

## FAQs – whistle-blower system

### **1. What are the responsibilities of the ombudsman?**

The ombudsman's main responsibility is to confidentially accept information on company-related criminal offences, impermissible business practices and breaches of rules at the company's expense or against the German Banking Act (Kreditwesengesetz - KWG). For whistle-blowers who do not want to approach the internally responsible department (Compliance), the ombudsman is an additional contact outside of the company that is subject to attorney-client privilege and thus also the obligation to confidentiality. Based on his/her many years of specialist experience, the ombudsman independently and impartially checks the information he/she has received and its relevance to the company. If the ombudsman concludes that the suspicion must be looked into, he/she passes the process on to the Compliance department of the company in question (without disclosing the whistle-blower's identity). The whistle-blower's identity will be disclosed to the Compliance department of the company in question only upon request by or with the express approval of the whistle-blower.

### **2. What constitutes a breach of the rules?**

Examples of breaches of rules that the ombudsman is responsible for clarifying and preventing are:

- Section 299 of the German Criminal Code: Accepting or Offering a Bribe in Business Transactions
- Section 331 of the German Criminal Code: Acceptance of a Benefit
- Section 332 of the German Criminal Code: Accepting a Bribe
- Section 333 of the German Criminal Code: Granting a Benefit
- Section 334 of the German Criminal Code: Offering a Bribe
- Section 242 of the German Criminal Code: Theft
- Section 246 of the German Criminal Code: Embezzlement
- Section 264 of the German Criminal Code: Subsidy Fraud
- Section 265b of the German Criminal Code: Credit Fraud
- Section 266 of the German Criminal Code: Breach of Trust
- Section 263 of the German Criminal Code: Fraud
- Section 263a of the German Criminal Code: Computer Fraud
- Section 17 of the German Act against Unfair Competition: Disclosure of Trade and Industrial Secrets
- Section 370 of the German Fiscal Code: Tax Evasion

- Violations of relevant legal norms set out in the German Banking Act

### **3. Who can contact the ombudsman?**

The ombudsman is available as a contact to all employees of the KfW Group, DEG – Deutsche Investitions- und Entwicklungsgesellschaft mbH, KfW IPEX-Bank GmbH and Finanzierungs- und Beratungsgesellschaft mbH (FuB), as well as external third parties.

### **4. What information does the ombudsman accept?**

The goal of involving the ombudsman is primarily to clarify and prevent what are known as economic offences (see Point 2), as well as other company-related criminal offences in connection with the KfW Group or violations of relevant legal norms set out in the German Banking Act.

### **5. How is confidentiality guaranteed?**

As a lawyer, the ombudsman is obligated to observe confidentiality and only discloses the whistle-blower's identity to the Compliance department of the group company in question solely upon request by or with the express approval of the whistle-blower.

Information that is not released by the whistle-blower is subject to confidentiality. Neither the company nor the state's investigative authorities (police, public prosecution service, courts) are informed of this. A lawyer who violates his/her professional obligation to maintain confidentiality renders himself/herself liable to prosecution pursuant to Section 203 of the German Criminal Code.

### **6. How do I contact the ombudsman?**

You can contact the ombudsman by telephone, e-mail, fax or post. Generally speaking, whistle-blowers can arrange a (personal) interview by appointment.

### **7. What happens to the information?**

The ombudsman passes information about the legally relevant facts of a case that was released by a whistle-blower on to the Compliance department of the group company in question (KfW, DEG – Deutsche Investitions- und Entwicklungsgesellschaft mbH, KfW IPEX-Bank GmbH, Finanzierungs- und Beratungsgesellschaft mbH (FuB)).

There, the facts of the case are assessed as part of a systematic procedure and the required (corporate) steps are agreed upon and taken. If the information indicates prosecutable conduct, depending on the individual case, further (e.g. legal) steps are introduced by the company.

**8. What information is the ombudsman not responsible for?**

The ombudsman is not an arbitration board for third-party disputes with companies of the KfW Group.

The ombudsman is not a point of contact for complaints that are not related to suspected criminal offences. You can report complaints such as these at:

<https://www.kfw.de/formulare/Formulare/KfW-Kontakt/?lb=1>