



Compliance risk

# ING Bank (Australia) Limited Whistleblower Policy

Local Annex to ING Global Whistleblower Policy

## Info sheet

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| <b>Contact details:</b>         | Head of Compliance   |
| <b>Target audience:</b>         | All ING Bank (Australia) Ltd and ING Bank N.V. Sydney Directors, officers, and Employees (whether current or former), suppliers of goods or services (whether paid or unpaid) including their employees, associates including a relative, dependent or spouse of any of the people listed. |
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## Change history

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# Reading guide

We are committed to fostering a culture where people feel safe to speak up about things that concern them.

This Whistleblower Policy (hereafter “Policy”) takes the principles and requirements from the ING Global Whistleblower Policy and puts them into the Australian context and regulatory requirements. ING’s Global Whistleblower Policy can be found at [www.ING.com](http://www.ING.com).

This Policy explains:

- IBAL’s scope and objectives to whistleblowing
- How to report a concern
- How concerns are investigated and communicated
- What protections, support, and escalation-paths are available.

This Policy is complemented with appendices:

- Appendix A, gives an overview of the defined terms. These are highlighted in **bold and light blue** when used for the first time in the Policy
- Appendix B, sets out the rights and requirements for making public interest disclosures and emergency disclosures.

This Policy is also supported by the ING Global Whistleblowing Procedure (“hereafter Procedure”), the Whistleblowing Control Standard Document and the Integrated Training & Awareness Control Standard.

This Policy is also supported by the ING Global Investigations Charter.

# 1. Introduction

## 1.1. Objective

As a global bank, **ING Group** plays an important role in society. ING Group's public role has been anchored in the **Orange Code** - the behaviours and values ING Group aspires to, and which act as a promise to the outside world: 'Integrity Above All, by balancing the rights and interests of all stakeholders. This is how ING Group wants to reach its purpose in 'Empowering people to stay a step ahead in life and in business'.

The success of ING Group's purpose and strategy, as well as its results, depends on ING Group's relationship with its stakeholders – ING Group must carefully balance the rights and interests of the people the business touches. Based on (i) minimum requirements (laws and regulations imposed on us by society) and (ii) the ambition level (our Orange Code), the aim is to strengthen the resolve to act with courage to do the right thing.

This Policy provides instructions on treating **concerns** in a careful and proportionate manner, ensuring IBAL takes appropriate, lawful, and timely action in case of concerns by or within IBAL.

The Policy guides and supports IBAL via its obligations and control objectives (i) to be responsive to all **Reporters** and (ii) to be a trusted organisation that ensures the safety of all Reporters and treats them with respect. In doing so, the Policy demonstrates IBAL's commitment to the Orange Code, IBAL Policies, laws and regulations.

This Policy aims to mitigate the risk of breaches of the values, behaviours and principles in the Orange Code, the Global Code of Conduct, laws and regulations, and principles in IBAL's risk policies as a consequence of not carefully dealing with **concerns**.

## 1.2. Scope

This Policy applies to all IBAL:

- Full-time, part-time or casual **Employees**
- Director(s) or other officer(s) (e.g. a company secretary)
- Contractor(s), consultant(s), supplier(s) or service provider(s) (or one of their employees or subcontractors)
- Seconded(s), volunteer(s) or Associate(s)
- A relative, spouse or dependent of one of the above (or a dependent of their spouse).

## 1.3. Overview of regulations

The *Corporations Act 2001* provides a consolidated whistleblower protection regime for Australia's corporate sector. The regime requires organisations like IBAL to have a whistleblower policy that complies with these obligations and make the policy available to their officers and employees.

This Policy has been developed having regard to the whistleblower obligations with which IBAL must comply, including those contained in the *Corporations Act 2001 (Cth)*, *Tax Administration Act 1953 (Cth)*, ASIC Regulatory Guide 270 *Whistleblower policies*, the *ASX Corporate Governance Principles and Recommendations*, 4th Edition and the ING Global Whistleblower Policy.

This Policy has also been developed having regard to the Australian Banking Association (ABA) Guiding Principles – *Improving Protections for Whistleblowers*.

## 2. Reporting a Concern

### 2.1. What is a concern?

Reporters who raise concerns with **reasonable grounds** are eligible for protection under this Policy. This applies to the following concern categories:

| Undesirable behaviour   | Working Environment & Sustainability   | Other breaches  |
|---|--|---|
| <ul style="list-style-type: none"><li>• Aggression and Violence</li><li>• Bullying</li><li>• Discrimination</li><li>• Harassment</li><li>• <b>Retaliation</b></li><li>• Sexual Harassment</li></ul> | <ul style="list-style-type: none"><li>• Work pressure / Unrealistic targets</li><li>• Working Environment</li><li>• Workers Conflict</li><li>• Climate, Environment and Human Rights</li></ul> | <ul style="list-style-type: none"><li>• Accounting, internal accounting controls or auditing matters</li><li>• Either: (i) Breach of any external Law or Regulation or (ii) Breach of any ING Policy</li><li>• Fraud / Theft (e.g. falsifying loan or credit applications, misappropriating funds)</li><li>• Antitrust/ Competition law</li><li>• Breach of <b>confidentiality</b> and data privacy related to client / employee</li><li>• Conflicts of Interest</li><li>• Unfair Customer Treatment</li><li>• Market abuse / Insider trading</li><li>• Bribery/Corruption</li><li>• Financial Economic Crime</li></ul> |

### 2.2. What type of concerns are eligible for protection under the Corporations Act 2001 (Cth) or Tax Administration Act 1953 (Cth)?

While the Policy will be applied to the above concern categories, only certain concerns will be eligible for protection under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*. This includes conduct in relation to IBAL that, you have a reasonable basis for suspecting constitutes misconduct or an improper state of affairs, such as:

- Fraud or theft (e.g. falsifying loan or credit applications, misappropriating funds)
- Corrupt behaviour (e.g. accepting or offering a bribe, dishonestly taking advantage of an employment position)
- Illegal activities (e.g. sexual assault, engaging in insider trading, manipulating financial markets, laundering money, knowingly making false statements to customers, misreporting financial information, selling illicit drugs, acting violently)
- A serious or systemic breach of internal policy, including the Global Code of Conduct (e.g. sexual harassment or failing to disclose conflicts of interests)

- Negligent acts, a breach of trust or a breach of duty.
- Indicates a significant risk to public safety or the stability of (or confidence in) the financial system
- Constitutes an offence against, or breach of, certain Laws.

Concerns may include conduct that may not involve a contravention of a particular law.

Refer to section 4.1 for the specific protection criteria.

All concerns will be assessed for their eligibility under the *Corporations Act 2001 (Cth)* and *Tax Administration Act 1953 (Cth)*, using the above criteria. Results of this assessment will be communicated to the Reporter.

Any changes to this assessment (e.g. additional information is provided during an investigation) will be communicated to the Reporter.

The Reporter may wish to seek independent legal advice in relation to any such concerns, which may help them further understand their rights and protections.

### **2.3. How are personal work-related grievances treated?**

This Policy does not apply to **Personal work-related grievances**. Personal work-related grievances are also generally not eligible for protection under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*.

These are grievances relating to your employment (e.g. remuneration, performance reviews, transfers, promotions or disciplinary action) or to an interpersonal conflict between you and another employee.

Personal work-related grievances tend to have implications for you personally, but do not have any other significant or broader implications for IBAL.

Although not usually the case, personal work-related grievances may become eligible for protection under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)* if they:

- Indicate misconduct
- Indicate a breach of employment or other laws
- Indicate a systemic issue
- Relate to actual or threatened retaliation against a person because they have reported or are believed or suspected to have reported, or be planning to report, other concerns eligible for protection under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*.

### **2.4. What is not a concern?**

This Policy does not apply to:

- Complaints (not being a concern as defined in this Policy), for example complaints related to IT, certain types of labour law matters (e.g. disagreement about appraisals) or customer complaints. To assess whether these complaints are in scope of the Policy, these complaints will be assessed on a case-by-case basis. If not in scope of the Policy, these complaints will be redirected to the appropriate channel.
- External complaints (not being a concern as defined in this Policy) from clients of IBAL or third parties (including suppliers).

- Personal work-related grievances unless eligible for protection under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*. If you have a Personal work-related grievance, refer to ING's Employee Grievances How to Guide.
- Topics or incidents raised to other formal IBAL channels (such as HR, Confidential Advisors, Employee (grievance) councils, Fraud, Data Protection, CSI / local Special Investigation Functions etc.). Topics or incidents raised to these channels shall initially follow the specific procedures and processes.

## 2.5. How can a concern be reported?

Concerns can be reported as follows:

IBAL's Whistleblower Hotline and Online portal – a telephone service and secure online portal managed by an external vendor:

- **Hotline:** 1300 790 228  
Operating between 9am – 12am (midnight), business days. Use Organisation code: **INGD2000** when prompted.
- **Online:** <https://www.yourcall.com.au/report>  
Operating 24/7. Use Organisation code: **INGD2000** when prompted.

A concern can also be reported to certain individuals who are referred to in this Policy as **Eligible Recipients** (e.g. Senior Leaders). This includes:

- IBAL's Whistleblower Reporting Officer (**WBRO**)
- An IBAL officer, including a director or company secretary
- A Senior IBAL Leader (i.e. member of the Executive Committee)
- A member of IBAL's Corporate Audit Services (CAS)
- A member of IBAL's External Auditor
- An IBAL Actuary.

A Concern can be made to a journalist or parliamentarian under certain circumstances and still qualify for protection under this Policy and the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*. Refer to Appendix C for further detail.

## 2.6. Can a concern be reported anonymously?

Yes, a concern can be reported anonymously.

A Reporter can continue to remain anonymous after they've made a report, including throughout or after any investigation into the concern. The Reporter may also refuse to answer questions, or provide information, throughout the process that could reveal their identity.

If a concern is reported anonymously through the Whistleblower Hotline and/or Online portal, the Reporter will receive a unique reference identifier. This can be used when engaging through this medium to provide further information or request an update at any time.

Remaining anonymous or not providing information may limit IBAL's ability to properly and efficiently investigate or manage a concern.



## 2.7. What if anonymity is broken?

Firstly, it is illegal for a person to identify a Reporter or disclose information that is likely to lead to the identification of the Reporter, outside the exceptions in Section 4.

If a Reporter becomes aware of a breach of their anonymity, they can lodge a complaint to the WBRO, ING Group [Corporate Advisory Team](#). Alternatively, a Reporter can lodge their complaint with an applicable [Regulator](#), for investigation.

## 2.8. What will happen when I report a concern?

Once a concern is received, IBAL will:

- Acknowledge receipt, within seven days, if there is a means to contact the Reporter
- Assess, within 14 days after acknowledgement, whether the concern is in-scope of this Policy and whether an investigation is warranted.

If the concern is in-scope of this Policy, the concern will be reviewed by the WBRO to decide whether any of the allegations should be investigated. In some cases, for example due to a conflict or the specific nature of the concern, a nominated Legal and/or Human Resource representative will be appointed this responsibility.

During this review, clarification questions and / or further information requests could be asked of the Reporter. This is to help determine whether an investigation is warranted, not an investigation of itself.

Sometimes an allegation - or part thereof - will not be investigated. For example, if a previous investigation has found no basis, and there is no new information to prove otherwise.

IBAL will inform the Reporter whether or not an investigation will be undertaken, if they can be contacted.

It is important to note that Eligible Recipients are typically not in a position to conduct a review or an investigation into a concern.

Investigations must be executed by a professional and an independent investigator / investigative unit based on the Global Investigations Charter that provides proportionality and subsidiarity.

## 2.9. Reporting to regulators and other external parties

In addition to the rights under this Policy, a Reporter may communicate with a government agency, law enforcement body or Regulator, including reporting a concern or reporting a breach of their legislative protections as a Whistleblower, in accordance with any relevant law, regulation or prudential standard applicable to IBAL.

Information about reporting externally can be found at the following links:

- [Australian Securities and Investments Commission](#) (ASIC)
- [Australian Prudential Regulation Authority](#) (APRA)
- [Australian Tax Office](#) (ATO).

A Reporter may also seek independent legal advice before or after reporting a concern or during the investigation process, which may help them further understand their rights and protections.

## 3. How Concerns are Investigated

### 3.1. What happens during an investigation?

If the decision is made to investigate the concern, the WBRO (or the appointed Legal and/or Human Resource representative) will conduct or commission an investigation with the support of internal or external resources, as appropriate.

Investigations follow an objective and fair process, and will be conducted independent of the Reporter, the individuals who are the subject of the concern, and the department or Business / Functional Unit involved.

IBAL will seek to conduct the investigation within three months, or as quickly as the circumstances allow and update the Reporter on the progress of the investigation, if they can be contacted.

Active and timely engagement from the Reporter will likely improve IBAL's ability to properly and efficiently investigate or manage the concern.

### 3.2. What are the possible outcomes of an investigation?

There are generally three possible outcomes of any investigation:

- The concern is substantiated (in-part or in-full) – Information gathered during the investigation substantiates some or all of the allegation(s) raised within the concern.
- No basis – Information gathered during the investigation does not support the allegation(s) raised within the concern.
- Insufficient information – Insufficient information is gathered during the investigation to either substantiate or dismiss (i.e. no basis) the allegation(s) raised within the concern.

Reporters should prepare themselves both mentally and professionally for any possible outcome. This includes seeking independent legal advice which may help them further understand their rights and protections.

### 3.3. What are the possible consequences of raising a concern?

Proportionate consequences will be applied for substantiated concerns, taking into account the aggravating and mitigating circumstances. The process of consequence management considers:

- The existence and application of different degrees of consequences that are proportionate to the severity / seriousness of the concern
- Uniformity in terms of equal treatment.

After conclusion of a substantiated investigation, an independent [Resolution Committee](#) will be established to ensure a balanced, independent and objective resolution.

While a Reporter is granted certain protections under this Policy and, where relevant, under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*, this does not include immunity for any misconduct they have engaged in that is revealed in their concern or subsequent investigation. As a result, a Reporter can be subject to proportionate consequences.

### **3.4. What happens after an investigation?**

At the conclusion of an investigation, a report, or summary thereof, the findings and the evidence on which the findings are based will be provided to relevant management or decision maker(s).

Depending on the circumstances of the concern, and any privacy or confidentiality matters, the Reporter, and/or the person who is subject of the concern, will be informed of the findings; however, neither the Reporter nor the person who is the subject of the concern will be provided with a copy of the investigation report / summary.

## 4. Protections, support, and escalations

### 4.1. Criteria for protection

Some laws provide additional protections and remedies for certain concerns by people who make them in accordance with the provisions of that legislation. These protections are designed to encourage people to disclose unlawful, improper, or unethical behaviour to relevant parties.

The criteria to qualify for protection as a whistleblower under the *Corporations Act* (or *Tax Administration Act*, where relevant) includes:

- The Reporter is in-scope in relation to this Policy; and
- The Reporter has reported a concern eligible for protection; and
- The Reporter has made:
  - A report directly to an Eligible Recipient or to ASIC, APRA or another Commonwealth body prescribed by regulation; or
  - A report to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
  - An Emergency Disclosure or Public Interest Disclosure, both of which are defined in Annexure B.

The Reporter may wish to seek independent legal advice in relation to any such reports, which may help them further understand their rights and protections.

A Reporter can still qualify for protection even if their concern turns out to be incorrect.

### 4.2. Protecting a Reporter's identity and against retaliation

We understand that a Reporter may be concerned about being identified or the potential for retaliation as a result of reporting a concern. The support and protections outlined below are available to a Reporter irrespective of whether the concern is substantiated.

|   |   |
|---|---|
| <b>Protecting Reporter identity</b>                           | <p>If known, IBAL will not disclose a Reporter's identity with anyone except in the following circumstances:</p> <ul style="list-style-type: none"><li>• Disclosure is to a legal practitioner to obtain legal advice or representation regarding the operation of the whistleblower provisions of the Corporations Act; or</li><li>• The disclosure is required by law; or</li><li>• The disclosure is otherwise permitted by law (e.g. the identity may be disclosed to ASIC, APRA or the Australian Federal Police) and the Reporter consents in writing to have their identity disclosed.</li></ul> |
| <b>Protecting Reporter identity via information disclosed</b> | <p>IBAL can disclose the information contained in a concern with or without the Reporter's consent if:</p> <ul style="list-style-type: none"><li>• The information does not include the Reporter's identity; or</li></ul>   |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• IBAL has taken all reasonable steps to reduce the risk that the Reporter will be identified from the information; or</li> <li>• It is reasonably necessary for investigating the allegations raised in the concern.</li> </ul> <p>The reasonable steps IBAL may take to protect the Reporter's identity include:</p> <ul style="list-style-type: none"> <li>• Securely storing all paper and electronic documents and other materials relating to the concern</li> <li>• Where possible, communicating with the Reporter to help identify the aspects of the concern that could inadvertently identify them</li> <li>• Potentially using a pseudonym to refer to the Reporter</li> <li>• Providing training and awareness about the confidentiality requirements and consequences of breaching confidentiality to those involved in receiving, handling and investigating a concern.</li> </ul> <p>While IBAL will take all reasonable steps to protect the Reporter's identity, it may be difficult if the concern relates to information that only a few people know about or was told to you confidentially.</p> <p>Non-identifying information about the concern may also be shared with IBAL and / or ING Group senior management or governance bodies.</p> |
| <b>Protecting Reporters against retaliation</b> | <p>IBAL will take all reasonable steps to protect Reporters from retaliation.</p> <p>If, despite these reasonable steps, retaliation occurs, it will not be tolerated, and disciplinary action will be taken against those responsible.</p> <p>Retaliation means any actual or threatened conduct against the Reporter or another person for reporting, or proposing to report, a concern, or because you have been involved in the investigation of a concern. Retaliation includes:</p> <ul style="list-style-type: none"> <li>• Termination, suspension, demotion or involuntary transfer</li> <li>• Harassment (sexual or non-sexual), bullying or intimidation</li> <li>• Over or under work</li> <li>• Missed promotion</li> <li>• Denied training opportunities</li> <li>• Undermined authority or heavily scrutinised work</li> <li>• Harm or injury, including psychological harm</li> <li>• Any other conduct that constitutes victimisation.</li> </ul> <p>Not all conduct will amount to retaliation, such as managing poor work performance in line with IBAL's performance management procedures, disciplinary action in response to misconduct unrelated to your Report</p>  |

|  |   |
|--|---|
|  | <p>(or where you intentionally report a concern that you know isn't true, or is misleading), or action that is reasonable to protect a Reporter from retaliation (for example, moving the Reporter from their immediate work area to another office).</p> <p>The Reporter will be consulted in relation to any proposed protective measures to evaluate the risk of their identity being revealed through taking such measures. Any protective measures will only be implemented with the Reporter's consent. Direct measures may also be taken towards the Person concerned (e.g. direct exemption from work).</p> <p>IBAL may, at its discretion, grant a Reporter immunity from internal disciplinary proceedings relating to matters that come to light as a result of the concern.</p> |
|--|---|

#### 4.3. Other protections

In addition to the above protections, for concerns eligible under the *Corporations Act 2001 (Cth)* or *Tax Administration Act 1953 (Cth)*, the following protections apply:

- Compensation and remedies ordered by a Court of relevant jurisdiction on account of loss, damage or injury suffered by a Reporter by reasons of IBAL's failure to take reasonable precautions to prevent the retaliation.
- Protection from civil liability, for example any legal action against the Reporter for breach of an employment contract, duty of confidentiality or another contractual obligation.
- Protection from criminal liability, for example attempted prosecution for unlawfully releasing information, or other use of the disclosure against the Reporter in a prosecution (other than for making a false disclosure).
- Protection from administrative liability, for example disciplinary action for reporting a concern.

These protections do not grant immunity for any misconduct the Reporter may have engaged in that is revealed in the reported concern.

No contractual or other remedy may be enforced or exercised against the Reporter because they have reported a concern.

Concerns that are not eligible for protection under the *Corporations Act* may be protected under other legislative instruments such as the *Fair Work Act 2009*.

#### 4.4. What support – after care - is available?

If the Reporter is a current or former employee of IBAL (or their immediate family member), they are able to access IBAL's confidential counselling service, the Employee Assistance Program. Upon request, this service may also be extended to other eligible Reporters.

After the conclusion of the investigation, **After Care** will be provided to relevant impacted parties.

Questions that impacted parties may have, and which could not be answered during the investigation – due to privacy or investigative interests – can now be addressed within the boundaries of privacy and confidentiality. For example, teams are sometimes left with questions when a colleague is dismissed or taken unexpected leave, which would need to be addressed in a sensitive and thought-out manner.

#### **4.5. What if I am the subject of a concern?**

If you are the subject of a concern, IBAL will apply the steps set out within this Policy so that you receive fair treatment and an impartial investigation.

You may be informed of the allegations against you and, if so, you will be provided with an opportunity to respond to the allegations. Where you are made aware of the investigation, you will be informed of the investigation findings (subject to confidentiality requirements), however you will not be provided with a copy of the investigation report.

If you are a current or former employee of the Group (or their immediate family member), you are able to access the Group's confidential counselling service, the Employee Assistance Program, for wellbeing support.

#### **4.6. How can concerns and / or issues regarding IBAL's adherence to this Policy be escalated?**

There may be circumstances in which Reporter may want to escalate an issue regarding their concern. Such circumstances may include if the Reporter:

- Does not agree with the decision that the concern is out of scope of the Policy
- Has reported a concern and the WBRO does not follow-up on the reported concern in a timely manner
- Does not agree with the outcome of the review to not initiate an investigation
- Feels that their rights under the Policy, e.g. with regards to confidentiality or anonymity, are not adequately respected
- Believes they have been subjected to retaliation.

Such issues should be escalated to ING's Global Chief Compliance Officer.

Alternatively, if the Reporter does not feel comfortable escalating within the ING Group, they can lodge their issue with the Regulators.

#### **4.7. How are conflicts of interest managed under the Policy?**

All people with roles under this policy (Policy Roles) must disclose any actual, potential or perceived conflicts of interest that they have in relation to a concern to the WBRO and manage those conflicts in accordance with IBAL's Conflicts of Interest Policy.

In the event that an individual holding a Policy Role has an actual, potential or perceived conflict in relation to a specific concern or investigation, another person may be appointed to the Policy Role for the purposes of that concern or investigation, this may include engaging ING's Global Corporate Advisory Team.



#### **4.8. How concerns relating to the IBAL Whistleblower Reporting Officer or Compliance Officer are managed?**

In the event that the concern relates to the IBAL WBRO or the Head of Compliance, or there is a suspected or actual conflict of interest, the Reporter must report the concern to the ING Group Chief Compliance Officer.

In the event that the concern relates to the ING Group Chief Compliance Officer, the Reporter or the ING WBRO receiving the concern must report the concern to the ING Group WBRO.

In the event that the concern relates to the ING Group WBRO or in the event that the Chief Compliance Officer is the ING Group WBRO, the Reporter or the ING WBRO receiving the concern must report the concern to the Chief Executive Officer and to the Chief Risk Officer of ING Groep N.V.

# Appendix A - Defined terms

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|---|--|
| <b>After care</b>                       | After care is about (senior) management providing closure within the organization in a way that respects anonymity and confidentiality, specifically in the case where concerns were substantiated. After care can take many forms (e.g. lessons learned, retrospectives, training & awareness), and should be done in close cooperation with HR as it is key to ensure and create the understanding that ING takes concerns seriously and takes subsequent proportionate actions.   |
| <b>Anonymous(ly)/<br/>Anonymity</b>     | The unknown identity of the reporter. A reporter is anonymous when his/her identity is not known to any Employee (including the ING Whistleblower Reporting Officers and Authorised persons) and the Anonymous Reporting Platform.   |
| <b>Anonymous reporting<br/>platform</b> | A channel through which reporters can report a concern anonymously or by disclosing his/her identity. This reporter channel, provided by an independent external party, allows reporters to report concerns by using e-mail, phone or the website of the provider. Concerns reported to this line are still cascaded to ING for internal investigations.   |
| <b>Authorised<br/>persons</b>           | <p>These are persons who are strictly necessary for the handling and/or investigation of the reporter's concern. The ING Whistleblower Reporting Officer determines the persons who are/become Authorised Person. Authorised persons (could) include:</p> <ul style="list-style-type: none"><li>• ING Whistleblower Reporting Officers (systematic);</li><li>• Corporate Advisory Team members (ad hoc);</li><li>• Chief Compliance Officer delegated persons (ad hoc);</li></ul> <p>Representatives of (ad hoc):</p> <ul style="list-style-type: none"><li>• Risk Culture and Behavioural Risk;</li><li>• Human Resources department;</li><li>• Central Special investigations or local Special investigations functions;</li><li>• Internal Audit department;</li><li>• Legal department;</li><li>• Compliance department</li><li>• External consultants (e.g. lawyers) or investigators (ad hoc).</li></ul> |
| <b>Confidential(ity)</b>                | This refers to the non-disclosure of certain information such as the identity of the reporter, the content of the concern as well as any other details related to the concern and any investigation of the concern. This also includes any information that relates to the identity of the reporter. Information is only shared with Authorised persons and only on a strict 'need to know' basis.   |
| <b>Concern(s)</b>                       | <p>A situation raised by a reporter about a suspected or actual criminal conduct, unethical conduct or other misconduct by or within ING that leads or could lead to a violation of:</p> <ul style="list-style-type: none"><li>• The Orange Code (such as unnecessarily harming the rights of stakeholders); and/or</li><li>• Any ING Policy; and/or</li><li>• Any law and regulation (including codes, e.g. the Banking Code of Practice).</li></ul>  |
| <b>Corporate<br/>Advisory Team</b>      | <p>Supports the ING Whistleblower Reporting Officers and consists of representatives of:</p> <ul style="list-style-type: none"><li>• Human Resources Legal</li></ul>   |

- Central Special investigations (CSI)
- Group Legal/ General Legal Affair
- Group Compliance
- Group Compliance Head of Conduct Compliance & Ethics (Corporate Advisory Team Chair)
- Secretary (to be assigned by Corporate Advisory Team Chair).

The Corporate Advisory Team will appoint a single point of contact for the ING Whistleblower Reporting Officers.

### Employee(s)

Any natural person working for or on behalf of ING, on contract or temporary, including senior management and members of the Executive Board, Management Board Banking and the Supervisory Board, persons on secondment, paid and unpaid interns, volunteers or trainees, and persons hired as external employees, including self-employed workers.

### Investigation

The investigation following the intake and review. The investigation will be conducted by the relevant investigations unit and/or by any external party as appointed by the relevant unit and in accordance with applicable policies and charters. (See Global Whistleblowing Procedure for more detailed information.) The investigation and the case resolution will be carried out according to the *Global investigation Charter*.

### Laws

The laws upon which the protections are granted under the *Corporations Act 2001 (Cth)*.

If the Reporter has reasonable grounds to suspect that the information indicates the entity (including their employees or officers) have engaged in conduct that:

- Constitutes an offence against, or a contravention of, a provision of any of the following:
  - Corporations Act 2001
  - Australian Securities and Investments Commission Act 2001;
  - Banking Act 1959;
  - Financial Sector (Collection of Data) Act 2001;
  - Insurance Act 1973;
  - Life Insurance Act 1995;
  - National Consumer Credit Protection Act 2009; and
  - Superannuation Industry (Supervision) Act 1993,
- Any other law of the Commonwealth which provide for offences the commission of which is punishable by imprisonment for a period of 12 months or more.

### Personal work-related grievance

These are grievances about any matter relating to your employment or former employment and have or tend to have implications for you personally but do not:

- have any other significant or broader implications for IBAL or a related entity; or
- relate to any conduct or alleged conduct about a concern eligible for protection under the *Corporations Act* (or *Tax Administration Act*, where relevant).

Some examples include:

- an interpersonal conflict between you and another employee
- decisions relating to remuneration, terms and conditions of employment, performance reviews, transfers, promotions, disciplinary action or termination that do not involve any breach of workplace laws.

### Reasonable grounds

Reasonable grounds means to believe, in light of the circumstances and the information available to the reporter at the time of reporting, that the matters reported by them are true. Those who deliberately and knowingly reported wrong or misleading information do not enjoy protection under the ING policy. Protection is not lost if inaccurate information was reported by honest mistake. Of course, there are no repercussions for reporting a concern in good faith, even if their concern turns out to be unsubstantiated.

### Regulators

- **Australian Securities and Investments Commission (ASIC):** ASIC is Australia's integrated corporate, markets, financial services and consumer credit regulator.  
ASIC's primary role in relation to a whistleblower is to receive and consider the report about misconduct and breaches of the law and investigate the concerns where it is appropriate and within our regulatory responsibilities. ASIC also look into allegations that a Reporter has experienced or been threatened with retaliation for reporting a concern or have had their confidentiality breached.
- **Australian Prudential Regulation Authority (APRA):** APRA is tasked with protecting the interests of depositors, policyholders and superannuation fund members.

As a result of your employment with an APRA-regulated institution, you may become aware of information that leads you to believe there has been misconduct which gives you concern about the way that institution is meeting its prudential requirements.

APRA will accept information anonymously from whistleblowers.

- **Australian Tax Office (ATO):** The role of the ATO is to effectively manage and shape the tax and superannuation systems that support and fund services for Australians.

Individuals can, and protected under the law, to disclose tax avoidance behaviour and other tax issues to the ATO about an entity (including an individual) they are, or have been, in a relationship with.

### Resolution Committee

After conclusion of an Investigation, a Resolution Committee must be established to ensure a balanced, independent and objective resolution. The Resolution Committee may consist, depending on the expertise required, of:

- An independent chairperson of the Executive Committee or Board (required);
- The WBRO (unless otherwise conflicted) (required);
- The Head of the Human Resources (required);
- The Head of the Legal (required);

Refer the Global Investigations charter for more detail.

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| <b>Review</b>                                    | If the reported concern is in scope of the Whistleblower Policy, an inquiry is performed in order to confirm or reject the concern by determining whether there are reasonable facts and/or circumstances to start an investigation or other follow up (for example, introducing process changes, training and awareness, conversations with impacted parties). (See Global Whistleblowing Procedure for more detailed information.)  |
| <b>Reporter(s)</b>                               | Any person is eligible for protection as a reporter under this Whistleblower Policy when they report a concern in the context of their work-related activities with reasonable grounds. These individuals include employees, former employees, candidates, and parties with whom ING has a business relationship (such as contractors, subcontractors, and suppliers).  |
| <b>Reporter rights</b>                           | Reporter rights include (see Whistleblowing Procedure for further details): <ul style="list-style-type: none"> <li>• Protection against retaliation;</li> <li>• Information on and access to the reporting process;</li> <li>• Advice on the reporting process and implications;</li> <li>• (Anonymously) reporting a concern;</li> <li>• Confidentiality of identity and concern;</li> <li>• Staying informed;</li> <li>• Obtaining external advice;</li> <li>• Escalation;</li> <li>• Recording and retention.</li> </ul>                 |
| <b>Retaliation</b>                               | This is any adverse action including threats or attempts taken against a reporter as a result of reporting the concern or taken against any other Employee who provides information or who otherwise assists in the investigation. Examples of such adverse actions could include, but are not limited to, harassing, threatening, firing or demoting, reducing benefits, transferring to another part of the organisation, failure to fulfil an agreed commitment, changing working hours or office location or changing responsibilities. |
| <b>Senior management</b>                         | Those employees holding level 0 - 2 management positions and/or regional and country management team members who are individually or jointly responsible for the decision-making, general operation and administration of legal entities, business lines, departments, or similar.  |
| <b>Subject of concern</b>                        | A natural or legal person who is referred to in the concern as a person to whom the concern is attributed to or with whom that person is associated.  |
| <b>Third parties</b>                             | Any entity or a person which performs services for or acts on behalf of ING under a contractual agreement including as an agent, broker, intermediary, contractor, sub- contractor, supplier, lobbyist, lawyer, consultant, outsourcing partner or joint venture partner.   |
| <b>Undesirable behaviour</b>                     | Behaviours include aggression and violence, bullying, discrimination, harassment, retaliation, and sexual harassment. See Global Whistleblowing Procedure for detailed definitions of sub-categories.   |
| <b>Whistleblower Reporting Officer(s) (WBRO)</b> | An employee, who has been appointed to manage reporter concerns confidentially. The ING Whistleblower Reporting Officers are appointed at various levels of the organization, i.e. entity and/or country and/or region.   |

# Appendix B - Public interest disclosures and emergency disclosures

## Public Interest Disclosures

A Public Interest Disclosure is the disclosure of information (i.e. the concern) to a journalist or a parliamentarian, where:

- At least 90 days has passed since the Reporter made the disclosure (i.e. reported to the concern) to ASIC, APRA or another Commonwealth body prescribed by regulation.
- The Reporter does not have reasonable grounds to believe that action is being, or has been taken, in relation to their concern.
- The Reporter has reasonable grounds to believe that making a further Report of the information is in the public interest; and
- Before making the public interest disclosure, the Reporter has given written notice to the body to which the previous disclosure (i.e. the concern) was made that:
- Includes sufficient information to identify the previous concern; and
- States that the Reporter intends to make a public interest disclosure.

It is important that the Reporter understand the criteria for making a Public Interest Disclosure. The Reporter should consider seeking independent legal advice in relation to any such disclosure, which may help them further understand their rights and protections.

## Emergency Disclosures

An Emergency Disclosure is the disclosure of information to a journalist or parliamentarian, where:

- The Reporter has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation.
- The Reporter has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.
- Before making the emergency disclosure, the Reporter has given written notice to the body to which the previous disclosure was made that:
- Includes sufficient information to identify the previous disclosure; and
- States that the Reporter intends to make an emergency disclosure; and
- The extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

It is important that a Reporter understand the criteria for making an Emergency Disclosure. The Reporter should consider seeking independent legal advice in relation to any such disclosure, which may help them to further understand their rights and protections.