Whistleblower	A person who makes a report of Improper Conduct under this Policy

3.0 DEFINING WHISTLEBLOWING

3.1 WHAT IS WHISTLEBLOWING?

3.1.1 Whistleblowing is defined as the deliberate, voluntary disclosure or reporting of individual or organisational malpractice by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated Improper Conduct within the organisation or by an organisation that is within its ability to control.

3.1.2 Improper Conduct is generally described as any conduct by an Employee which if proven constitutes a criminal offence or any conduct that constitutes a wrongdoing or malpractice and may include, but not limited to any of the following:

- (a) The breach of any law, regulation or rule that is applicable to the Company and breaches of policies and procedures. For example, a breach of insider trading laws.
- (b) Any criminal act, including criminal breach of trust, extortion and sabotage.
- (c) Any act that is likely to cause significant financial loss or costs to the Company including any intentional misrepresentation of the Company's financial statements.
- (d) Any breach of ethics as described in the Code of Ethics or conflict of interest and/or any fraudulent act including those described in the Anti-Fraud, Bribery & Corruption Policy, Entertainment Policy, Purchasing Manual and other relevant documents. Examples of such acts include forgery, theft, any form of corruption (including accepting and giving bribes), unauthorised disclosure of the Company's confidential information and abuse of power for personal gain.

WHISTLEBLOWER POLICY AND PROCEDURES

- (e) Any other action that would cause significant harm to the Company or to any person(s).
- (f) The deliberate concealment of information concerning any of the matters listed above.

3.2 OTHER PROCEDURES

3.2.1 The distinction between Whistleblower procedures and Grievance procedures

Typically, the Improper Conduct that is the subject matter of a whistleblowing does not affect the complainant personally. They are therefore different from a normal grievance or complaint in which the complainant is personally affected. If you are the victim of an Improper Conduct, the complaint shall be channelled through the grievance procedure so that the appropriate action may be taken and any restitution be made (if applicable).

3.2.2 Sensitive matters

Sensitive matters may have different procedures for reporting of any improper conduct or wrongdoing such as sexual harassment. In circumstances where there are specific procedures prescribed, those specific procedures shall prevail.

4.0 SAFEGUARD

4.1 REQUIREMENT OF GOOD FAITH

4.1.1 Since an allegation of Improper Conduct may result in serious personal repercussions for the person who has allegedly committed an Improper Conduct, any person who intends to lodge any report of Improper Conduct shall ensure that the report of Improper Conduct is made in good faith.

4.1.2 Any person making an allegation of Improper Conduct must have reasonable and probable grounds before reporting such Improper Conduct and must undertake such reporting in good faith, for the best interest of the Company and not for personal gain or motivation.

4.1.3 The element of good faith shall be deemed to be lacking when:

- (a) the person does not have personal knowledge or a factual basis for the report of Improper Conduct; or
- (b) where the person knew or reasonably should have known that the report or any of its contents are false; or
- (c) where the report is frivolous or vexatious; or
- (d) there are any other circumstances that indicate that the report has been made with malicious intent, ulterior motive or for personal gain.

WHISTLEBLOWER POLICY AND PROCEDURES

- 4.1.4 Any person who has not acted in good faith shall not be entitled to any protection under this Policy as per Section 4.2.
- 4.1.5 In addition, an Employee who makes allegations or reports that are proven to have been made without good faith may be subjected to disciplinary action (which may include termination of employment or contract).

4.2 PROTECTION AGAINST DETRIMENTAL ACTION

- 4.2.1 Any Employee who makes a report of Improper Conduct in good faith shall not be subject to unfair dismissal, victimisation, demotion, suspension, intimidation or harassment, discrimination, any action causing injury, loss or damage or any other retaliatory action (“Detrimental Action”) by the Company.
- 4.2.2 Any report of Improper Conduct made in good faith, even if it is not subsequently confirmed by an investigation shall be eligible for protection under this Policy.
- 4.2.3 Any Employee who makes a report of Improper Conduct in good faith and who has been subjected to Detrimental Action may lodge a complaint pursuant to this Policy using the form appended as *Appendix B*. The same procedures for investigation of Improper Conduct shall apply to any complaints of Detrimental Action.
- 4.2.4 An Employee who takes any Detrimental Action against any Employee who has made a report of Improper Conduct in good faith shall be subjected to disciplinary action (which may include termination of employment or contract).

4.3 PROTECTION OF CONFIDENTIAL INFORMATION

- 4.3.1 Any person having knowledge of a report of Improper Conduct shall make all reasonable efforts to maintain the confidentiality of the Confidential Information, in particular the identity of the Whistleblower.

However, there may be circumstances, during the course of the investigation where it is necessary to disclose the identity of the Whistleblower. If such circumstances exist, the Director of IA or the Independent Party involved in investigations shall endeavour to inform the Whistleblower that his/her identity is likely to be disclosed and to obtain his/her consent for the said disclosure.

- 4.3.2 In order not to jeopardise any investigation, the Whistleblower shall make all reasonable efforts to maintain the confidentiality of the Confidential Information, in particular the fact that a report has been filed, the nature of the Improper Conduct and the identity of the person(s) who has allegedly committed the Improper Conduct.
- 4.3.3 Any person who obtains any Confidential Information in the course of any investigation of an allegation of Improper Conduct shall not disclose any part of the Confidential Information.

WHISTLEBLOWER POLICY AND PROCEDURES

4.4 WHEN PROTECTION MAY NOT BE AVAILABLE

4.4.1 An Employee who has lodged a report may not avail him/herself to the protection against Detrimental Action mentioned in section 4.2 above in the following circumstances:

- (a) If the report of Improper Conduct is not made in good faith; or
- (b) If the Employee him/herself has participated in the Improper Conduct reported; or
- (c) The report of Improper Conduct is made solely or substantially with the motive of avoiding dismissal or other disciplinary action; or
- (d) The Employee breaches his/her obligations of confidentiality under this Policy.

4.4.2 Any Employee who has participated in an Improper Conduct may be subjected to disciplinary action. However, in certain circumstances, the Audit Committee may, at its discretion, on a case-by-case basis decide to grant amnesty or consider leniency for the Employee.

However, please note that the Company has no power to provide any immunity from criminal prosecution. The Company also does not have any power to grant any protection from Detrimental Action to a Whistleblower who is not an Employee.

5.0 REPORTS OF IMPROPER CONDUCT

5.1 LODGING A REPORT OF IMPROPER CONDUCT

5.1.1 Reports by Employee

- (a) Whistleblower is advised and urged to report an Improper Conduct as soon as he/she discovers the commission or an intended commission of an Improper Conduct or if he/she is instructed to participate in any Improper Conduct. If an Employee becomes directly involved in the Improper Conduct, the protection under this Policy may not be available to that Employee.
- (b) An Employee shall make a confidential report of Improper Conduct in writing using the form appended to this Policy as in *Appendix A*. The report must provide full details of the Improper Conduct and, where possible, supporting evidence.
- (c) The report to be sent to the email address Whistleblower@bursamalaysia.com.
- (d) The report to be made directly to the Chairman of the Audit Committee may be submitted in a sealed envelope marked “**Confidential**” addressed to the Chairman of the Audit Committee through the Director of IA or via any method that may be informed to the Whistleblower or publicised through the Bursa Malaysia website.

WHISTLEBLOWER POLICY AND PROCEDURES

5.1.2 Reports by external parties who are not Employees

- (a) The procedures for an External Party to report an Improper Conduct by an Employee shall be posted on the Bursa Malaysia website. The procedures shall include the form for reports of Improper Conduct to be made (*Appendix A*).
- (b) Any External Party intending to lodge a report of Improper Conduct by an Employee may do so by sending a report to the Chairman of the Audit Committee in the prescribed form which shall be made available at the Bursa Malaysia website.
- (c) The report received from any External Party will be reviewed in accordance with the investigation procedures under this Policy.

5.2 ANONYMOUS REPORTS

5.2.1 Anonymous reports are not encouraged as any follow up to ascertain the facts or to obtain further information for investigation purposes would be very difficult.

5.2.2 Although the Company is not expected to address any anonymous allegations, the Company may, however, consider investigating an anonymous allegation after having considered the following:

- (a) the seriousness of the concern;
- (b) the credibility of the concern; and
- (c) the likelihood of confirming the concern from credible sources.

6.0 INVESTIGATION

6.1 LOG OF REPORTS OF IMPROPER CONDUCT

6.1.1 All reports of Improper Conduct, findings of investigations, corrective actions and monitoring shall be centralised and logged in a log or register administered and monitored by the Director of IA. The Director of IA may assign a designated officer in Internal Audit to manage the log. The Audit Committee shall be informed of any new reports of Improper Conduct and may request to review the log at any time.

6.1.2 The CEO shall be kept informed of any new reports of Improper Conduct reported where the CEO is not implicated (to the extent possible, without disclosure of identity of the Whistleblower and the person who allegedly committed that Improper Conduct) so that any interim corrective measure (if applicable) regarding any Improper Conduct can be taken immediately.

6.1.3. After receiving a report of Improper Conduct, the Director of IA or the designated officer in Internal Audit shall log the whistleblower case in the register.

WHISTLEBLOWER POLICY AND PROCEDURES

6.2 INVESTIGATION PROCEDURES

- 6.2.1 Upon logging a report of Improper Conduct, the Director of IA or the designated officer in Internal Audit will provide the Whistleblower with an acknowledgement of receipt of the report of the Improper Conduct within two (2) working days of receipt.
- 6.2.2 Subsequently, if necessary, the following person/s may be consulted (to the extent possible, without disclosure of identity of the Whistleblower and the person who allegedly committed the Improper Conduct) to assist and to provide relevant advice in relation to their respective areas:
- (a) in the case of a report relating to
 - (i) a breach of any law – Head, Corporate Legal; or
 - (ii) a breach of the Code of Ethics – Director of Human Resources; or
 - (iii) a breach of the Anti-Fraud, Bribery and Corruption (AFBC) Policy – The Designated Integrity Officer.

6.3 PRELIMINARY INVESTIGATION

- 6.3.1 The Director of IA or officers in Internal Audit will conduct a preliminary investigation of every report of Improper Conduct received to determine whether there are merits to initiate a full investigation.
- 6.3.2. The findings of the preliminary investigation and recommendation shall be referred to the Chairman of the AC for a decision on whether to close the case or to proceed to a full investigation of the allegations. The Chairman of the AC may decide to consult with the members of the Audit Committee or convene an Audit Committee meeting before making a decision.
- 6.3.3 Upon review of the findings of the preliminary investigation, the Chairman of the AC may:
- (a) instruct the matter to be closed in the event the preliminary findings clearly indicate that there are no circumstances that warrant a full investigation; or
 - (b) instruct the Director of IA to commence a full investigation in the event the preliminary findings clearly indicate suspicious circumstance. The Chairman of the AC may delegate the oversight of the investigation and review of results of the investigation to the CEO; or
 - (c) refer the matter to the full Audit Committee to determine the next course of action in case where the CEO or the Director of IA is involved. In such cases where the report involves the CEO or the Director of IA, the Audit Committee may select other personnel (having due regard to suitable seniority and any circumstances that may give rise to conflicts of interest) or an Independent Party to investigate the allegations; or

WHISTLEBLOWER POLICY AND PROCEDURES

- (d) in cases where the preliminary findings disclose a possible criminal offence, the consultation with the Audit Committee and/or legal advisors (internal and/or external), may decide if the matter should be referred to the relevant authorities, such as the Polis Diraja Malaysia (PDRM) or the Malaysian Anti-Corruption Commission (“MACC”) for further action; or
 - (e) determine any other course of action that the Chairman of the AC deems fit having regard to the circumstances of the matter reported and the fairness of the conduct of any investigation.
- 6.3.4. If the matter is closed, the Director of IA will inform the Whistleblower that the matter is closed.
- 6.3.5 If the matter is to be referred to the relevant authorities, subject to any legal requirements or prohibitions, the Director of IA will inform the Whistleblower that the matter has been referred to the authorities concerned.
- 6.3.6 In the event a full investigation is to be carried out, the Director of IA will inform the Whistleblower of the conduct of a full investigation and the Whistleblower shall give his/her full cooperation during the conduct of the investigation.

6.4 FULL INVESTIGATION

- 6.4.1 In the event a full investigation is to be conducted, the Director of IA and/or officers from Group Internal Audit and/or any other persons identified by the Audit Committee shall conduct the investigation and endeavour to complete such investigation within two (2) months. Any extension of the time required for the completion of the investigation shall be subject to the Audit Committee’s approval.
- 6.4.2 In the event a full investigation is being conducted, the Whistleblower shall give his/her full cooperation to any investigation conducted.
- 6.4.3 In the event a full investigation is to be conducted on a report of Improper Conduct by the CEO or the Director of IA, and the Audit Committee decides to appoint an external Independent Party to conduct or to assist in conducting the investigation, the terms of appointment of the said external Independent Party shall be approved by the Audit Committee.
- 6.4.4 All information, documents, records and reports relating to the investigation of an Improper Conduct shall be kept securely to ensure its confidentiality.

6.5 FINDINGS OF INVESTIGATION

- 6.5.1 Upon the conclusion of a full investigation in a case where the CEO is not implicated, the investigation report shall be reviewed by the CEO. Upon the review of such investigation report, the CEO shall determine whether the allegation could be substantiated or not. In the event the allegation is substantiated, the CEO will identify and recommend the corrective action(s) to be taken to mitigate the risks of such Improper Conduct recurring and recommend if disciplinary action is to be taken against the wrongdoer.

WHISTLEBLOWER POLICY AND PROCEDURES

6.5.2 Upon the conclusion of an investigation in a case where the CEO or the Director of IA is implicated, the Audit Committee shall review the investigation report. Upon the review of such investigation report, the Audit Committee shall determine whether the allegation could be substantiated or not. In the event the allegation could be substantiated, the Audit Committee will identify and recommend the corrective action to be taken to mitigate the risks of such Improper Conduct recurring and recommend if disciplinary action is to be taken against the wrongdoer.

6.6 DECISION

6.6.1 In a case where the CEO reviewed the investigation and made a determination whether the allegation is substantiated, a final report together with the recommendation of the CEO will be tabled to the Audit Committee. The Audit Committee will review the final report and decide on the corrective action to be taken and/or the disciplinary action to be taken (if any).

6.6.2 In a case where the Audit Committee reviewed the investigation and made a determination whether the allegation is substantiated, a final report together with the recommendations of the Audit Committee will be tabled to the Board of Directors. The Board of Directors will review the final report and decide on the corrective action to be taken and/or the disciplinary action to be taken (if any)

6.6.3 Subject to any prohibition in law or any legal requirements, the Director of IA will inform the Whistleblower that the investigation has been completed and the findings have been presented to the Audit Committee or the Board of Directors as the case may be. As the findings are confidential, the details of the findings will not be disclosed to the Whistleblower.

6.7 CORRECTIVE ACTION

6.7.1 The Management shall carry out the decisions of the Audit Committee in relation to the findings of the investigation on the allegation against an Employee.

6.7.2 Where applicable, the Management shall institute the appropriate controls to prevent any further wrongdoings or damage to the Company.

6.8 DISCIPLINARY ACTION

6.8.1 Any disciplinary action against an Employee, the CEO or Director of IA shall be carried out in accordance with the procedures for disciplinary action stipulated in the Human Resources Manual.

WHISTLEBLOWER POLICY AND PROCEDURES

7.0 WHISTLEBLOWER PROTECTION ACT 2010 (“ACT”) AND LISTING REQUIREMENT

7.1 WHISTLEBLOWER PROTECTION ACT 2010 - APPLICATION OF THE ACT

7.1.1 In June 2010, the Whistleblower Protection Act 2010 (“the Act”) was passed by Parliament and came into force on 15th December 2010. The Act protects persons making disclosures of improper conduct in the public and private sector from civil and criminal action. In addition, the Act allows for proper investigation to be carried out by an enforcement agency set up by the Federal Government, State Government or local government (“Enforcement Agency”). A write up on the salient terms of the Act is appended to this Policy as *Appendix C*.

7.1.2 If a Whistleblower wishes to make a disclosure or report of improper conduct by any Employee pursuant to the Act, then he/she will have to make the said disclosure of improper conduct to an Enforcement Agency. Any investigations and/or actions taken thereafter would be in accordance with the Act and are independent of the procedures described in this Policy.

7.1.3 Whilst the Company respects the rights of the Whistleblower to directly make reports of improper conduct of an Employee to an Enforcement Agency, the Company advises and urges the Employees to report Improper Conduct of an Employee to the Company first so that the Company can address and remedy any wrongdoings and where applicable, institute the appropriate controls to prevent any serious damage to the Company.

7.2 LISTING REQUIREMENT

7.2.1 On 5 April 2018, the Malaysian Parliament amended the Malaysian Anti-Corruption Commission Act 2009 (“MACC Act”) to incorporate, among others, a new Section 17A on corporate liability for corruption. Come 1 June 2020, a commercial organisation (including a listed corporation) may be found liable for acts of corruption committed by any persons associated with the organisation (such as its directors or employees).

7.2.2 Pursuant to the above amendment, the Exchange has amended the Listing Requirement to encapsulate anti-corruption measures which are in addition to the statutory provisions under the law.

7.2.3 Below is the extract from the Listing Requirement, Appendix 1 : Amendments in Relation to Anti-Corruption Measures, Chapter 15: Corporate Governance, Part H – Anti Corruption and Whistle-Blowing.

(1) A listed issuer and its board of directors must ensure that –

(a) the following are established and maintained for the listed issuer and its subsidiaries (“**group**”):

(i) policies and procedures on anti-corruption that are, at a minimum, guided by the Guidelines on Adequate Procedures issued

WHISTLEBLOWER POLICY AND PROCEDURES

pursuant to section 17A(5) of the Malaysian Anti-Corruption Commission Act 2009; and

- (ii) policies and procedures on whistle-blowing;
 - (b) the policies and procedures in subparagraph (a) above are reviewed periodically to assess their effectiveness, and in any event, at least once every 3 years; and
 - (c) corruption risk is included in its annual risk assessment of the group.
- (2) A listed issuer must also publish on its website –
- (a) its policy on anti-corruption; and
 - (b) its policy and procedures on whistle-blowing.

WHISTLEBLOWER POLICY AND PROCEDURES

APPENDIX A

FORM FOR REPORT OF IMPROPER CONDUCT

CONFIDENTIAL

REFERENCE NUMBER: _____

A. PERSONAL PARTICULARS OF WHISTLEBLOWER							
1	Name:						
2	I/C No. / Passport No./Staff no.:						
3	Correspondence Address:						
4	<table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;">Telephone No.:</td> <td style="border: none;">Home:</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">Office:</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">Mobile:</td> </tr> </table>	Telephone No.:	Home:		Office:		Mobile:
Telephone No.:	Home:						
	Office:						
	Mobile:						
5	E-mail Address:						
6	Designation / Occupation:						
7	Preferred method of communication: <input type="checkbox"/> mail <input type="checkbox"/> e-mail <input type="checkbox"/> telephone /sms						
B. INFORMATION OF BURSA MALAYSIA EMPLOYEE(S) INVOLVED IN IMPROPER CONDUCT							
Individual 1							
1	Name of Bursa Malaysia Employee:						
	Designation / position of said Employee in Bursa Malaysia:						
	How do you know this Bursa Malaysia Employee?						
Individual 2							
2	Name of Bursa Malaysia Employee:						
	Designation / position of said Employee in Bursa Malaysia:						
	How do you know this Bursa Malaysia Employee?						
Individual 3							
3	Name of Bursa Malaysia Employee:						
	Designation / position of said Employee In Bursa Malaysia:						
	How do you know this Bursa Malaysia Employee?						
C. DETAILS OF IMPROPER CONDUCT							
	Date:						
	Time:						
	Place:						

WHISTLEBLOWER POLICY AND PROCEDURES

APPENDIX A

Details of Improper Conduct: *Please submit supporting documents if available. *Please attach additional sheets if necessary					
Have you lodged a complaint on this matter to another person / department / authority before?	(cross X where applicable) <table style="width: 100%; border: none;"> <tr> <td style="border: none;">YES:</td> <td style="border: none; width: 50px;"></td> <td style="border: none;">NO:</td> <td style="border: none; width: 50px;"></td> </tr> </table>	YES:		NO:	
YES:		NO:			
If YES, please indicate the person / department / authority that the report was lodged: (cross X where applicable)					
(i) Police	*Please attach a copy of the report made.				
(ii) Malaysian Anti-Corruption Commission	*Please attach a copy of the report made.				
(iii) Securities Commission	*Please attach a copy of the report made.				
(iv) Ministry of Finance	*Please attach a copy of the report made.				
(v) Others (please indicate the organization)	Name of organization: <hr style="width: 80%; margin-left: 0;"/> *Please attach a copy of the report made.				
Date report was made:					
Status of report made:					
D. DECLARATION					
1	I declare that that all information provided in this Form is true, correct and complete to the best of my knowledge, information and belief.				
2	I hereby agree that the information provided herein to be used and processed for investigation purposes and further agree that the information provided herein may be forwarded to a department / authority / enforcement agency for purposes of investigation.				
Signature:					
Name:					
Date:					
For Office Use Only:					
Record No.:					
Officer receiving this report:					
Date:					

WHISTLEBLOWER POLICY AND PROCEDURES

APPENDIX B
FORM FOR COMPLAINT OF DETRIMENTAL ACTION
CONFIDENTIAL
REFERENCE NO: _____

1	Name:	
2	I/C No. / Passport No.	
3	Correspondence Address:	
4	Telephone No.	Home:
		Office:
		Handphone:
5	Designation /Occupation:	
6	Preferred method of communication:	<input type="checkbox"/> Mail <input type="checkbox"/> Email <input type="checkbox"/> Telephone/SMS
7	Information and particulars of Detrimental Action:	
	(i) Name(s) of Person(s) committing the Detrimental Action:	
	(ii) Detrimental Action complained of:	
	*Please submit supporting documents if available. *Please attach additional sheets if necessary	
DECLARATION		
1	I declare that that all information provided in this Form is true, correct and complete to the best of my knowledge, information and belief.	
2	I hereby agree that the information provided herein to be used and processed for investigation purposes and further agree that the information provided herein may be forwarded to another department / authority / enforcement agency for purposes of investigation.	
Signature :		
Name:		
Date:		
For Office Use Only:		
Record No.:		
Officer receiving this report:		
Date:		

WHISTLEBLOWER POLICY AND PROCEDURES

APPENDIX C

SALIENT TERMS OF WHISTLEBLOWER PROTECTION ACT 2010 (“ACT”)

1. Purpose of Act

The Act came into force on the 15th December 2010 and the purpose of the Act is to:-

- combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector;
- to protect persons making those disclosures from detrimental action;
- to provide for the matters disclosed to be investigated and dealt with; and
- to provide for other matters connected therewith.

2. Salient Definitions under the Act

“**improper conduct**” means any conduct which if proved constitutes a disciplinary or a criminal offence.

“**disciplinary offence**” means any action or omission which constitutes a breach of discipline in a public body or private body as provided by law or in a code of conduct, a code of ethics or circulars or a contract of employment, as the case may be;

“**enforcement agency**” means:-

- (a) any ministry, department, agency or other body set up by the Federal Government, State Government or local government including a unit, section, division, department or agency of such ministry, department, agency or body, conferred with investigation and enforcement functions by any written law or having investigation and enforcement powers;
- (b) a body established by a Federal law or State law which is conferred with investigation and enforcement functions by that Federal law or State law or any other written law; or
- (c) a unit, section, division, department or agency of a body established by a Federal law or State law having investigation and enforcement functions.

Note: As at March 2020, the following are the list of enforcement agencies empowered to have the general direction, control and supervision of all matters relating to whistleblower protection:-

- (i) Polis DiRaja Malaysia (PDRM);
- (ii) Kastam DiRaja Malaysia;
- (iii) Jabatan Imigresen Malaysia;
- (iv) Jabatan Pengangkutan Jalan (JPJ);
- (v) Suruhanjaya Pencegahan Rasuah Malaysia (SPRM);
- (vi) Suruhanjaya Syarikat Malaysia (SSM); and
- (vii) Suruhanjaya Sekuriti (SC).

WHISTLEBLOWER POLICY AND PROCEDURES

APPENDIX C

SALIENT TERMS OF WHISTLEBLOWER PROTECTION ACT 2010 (“ACT”)

3. Who is covered under this Act?

This Act is applicable to:-

- (a) the “public body” – which includes the Government of Malaysia, Government of a State, any local authority and any other statutory authority; and
- (b) the “private body” – which means an office or entity other than a public body.

4. Disclosure of Improper Conduct

By virtue of the Act, a person may make a disclosure of improper conduct to an enforcement agency based on his reasonable belief that any person has engaged, is engaging or is preparing to engage in improper conduct.

5. What protection does this Act give?

The Act provides the following protection to whistleblowers:-

- (a) Protection of Confidential Information
- (b) Immunity from civil and criminal action; and
- (c) Protection against detrimental action.

6. Protection of Confidential Information

Pursuant to Section 8 of the Act, the confidential information pertaining to any person who makes or receives a disclosure of improper conduct shall be kept confidential at all times. “Confidential Information” here includes:-

- (a) information about the identity, occupation, residential/work address of the whistleblower and the person against whom a whistleblower has made a disclosure of improper conduct;
- (b) information disclosed by a whistleblower; and
- (c) information that if disclosed may cause detriment to any person.

7. Immunity from civil and criminal action

Pursuant to Section 9 of the Act, a whistleblower shall not be subject to any civil or criminal liability for making a disclosure of improper conduct.

WHISTLEBLOWER POLICY AND PROCEDURES

APPENDIX C

SALIENT TERMS OF WHISTLEBLOWER PROTECTION ACT 2010 (“ACT”)

8. Protection against detrimental action

Pursuant to Section 10 of the Act, no person shall take detrimental action against a whistleblower or any person related to or associated with the whistleblower in reprisal for a disclosure of improper conduct.

“Detrimental action” includes:-

- (a) Action causing injury, loss or damage;
- (b) intimidation or harassment;
- (c) interference with 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 (a) to (c) above.

9. Remedies against detrimental action

If a detrimental action is taken against a whistleblower, the whistleblower may make a complaint to the relevant enforcement agency on the said detrimental action and may be entitled to remedies in the form of damages or compensation, injunction and/or other relief as deemed fit by the Court.

10. Is a person always protected by the Act if he raises a concern?

Pursuant to Section 11 of the Act, the whistleblower protection may be revoked by the enforcement agency if:-

- (a) the whistleblower himself has participated in the improper conduct disclosed;
- (b) the whistleblower wilfully made in his disclosure of improper conduct a material statement which he knew or believed to be false or did not believe to be true;
- (c) the disclosure of improper conduct is frivolous or vexatious;
- (d) the disclosure of improper conduct principally involves questioning the merits of government policy, including policy of a public body;
- (e) the disclosure of improper conduct is made solely or substantially with the motive of avoiding dismissal or other disciplinary action; or
- (f) the whistleblower, in the course of making the disclosure or providing further information, commits an offence under this Act.