



Malaysia Digital Economy Corporation Sdn Bhd [199601016995 (389346-D)]
2360 Persiaran APEC, 63000 Cyberjaya
Selangor Darul Ehsan, Malaysia
T +60 3 8315 3000 F +60 3 8315 3115

WHISTLEBLOWING POLICY

(Reference No: MDEC-POL-IGD-002)

Reviewed & Endorsed by : Board of Directors on 25th March 2021
Effective date : 1st April 2021

Malaysia Digital Economy Corporation Sdn Bhd [199601016995 (389346-D)]
 2360 Persiaran APEC, 63000 Cyberjaya
 Selangor Darul Ehsan, Malaysia
 T +60 3 8315 3000 F +60 3 8315 3115

| | | | | |
|-------------------------|---|-------------------------------------------|------------------|--------|
| Title | : | WHISTLEBLOWING POLICY | | |
| Document ID | : | MDEC-POL-IGD-002 | | |
| Security classification | : | Internal & External | | |
| Document Owner | : | Integrity and Governance Department (IGD) | | |
| Approved By / Date | : | MDEC Board of Director / To be determined | | |
| Administrator | : | Integrity and Governance Department (IGD) | | |
| Effective Date | : | To be determined | Version No: | : 3.00 |
| Next Revision Date | : | - | Last Version No: | : 2.01 |

1. REVISION HISTORY

| Version | Date | Prepared by | Reviewed / Approved by | Description of Changes |
|---------|--------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.01 | 17 June 2009 | Director, OD / Senior Manager, Legal & Regulatory | MPG | Introduction of new policy. |
| 2.01 | 1 July 2018 | Siti Saljura Shamsuddin | Director, HCD | <ol style="list-style-type: none"> 1. Change of company name from "Multimedia Development Corporation Sdn Bhd" to "Malaysia Digital Economy Corporation Sdn Bhd". 2. Change from "MDeC" to "MDEC" 3. Change from "Heads of Division" to "Senior Leadership Team (SLT)" 4. Inclusion of the Head of Internal Audit as one of the Authorized Officers. |
| 3.00 | 1 March 2021 | <ul style="list-style-type: none"> • Annisa Ibrahim • Shariza Shaffie • Zareena Izmin Ismail | BIGC / BOD | Revision of the entire policy |

TABLE OF CONTENT

| No | Title | Page |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1 | Definition | 4 |
| 2 | Policy Statement | 5 |
| 3 | Purpose Of The Policy | 5 |
| 4 | Scope Of The Policy | 5 |
| 5 | Oversight And Ownership Of The Policy | 6 |
| 6 | Protection Against Detrimental Action | 6 |
| 7 | When Protection May Not Be Available | 7 |
| 8 | Protection Of Confidential Information | 7 |
| 9 | Procedure For Making A Disclosure | 7 |
| 10 | Disclosure Of Employee's Improper Conduct | 9-12 |
| 11 | Disclosure Of Director's Improper Conduct | 13 |
| 12 | Duty To Report Bribery | 13 |
| 13 | Application Of Whistleblower Protection Act 2010 | 14 |
| 14 | Clarification | 14 |
| 15 | Compliance | 14 |
| 16 | Appendices <ul style="list-style-type: none"> • Appendix A – Improper Conduct Disclosure Form • Appendix B – Detrimental Action Disclosure Form • Appendix C - Whistleblowing Investigation Procedures Flowchart | 15-21 |

1. DEFINITIONS

For the purpose of this Whistleblowing Policy, the following terms shall bear the following meanings:

| | | |
|----------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MDEC | : | Means the Malaysia Digital Economy Corporation Sdn Bhd |
| Board | : | Means the Board of Directors of MDEC |
| Director | : | Includes any person occupying the position of MDEC's Board of Directors and an alternate or substitute director |
| CEO | : | Means the person holding the office of Chief Executive Officer of MDEC |
| BARC | : | Means MDEC's Board Audit and Risk Committee |
| CBARC | : | Means the person holding the position of Chairman of Board Audit and Risk Committee of MDEC |
| BIGC | : | Means MDEC's Board Integrity and Governance Committee |
| CBIGC | : | Means the person holding the position of Chairman of Board Integrity and Governance Committee of MDEC |
| IGD | : | Means the Integrity and Governance Department of MDEC |
| HIGD | : | Means the person holding the office of Head, Integrity and Governance of MDEC |
| External Independent Party | : | Means external investigator (individual or entity) appointed by the Board to conduct independent investigation |
| Whistleblower | : | Means any person that makes a disclosure of Improper Conduct under this Policy |
| Whistleblowing | : | Has the meaning explained to it in Section 4, Clause 4.3 of this Policy |
| Improper Conduct | : | Has the meaning explained to it in Section 4, Clause 4.4 of this Policy |
| Good faith | : | Means honesty, fairness, and lawfulness of purpose, and the absence of any intent to defraud, act maliciously, or take unfair advantage; and nothing is said to be done or believed in good faith which is done or believed without due care and attention |
| MDEC Employee(s) | : | Includes MDEC CEO and employees who are designated as permanent, probationary, temporary, intern, fixed term contract (FTC) and contract for services (CFS) |
| Associated Person | : | Means: a) Suppliers which includes bidders, suppliers, contractors, consultants, or other service providers of MDEC; or b) Recipients which includes recipients of cash grants or sponsorship from MDEC; or c) Participants which includes persons who participate in any of the program launched or undertaken by MDEC; or d) Clients of MDEC |
| Detrimental Action | : | Has the meaning explained to it in Section 6, Clause 6.1 of this Policy |
| Confidential Information | : | Means any information that is by its nature confidential or sensitive, marked as "confidential" and/or not generally available to the public and in this Policy includes: 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 |

2. POLICY STATEMENT

- 2.1. MDEC is committed to the highest standard of integrity, openness, and accountability in the conduct of its businesses and operations.
- 2.2. MDEC aspires to conduct its affairs in an ethical, responsible, and transparent manner.
- 2.3. MDEC also aspires to be recognized for its initiatives, commitment, and best practices in combating corruption.

3. PURPOSE OF THE POLICY

- 3.1. To provide an avenue which is secured and confidential for MDEC Employees and members of the public to disclose in good faith, serious concerns of any Improper Conduct and/or wrongdoing by any MDEC Employee or Director in accordance with the procedures as provided under this Policy without fear of being subject to Detrimental Action.
- 3.2. To foster an environment where integrity and ethical behavior is maintained and any Improper Conduct of any MDEC Employee or Director may be exposed.
- 3.3. To ensure the practice of excellent work culture within MDEC is imbued with strong morals and ethics, and where a disclosure proves to be well founded, the individuals responsible for such serious misconduct will be dealt with in an appropriate manner.
- 3.4. Act as an early warning system and may enable MDEC to remedy any wrongdoings before serious damage is caused.

4. SCOPE OF THE POLICY

- 4.1. This Whistleblowing Policy ("**Policy**") is designed to facilitate MDEC Employees and members of the public to disclose any Improper Conduct performed by any MDEC Employee or Director.
- 4.2. 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.
- 4.3. Improper Conduct is generally described as any conduct by an individual which if proved constitutes a criminal offence or any conduct that constitutes a wrongdoing or malpractice and may include any of the following but not limited to:
 - a. Criminal offence under the law, such as corruption, fraud, forgery, criminal breach of trust, abetting or intending to commit criminal offence
 - b. Receiving, soliciting, offering, or giving, directly or indirectly, a bribe or gratification or a favour in exchange for direct or indirect personal benefits
 - c. Misuse of MDEC's funds or assets
 - d. Abuse of power or malpractice within MDEC
 - e. Serious breach of the MDEC's Code of Conduct, in particular failure to disclose a conflict of interest
 - f. Serious financial irregularity or impropriety within MDEC
 - g. Offences under the Malaysian Anti-Corruption Commission Act 2009
 - h. An act or omission which creates a substantial or specific danger to the lives, health, or safety of MDEC's employees, the public, or the environment
 - i. Failure to comply with the provisions of laws and regulations where the person knowingly disregards, or does not comply with such provisions
 - j. Attempt to conceal information relating to Improper Conduct
 - k. Knowingly directing or advising a person to commit any of the above Improper Conduct.

The above list is not exhaustive, and includes any act or omissions, which if proven, will constitute an act of misconduct under MDEC's Code of Conduct ("**COC**") or any criminal offence under relevant legislations in force.

4.4. A disclosure of Improper Conduct may be made by:

4.5.1 Any MDEC Employee who has knowledge of an Improper Conduct committed by another MDEC Employee or Director; or

4.5.2 Any external party that has knowledge of an Improper Conduct committed by an MDEC Employee or Director.

4.5. This Policy does not apply to grievances concerning an individual's terms of employment or employee performance matter and such matters shall be dealt with in accordance with Human Capital's Guidelines and Standard Operating Procedures (SOP). Should it be determined during the preliminary investigation that the matter disclosed does not fall with the scope of this Policy, such matters will be transferred and dealt with by the appropriate personnel of the relevant department for appropriate procedures and actions to be taken.

5. OVERSIGHT AND OWNERSHIP OF POLICY

5.1. In line with the Guideline for the Management of IGU issued by MACC in 2019, the Integrity and Governance Department ("**IGD**"), MDEC has overall responsibility for this Policy and shall oversee the implementation of this Policy.

5.2. The use and effectiveness of this Policy shall be regularly monitored and reviewed by the Head, Integrity and Governance Department ("**HIGD**").

5.3. The owner of this document is IGD, who shall be responsible for incorporating any amendments and updates into this document and distributing the same to the relevant parties. Any revision to this Policy will require consultation from MDEC's Board Integrity and Governance Committee ("**BIGC**"), subsequently Chairman, Board Integrity and Governance Committee ("**CBIGC**") to obtain approval from the Board.

5.4. This Policy should be reviewed by IGD as and when required.

6. PROTECTION AGAINST DETRIMENTAL ACTION

6.1. Any MDEC Employee who makes a disclosure of Improper Conduct of another MDEC Employee or Director 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 actions ("**Detrimental Action**") by MDEC.

6.2. Any disclosure 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.

6.3. Any MDEC Employee that makes a disclosure of another MDEC Employee or Director's Improper Conduct in good faith and who has been subject to Detrimental Action may lodge a complaint pursuant to this Policy.

6.4. Pursuant to Clause 6.3 of this Policy, any MDEC Employee can lodge his/her complaint using the Detrimental Action Disclosure Form as per in Appendix B of this Policy. The same procedures for investigation for disclosure of Improper Conduct shall apply to any disclosure of Detrimental Action.

6.5. Any MDEC Employee who takes any Detrimental Action against other MDEC Employee who has made a report of Improper Conduct in good faith shall be subject to disciplinary action.

7. WHEN PROTECTION MAY NOT BE AVAILABLE

- 7.1. MDEC Employee may not avail him/herself to the protection against Detrimental Action mentioned in Clause 6 above in the following circumstances:
- If the disclosure of Improper Conduct is not made in good faith; or
 - If the MDEC Employee him/herself has participated in the Improper Conduct reported; or
 - The disclosure of Improper Conduct is made solely or substantially with the motive of avoiding dismissal or other disciplinary action.
- 7.2. However, please note that MDEC has no power to provide any immunity from criminal prosecution. MDEC also does not have any power to grant any protection from Detrimental Action to a Whistleblower who is not an MDEC Employee.

8. PROTECTION OF CONFIDENTIAL INFORMATION

- 8.1. Any person having knowledge of a disclosure of an Improper Conduct shall make all reasonable efforts to maintain the confidentiality of the Confidential Information, in particularly the identity of the Whistleblower.
- 8.2. However, there may be circumstances, during the investigation where it will be necessary to disclose the identity of the Whistleblower. If such circumstances exist, the HIGD or the independent party involved in investigations shall endeavor to inform the Whistleblower that his/her identity is likely to be disclosed and to obtain his/her consent for the said disclosure.
- 8.3. In order not to jeopardize any investigation, the Whistleblower shall make all reasonable efforts to maintain the confidentiality of the Confidential Information, in particular, the fact that a disclosure has been filed, the nature of the Improper Conduct and the identity of the person(s) who have allegedly committed the Improper Conduct.
- 8.4. Any person who obtains any Confidential Information during any investigation of an allegation of Improper Conduct shall not disclose any Confidential Information or any part thereof.

9. PROCEDURE FOR MAKING A DISCLOSURE

9.1 Whistleblowing Channels

- 9.1.1 It is the duty of every MDEC Employee and member of the public to report any breaches or suspected breaches of any behavioral or business conducts and ethics commitment of which he/she is aware of or has knowledge, whether these relate to MDEC Employees or Directors, by completing the Improper Conduct Disclosure Form as per in Appendix A of this Policy with supporting evidence and/or documents to substantiate their disclosure to any of the following reporting channels:

a. Report on Employee

The disclosure should be sent to the email address mdec_wb@mdec.com.my. Alternatively, the form may be submitted in sealed envelope marked "**Confidential**" with indicative labels "**To be opened by Head, Integrity and Governance Department only**", addressed to: Head, Integrity and Governance Department, Corporate Office, MDEC HQ, 2360, Persiaran APEC, 63000 Cyberjaya, Selangor Darul Ehsan.

b. Report on Director

The disclosure should be sent in sealed envelope marked "**Confidential**" with indicative labels "**To be opened by Chairman of MDEC Board Audit & Risk Committee only**", addressed to Chairman of Board Audit and Risk Committee, MDEC HQ, 2360, Persiaran APEC, 63000 Cyberjaya, Selangor Darul Ehsan.

c. Report on CEO/HIGD and/or any officers in IGD

The disclosure should be sent in sealed envelope marked “**Confidential**” with indicative labels “**To be opened by Chairman of MDEC Board Integrity and Governance Committee only**”, addressed to Chairman of Board Integrity and Governance Committee, MDEC HQ, 2360, Persiaran APEC, 63000 Cyberjaya, Selangor Darul Ehsan.

- 9.1.2 As provided by the law, MDEC Employees and members of the public may also report illegal or unethical practices directly to the statutory bodies such as the Malaysian Anti-Corruption Commission (“**MACC**”), the Securities Commission (“**SC**”), the Royal Malaysia Police (“**RMP**”) or other similar law enforcement agencies in other countries where the business is located. In such event, protection of the confidential information is also provided for under the respective law such as the Evidence Act 1950, MACC Act 2009, Companies Act 2016, and Whistleblower Protection Act 2010.
- 9.1.3 The procedures to submit disclosure of an Improper Conduct shall be made available in the MDEC corporate website.
- 9.1.4 For disclosure related to associated person(s) with MDEC, but are non-MDEC Employees, it is the duty of every MDEC Employee and member of the public to report directly to the applicable authority or law enforcement agency.

9.2 Requirement of Good Faith

- 9.2.1 Any disclosure must be made in good faith and supported by reasonable grounds and reliable information with supporting evidence or documents.
- 9.2.2 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.
- 9.2.3 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 MDEC and not for personal gain or motivation.
- 9.2.4 Any person that has not acted in good faith shall not be entitled to any protection under this Policy.
- 9.2.5 In addition, any MDEC Employee making allegations or disclosure that prove to have been made without good faith will be subject to disciplinary action.

9.3 Anonymous Report

- 9.3.1 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.

10. DISCLOSURE OF EMPLOYEE'S IMPROPER CONDUCT

10.1 Information Required for Investigation

- 10.1.1 The information to be furnished by a Whistleblower is set out in the Improper Conduct Disclosure Form in Appendix A of this Policy.
- 10.1.2 To enable the officers of IGD to efficiently process and take the necessary action, the disclosure must not be too general and obscure.
- 10.1.3 It is advisable that the Whistleblower is to have the following information or details:
 - a. **WHEN** did the Improper Conduct take place
 - b. **WHERE** did the Improper Conduct take place
 - c. **WHO** was involved in the Improper Conduct
 - d. **WHAT** is the type or nature of the Improper Conduct
 - e. **WHY** was the Improper Conduct performed
 - f. **HOW** was the Improper Conduct performed or transacted

10.2 Recording Disclosure

- 10.2.1 All reports of Improper Conduct, findings of investigations and monitoring and corrective actions shall be centralized and logged in a log administered and monitored by the HIGD.
- 10.2.2 The HIGD may assign a designated officer in IGD to manage the log. BIGC shall be informed of any new reports of Improper Conduct and may request to review the log at any time.
- 10.2.3 After receiving a report of Improper Conduct, the designated IGD officer shall assess the disclosure to determine whether it constitutes any Improper Conduct which includes violation of MDEC's Code of Conduct and policies including offences related to relevant laws and statutes. The designated IGD officer shall then inform the HIGD of the receipt of the report and provides the HIGD his/her opinion on whether he/she believes the case is a frivolous claim or is a case where there are suspicious circumstances. The HIGD will then give instructions for the designated IGD officer to conduct preliminary investigations.

10.3 Investigation Procedures

- 10.3.1 For a quick overview, please refer to the flowchart of Investigation Procedures in Appendix C of this Policy.
- 10.3.2 Upon logging a report of Improper Conduct, the HIGD or designated IGD officer will provide the Whistleblower an acknowledgement of receipt of the Improper Conduct within two (2) working days..
- 10.3.3 Subsequently, if necessary, the following persons may be consulted (to the extent possible, without disclosure of identities of the Whistleblower and the person that allegedly committed the Improper Conduct) to assist and to provide relevant advice in relation to their respective areas, in the case of a report relating to:
 - a. a breach of any law, Head of Legal; or
 - b. a breach of Employees' Code of Conduct, Director of Human Capital; or
 - c. a breach of MDEC's Policies and SOPs, Head of Internal Audit

10.4 Preliminary Investigation

- 10.4.1 The designated IGD officer will conduct a preliminary investigation of every disclosure of Improper Conduct received to determine whether there are merits to initiate a full investigation.
- 10.4.2 The findings of the preliminary investigation and recommendation shall be referred to the HIGD for a decision on whether to close the case or to proceed to a full investigation of the allegations. The HIGD may decide to consult CBIGC or convene an BIGC meeting before making a decision.
- 10.4.3 Upon review of the findings of the preliminary investigation, the HIGD 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;
 - b. Instruct the designated IGD officer to commence a full investigation in the event the preliminary findings clearly indicate suspicious circumstance;
 - c. Refer the matter to CBIGC to determine the next cause of action in case where CEO is involved. In such cases where the disclosure involves the HIGD and/or any officers in IGD, CBIGC may appoint other personnel (having due regard to suitable seniority and any circumstances that may give rise to conflict of interest) or an external independent party to investigate the allegations;
 - d. In cases where the preliminary findings disclose a possible criminal offence, consult with CBIGC and/or legal advisors (internal and/or external), then recommend to the Board should the case be referred to relevant authorities, such as RMP or the MACC for further action;
 - e. Determine any other course of action that the CBIGC deems fit having regard to the circumstances of the matter reported and the fairness of the conduct of any investigation;
 - f. If the matter is closed, the HIGD will inform the Whistleblower that the matter is closed;
 - g. If the matter is to be referred to the authorities, subject to any legal requirements or prohibitions, the HIGD will inform the Whistleblower that the matter has been referred to authorities; and/or
 - h. In the event a full investigation is to be carried out, the HIGD will inform the Whistleblower of the conduct of a full investigation and the Whistleblower shall give his full cooperation during the conduct of the investigation.

10.5 Full investigation

- 10.5.1 In the event a full investigation is to be conducted, the HIGD and/or designated officer from IGD and/or any other persons identified by the BIGC shall conduct the investigation and endeavor to complete such investigation within three (3) months. Any extension of the time required for the completion of the investigation shall be subject to the BIGC's approval.
- 10.5.2 In the event a full investigation is being conducted, all MDEC Employees shall give their full cooperation to any investigation conducted.
- 10.5.3 The HIGD and/or the designated officer from IGD will conduct further investigation by requesting relevant documentation and information from respective parties and hold interviews to validate and verify the allegations reported by the Whistleblower.
- 10.5.4 In the event a full investigation is to be conducted on a report of Improper Conduct by the CEO or the HIGD and/or any officers in IGD, the BIGC may decide 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 Board.

10.5.5 All information, documents, records, and reports relating to the investigation of an Improper Conduct shall be kept securely by IGD to ensure its confidentiality.

10.6 Findings of Investigation

10.6.1 Findings of investigation related to employee

Upon the conclusion of an investigation in a case where the CEO is not implicated, the investigation report shall be reviewed by the HIGD. Upon review of such investigation report, the HIGD shall determine whether the allegation could be substantiated or not. For allegations related to breach of Employee's Code of Conduct, the HIGD will recommend for further action to be taken by Human Capital Department ("**HCD**"). HCD will then conduct their internal process as per stated in HCD SOP on Grievance and Disciplinary Action and recommend to CEO if disciplinary action is to be taken against the wrongdoer.

10.6.2 Findings of investigation related to CEO/HIGD and/or any officers in IGD

Upon the conclusion of an investigation in a case where the CEO and the HIGD and/or any officers in IGD is implicated, the BIGC shall review the investigation report. Upon the review of such investigation report, the BIGC shall determine whether the allegation could be substantiated or not. In the event the allegation could be substantiated, the BIGC 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.

10.7 Decision

10.7.1 Decision related to Employee

Upon decision by CEO, HCD will notify IGD on the corrective action taken and/or if there is any disciplinary action taken on the wrongdoer. Any findings related to gaps in policies and SOPs which contributed to the act of Improper Conduct by the wrongdoer will be recorded by IGD. IGD will then implement corrective and preventive measures such as conducting awareness integrity programs, enhancing the current policies/SOPs and/or developing new policies/SOPs across the organization. Final report will be submitted to BIGC for notification on quarterly basis.

10.7.2 Decision related to CEO/HIGD and/or any officers in IGD

Upon decision by BIGC, a final report together with recommendations of the BIGC will be tabled at MDEC's Board of Directors ("**Board**"). The Board will then review the final report and decide on the corrective action to be taken and/or the disciplinary action to be taken (if any).

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

10.8 Corrective and Preventive Actions

10.8.1 IGD shall propose and carry out all corrective and preventive actions in relation to the findings of the investigation, subject to BIGC's approval.

10.8.2 Where applicable, MDEC Operating Council shall institute the appropriate controls to prevent any further wrongdoings or damage to MDEC.

10.9 Safekeeping of Records

10.9.1 All disclosure received in writing via the abovesaid channels together with the relevant investigation documents will be retained by IGD for a minimum of 7 years.

10.9.2 All reports, its supporting evidence, findings of investigations and monitoring of corrective and preventive actions shall be maintained and monitored by IGD.

11. DISCLOSURE OF DIRECTOR'S IMPROPER CONDUCT

11.1 Investigation Procedure

- 11.1.1 After receiving a report of Director's Improper Conduct, the CBARC shall form an opinion on whether he/she believes the case is a frivolous claim or is a case where there are suspicious circumstances.
- 11.1.2 If necessary, the CBARC may seek independent legal advice or any other professional advice regarding the report made.

11.2 Full Investigation

- 11.2.1 The CBARC shall in his/her discretion decide whether the case shall be closed or to proceed to a full investigation of the allegations or to refer the matter to the relevant authorities or determine any other course of action that he deems fit having regard to the circumstances of the matter reported and the fairness of the conduct of any investigation.
- 11.2.2 In the event a full investigation is to be carried out, the external Independent Party appointed to carry out investigations will inform the Whistleblower and the Whistleblower shall give his/her full cooperation during the conduct of the investigation. The terms of appointment of the said external independent party shall be approved by the Board.
- 11.2.3 The procedures of the investigation shall avoid any conflict of interest and shall ensure procedural fairness to the Director involved.
- 11.2.4 All information, documents, records, and reports relating to the investigation of any Director's Improper Conduct shall be kept securely to ensure its confidentiality by CBARC.

11.3 Findings of Investigation and Decision

- 11.3.1 Upon conclusion of an investigation, CBARC will then present to the Board the investigation report. The Board will determine whether the allegation could be substantiated or not.
- 11.3.2 The Director involved in the disclosed Improper Conduct must be excluded from the initial stage of investigation until the decision has been made by the Board.

11.4 Corrective Action

If there is any corrective action to be taken, the Board shall take the necessary action.

12. DUTY TO REPORT BRIBERY

- 12.1 By virtue of Section 25(1) of the MACC Act 2009, it is the duty of any person to whom any bribery is given, promised or offered to report such bribe, promise or offer to MACC or the police. In the event of failure to comply, the person commits an offence and upon conviction, he/she is liable to fine not exceeding RM100,000.00 or to imprisonment for a term not exceeding 10 years or to both.
- 12.2 By virtue of Section 25(3), any person from whom a bribe has been solicited or obtained or an attempt has been made to obtain such bribe, shall at the earliest opportunity report such soliciting or obtaining of or attempt to obtain the bribe to the nearest officer of the MACC or the police.

13. APPLICATION OF WHISTLEBLOWER PROTECTION ACT 2010

- 13.1 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”).
- 13.2 If MDEC Employee wishes to make a disclosure or report of Improper Conduct by other MDEC Employee and/or the Director pursuant to the Act, then the MDEC Employee 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.
- 13.3 Whilst MDEC respects the rights of MDEC Employees to directly make reports of Improper Conduct of another MDEC Employee and/or the Director to an Enforcement Agency, MDEC advises and urges MDEC Employees to report Improper Conduct of any MDEC Employees and/or the Director to MDEC first, so that MDEC can remedy any future wrongdoings and where applicable, institute the appropriate controls to prevent any serious damage to MDEC.

14. CLARIFICATION

- 14.1 If any MDEC Employee or external party has any doubts or is seeking clarification of this Policy, they should write to IGD by emailing to integrity@mdec.com.my.
- 14.2 Alternatively, call IGD directly at +603-8315 3293.

15. COMPLIANCE

Failure to comply with this Policy shall result in serious consequences to MDEC Employees and BOD covered by this Policy including a range of appropriate actions.

**APPENDIX A
IMPROPER CONDUCT DISCLOSURE FORM**

IMPORTANT NOTICE:

1. All information provided via this disclosure will be managed by authorized personnel of Integrity and Governance Department, MDEC **with the strictest confidence and your identity as the whistleblower will be protected**, unless required to be disclosed under the applicable law. In order not to jeopardize the investigation, you should also keep the fact that you have made a disclosure, the nature of your concern and the identity of those involved confidential.
2. **Anonymous disclosure is not encouraged** as any follow up to ascertain the facts or to obtain further information for investigation purposes would be very difficult.
3. In order for us to conduct a thorough investigation, please provide information as accurate as possible.
4. Any disclosure **must be made in good faith** and supported by reasonable grounds and reliable information with supporting evidence or documents.

Requirement of Good Faith

- a. 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.
 - b. 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 MDEC and not for personal gain or motivation.
5. A disclosure may be made if it relates to one or more of the following improper conduct/wrongdoing but not limited to:
- l. Criminal offence under the law, such as corruption, fraud, forgery, criminal breach of trust, abetting or intending to commit criminal offence
 - m. Receiving, soliciting, offering or giving, directly or indirectly, a bribe or gratification or a favour in exchange for direct or indirect personal benefits
 - n. Misuse of MDEC's funds or assets
 - o. Abuse of power or malpractice within MDEC
 - p. Serious breach of the MDEC's Code of Conduct, in particular failure to disclose a conflict of interest
 - q. Serious financial irregularity or impropriety within MDEC
 - r. Offences under the Malaysian Anti-Corruption Commission Act 2009
 - s. An act or omission which creates a substantial or specific danger to the lives, health, or safety of MDEC's employees, the public or the environment
 - t. Failure to comply with the provisions of laws and regulations where the person knowingly disregards, or does not comply with such provisions
 - u. Attempt to conceal information relating to improper conduct
 - v. Knowingly directing or advising a person to commit any of the above improper conduct.
6. MDEC employee or member of the public can submit their disclosure along with this **completed form with supporting evidence and/or documents to substantiate your disclosure** to any of the following reporting channels:

a. **Improper Conduct by MDEC's Employee**

The disclosure should be sent to the email address mdec_wb@mdec.com.my. Alternatively, the form may be submitted in sealed envelope marked "**Confidential**" with indicative labels "**To be opened by Head, Integrity and Governance Department only**", addressed to: Head, Integrity and Governance Department, Corporate Office, MDEC HQ, 2360, Persiaran APEC, 63000 Cyberjaya, Selangor Darul Ehsan.

b. **Improper Conduct by MDEC's Director**

The disclosure should be sent in sealed envelope marked "**Confidential**" with indicative labels "**To be opened by Chairman of MDEC Board Audit & Risk Committee only**", addressed to Chairman

of Board Audit and Risk Committee, MDEC HQ, 2360, Persiaran APEC, 63000 Cyberjaya, Selangor Darul Ehsan.

- c. Improper Conduct by MDEC's Chief Executive Officer, Head of Integrity and Governance and/or any officers of Integrity and Governance Department (IGD)

The disclosure should be sent in sealed envelope marked "**Confidential**" with indicative labels "**To be opened by Chairman of MDEC Board Integrity and Governance Committee only**", addressed to Chairman of Board Integrity and Governance Committee, MDEC HQ, 2360, Persiaran APEC, 63000 Cyberjaya, Selangor Darul Ehsan.

7. For disclosure related to associated person(s) with MDEC, but are non-MDEC employees, we recommend that you report directly to the applicable authority or law enforcement agency. Associated person includes:
- | | |
|--------------|------------------------------------------------------------------------------------------|
| Suppliers | includes bidders, suppliers, contractors, consultants, or other service providers |
| Recipients | includes recipients of cash grants or sponsorship from MDEC |
| Participants | includes persons who participate in any of the programmes launched or undertaken by MDEC |

PART A: PARTICULARS OF WHISTLEBLOWER

Note: All fields are mandatory. Any anonymous disclosure is not encouraged.

| | | | |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------|---------|
| Full Name | | | |
| Staff Number: (only applicable for MDEC employees) | | | |
| Email Address | | Contact No (whichever applicable) | Home: |
| | | | Office: |
| | | | Mobile: |
| NRIC/Passport No | | | |
| Preferred method of communication (Please tick <input checked="" type="checkbox"/>) | <input type="checkbox"/> Email <input type="checkbox"/> Call | | |

PART B: INFORMATION OF MDEC EMPLOYEE(S) AND DIRECTOR(S) INVOLVED IN IMPROPER CONDUCT

Note: All fields are mandatory.

| | | | |
|--------------|----------------------------------|---|--|
| Individual 1 | | | |
| 1 | Name of MDEC Employee / Director | : | |
| | Designation / Position in MDEC | : | |
| | How do you know this Person? | : | |

| | | | |
|--------------|----------------------------------|---|--|
| Individual 2 | | | |
| 2 | Name of MDEC Employee / Director | : | |
| | Designation / Position in MDEC | : | |
| | How do you know this Person? | : | |

| | | | |
|--------------|----------------------------------|---|--|
| Individual 3 | | | |
| 3 | Name of MDEC Employee / Director | : | |
| | Designation / Position in MDEC | : | |
| | How do you know this Person? | : | |

PART C: DETAILS OF IMPROPER CONDUCT

Note: All fields are mandatory. If space given is insufficient, please submit the details in a separate document as attachment. Please attach supporting evidence and/or documents to substantiate your disclosure.

| | |
|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date of event | |
| Time of event | |
| Venue / Place of event | |
| Details of improper conduct | |
| Does the improper conduct involve any transaction of money/funds? <i>(Please tick ☒)</i> If yes, please indicate the amount. | <input type="checkbox"/> Yes <input type="checkbox"/> No Money/funds involved (MYR): _____ |
| Have you lodged a complaint on this matter to another person/department/authority before? <i>(Please tick ☒)</i> | <input type="checkbox"/> Yes <input type="checkbox"/> No Please indicate the name of the person and his/her department/agency. Please attach a copy of the report made. _____ |
| Date report was made | |
| Status of report made | |

PART D: DECLARATION

Note: Please read the following statements carefully and tick all the boxes before submitting.

| | |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | I hereby declare that all information given herein are made in good faith, voluntarily, and are true to the best of my knowledge, information, and belief. |
| <input type="checkbox"/> | I hereby agree that I will keep confidential the information disclosed by me in this form. |
| <input type="checkbox"/> | I hereby agree for the information provided herein to be used for investigation purpose and further agree that the information provided herein may be forwarded to another department within MDEC /authority/enforcement agency for investigation purpose. |
| <input type="checkbox"/> | (Only applicable to non-MDEC employee) I hereby acknowledge that I have read and agreed to MDEC's Personal Data Protection Statement in https://mdec.my/footer-pages/personal-data-protection/ . |

| | | | | | |
|-------------|--|------------------|--|-------------|--|
| Name | | Signature | | Date | |
|-------------|--|------------------|--|-------------|--|

PART E: RECORDING DISCLOSURE

Note: To be completed by Authorized Personnel

| For Office Use Only: | |
|---------------------------------|--|
| Reference Number | |
| Remarks / Action Taken | |
| Disclosure Recorded by and Date | |

- END OF APPENDIX A -

**APPENDIX B
DETRIMENTAL ACTION DISCLOSURE FORM**

PART A: PERSONAL PARTICULAR OF THE COMPLAINANT

Note: All fields are mandatory.

| | | | |
|------------------------|--|-----------------------------------|---------|
| Name | | | |
| Staff Number: | | | |
| Correspondence Address | | Contact No (whichever applicable) | Home: |
| | | | Office: |
| | | | Mobile: |
| Designation | | | |
| Division / Department | | | |

PART B: DETAILS OF DETRIMENTAL ACTION:

Note: All fields are mandatory. If space given is insufficient, please submit the details in a separate document as attachment. Please attach supporting evidence and/or documents to substantiate your disclosure.

| | |
|--------------------------------------------------------|--|
| Name(s) of Person(s) committing the Detrimental Action | |
| Detrimental Action complained of: | |

PART C: DECLARATION

Note: Please read the following statements carefully and tick all the boxes before submitting.

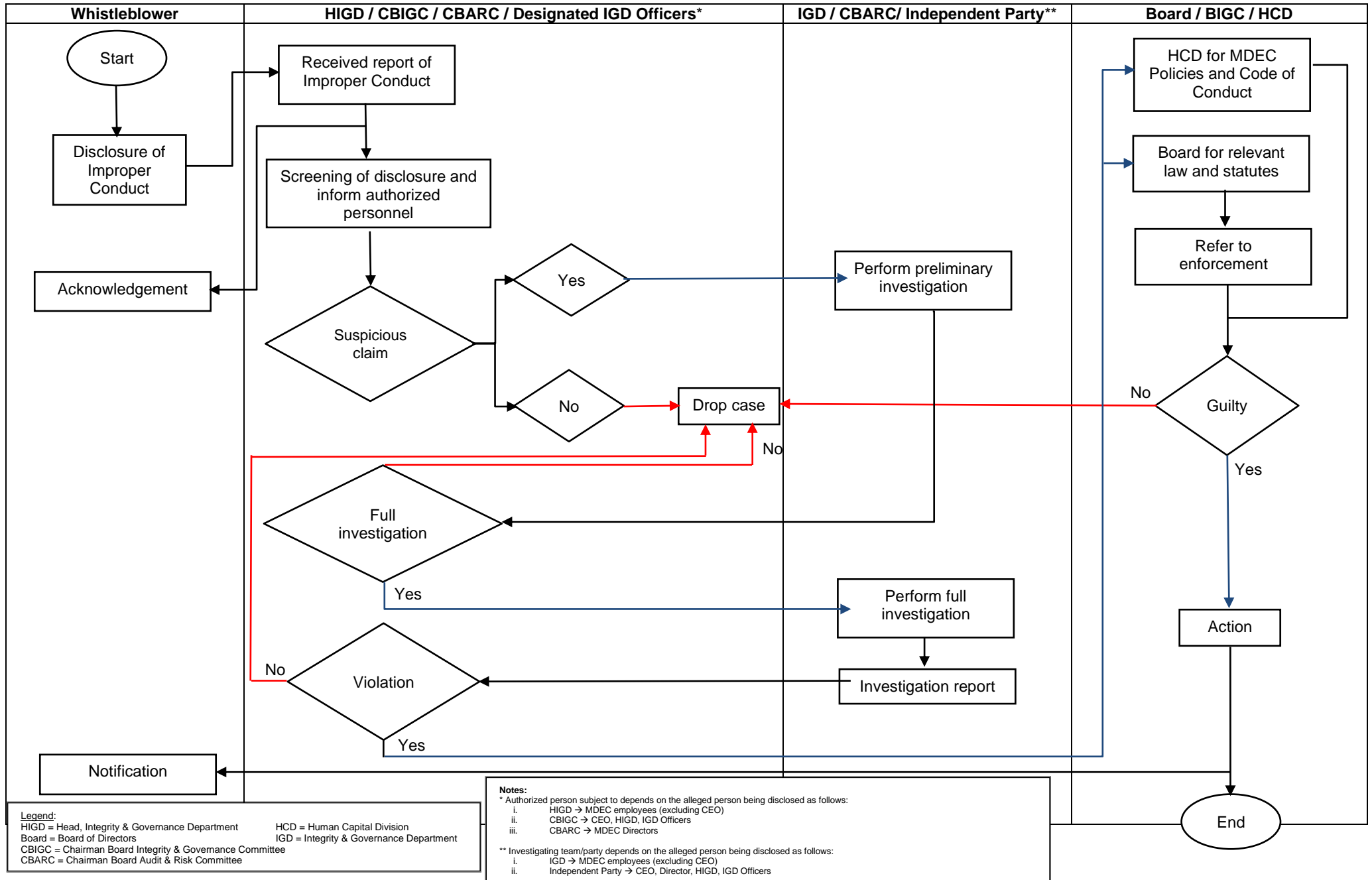
| | |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | I hereby declare that all information given herein are made in good faith, voluntarily, and are true to the best of my knowledge, information, and belief. |
| <input type="checkbox"/> | I hereby agree that I will keep confidential the information disclosed by me in this form. |
| <input type="checkbox"/> | I hereby agree for the information provided herein to be used for investigation purpose and further agree that the information provided herein may be forwarded to another department within MDEC /authority/enforcement agency for investigation purpose. |

| | | | | | |
|-------------|--|------------------|--|-------------|--|
| Name | | Signature | | Date | |
|-------------|--|------------------|--|-------------|--|

| For IGD Office Use Only: | |
|---------------------------------|--|
| IGD Reference Number | |
| Remarks / Action Taken | |
| Disclosure Recorded by and Date | |

- END OF APPENDIX B -

APPENDIX C: WHISTLEBLOWING INVESTIGATION PROCEDURES FLOWCHART



- END OF APPENDIX C -