TOLL COLLECT
service on the road

Rules of Procedure

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List of Abbreviations

BALM	Bundesamt für Logistik und Mobilität
bDSB	betriebliche/r Datenschutzbeauftragte*r
BDSG	Bundesdatenschutzgesetz
BFStrMG	Bundesfernstraßenmautgesetz
BMV	Bundesministerium für Verkehr
DSGVO	Datenschutz-Grundverordnung

1 At a glance[1]

	**What is it about?** These rules of procedure contain an explanation of who can report which facts (incidents), detailed information on how to submit a report, an outline of the envisaged procedural steps, and details of what happens and what should be taken into account following a report.
	**What can be reported?** Misconduct and breaches of the law e. g. corruption, theft of company property, assault, insult, discrimination, bullying Human rights and the environment: e.g. child labour, forced labour, unfair working conditions, health and safety risks, environmental damage
	**Who can report?** Any person who becomes aware of such an incident in connection with our activities – whether they are a member of staff, a business partner or a member of the public.
	**How to report?** Via the internal reporting channel: by email, telephone, post or via the digital reporting portal. Reports can also be made anonymously. Via the external ombudsman: as an independent alternative outside the company.
	**What should the report contain?** Full evidence is not required. Helpful information includes: What happened, how, where and when? Who was involved? What were the consequences? It is also helpful to provide supporting evidence, such as photographs, emails or documents, if available.
	**Who will find out about this?** Reports will be treated confidentially throughout the entire processing. Where required for the purposes of investigation, additional functions may be involved (need-to-know principle).
	**Data protection and quality assurance** There are statutory retention obligations. The personal data will be deleted after this. The entire method is reviewed and refined annually and as and when necessary.

[1] *In case of doubt, the full original text of the procedural rules shall apply*

2 Purpose of the procedural rules

Toll Collect GmbH (hereinafter 'Toll Collect') acts as the Federal Government's technology service provider for the intelligent management of mobility. A key prerequisite for these services is the integrity of Toll Collect's actions in all business processes. This depends on acting in accordance with applicable law, our principles of compliant behaviour and our corporate values.

Toll Collect has established a whistleblower system for submitting reports of misconduct in any business relationships as well as potential violations of human rights and environmental obligations. The aim is to identify potential breaches and risks at an early stage, investigate them and respond appropriately. The findings are intended, in particular, to help prevent breaches and to continuously improve processes and controls.

These rules of procedure contain an explanation of who can report which facts (incidents), detailed information on how to submit a report, an outline of the envisaged procedural steps, and details of what happens and what should be taken into account following a report.

3 Which reports are covered by these procedural rules?

Toll Collect's whistleblowing scheme is designed to receive reports of potential breaches of the law and regulations, as well as other serious misconduct relating to Toll Collect's activities. In addition, the whistleblowing system can be used to report human rights and environmental risks, as well as breaches of human rights and environmental obligations within the meaning of the Supply Chain Due Diligence Act (LkSG).

Whistleblowers are not required to assess for themselves whether a reported matter falls within the statutory scope of the Whistleblower Protection Act (HinSchG) or the LkSG. The internal reporting office is responsible for reviewing and categorising any reports received.

3.1 Information pursuant to the Whistleblower Protection Act

The whistleblowing scheme can be used to report breaches that fall within the material scope of the HinSchG. These include, in particular, offences punishable by criminal penalties, as well as the other legal infringements covered by the HinSchG. Reports may, for example, relate to:

- Corruption, bribery and the acceptance of bribes
- Fraud, breach of trust, theft or other property offences
- Assault, coercion or insult
- Breaches in other areas of law covered by the HinSchG

- Federal, state and EU legislation
- Breaches relating to the award of public contracts and competition law
- Breaches of tax regulations

For reports falling within the scope of the HinSchG, the protective provisions for whistleblowers set out in that act apply.

3.2 Further compliance information

Through its whistleblowing scheme, Toll Collect also accepts reports of other compliance-related misconduct relating to Toll Collect's activities which do not fall, or do not clearly fall, within the statutory scope of the Whistleblowing Act (HinSchG). These include, in particular:

- Breaches of binding internal regulations
- Breaches of compliance principles and the 'Moral Compass' (set of values), where these are of significance to Toll Collect due to their nature, severity, frequency or potential impact
- any other conduct likely to cause significant material or non-material damage to Toll Collect, its employees or business partners, or to substantially impair the integrity of its business operations.

Not every breach of the rules, difference of opinion or deviation from expected behaviour constitutes a compliance breach. The internal reporting office is responsible for categorising the reported incident.

3.3 Complaints under the Supply Chain Due Diligence Act (LkSG)

Reports under the LkSG are notifications of breaches of human rights or environmental obligations arising from Toll Collect's business activities within its supply chain. These include:

- Child labour and forced labour
- Violations of the freedom of association
- Breaches of applicable minimum wage regulations and fair pay
- Unequal treatment and discrimination
- Breaches relating to health and occupational safety risks
- Environmental offences and environmental risks, such as pollution of soil, water, air, use of prohibited substances and illegal waste disposal

3.4 Distinction from other complaints and concerns

Toll Collect has separate specialist contact points and complaints departments for specific issues and enquiries.

The Internal Complaints Office (iBS) is the designated point of contact for complaints regarding discrimination on any of the grounds specified in the General Equal Treatment Act (AGG), as well as for complaints of (sexual) harassment.

If the internal reporting office receives a report that falls, in whole or in part, within the remit of iBS or another department at Toll Collect, the internal reporting office will assess how to proceed, whilst complying with the statutory confidentiality requirements. Where legally permissible and necessary for the purposes of processing, the competent authority may be involved, or the whistleblower may be referred to that authority.

General customer complaints, personal differences of opinion or other matters not relating to a potential breach of the law or regulations, compliance-related misconduct or a human rights or environmental risk do not, as a rule, fall within the scope of these procedural rules.

4 Who can provide information?

The whistleblowing scheme is open to Toll Collect employees and members of the public. It is not required for you to be personally affected.

A prerequisite is that the reported facts relate to Toll Collect's activities or – within the scope of the LkSG – to the supply chain.

5 How can information be reported?

5.1 Internal reporting office

Email:	Compliance@toll-collect.de
Compliance Team by telephone:	030 74077 5282 or 030 74077 9251
Compliance Officer by telephone:	030 74077 1230
Postal address:	Toll Collect GmbH, Compliance, Linkstr. 4, 10785 Berlin
Digital reporting portal:	https://toll-collect.integrityline.app/

The digital reporting portal allows for anonymous communication, including follow-up enquiries.

5.2 External Ombudsperson

Dr. Niklas Auffermann
FS-PP Partnerschaft mbB
Potsdamer Platz 8, 10177 Berlin
Tel.: 030 – 31 86 85 913
E-Mail: ombudsmann-toll-collect@fs-pp.de

It is possible to communicate anonymously with the ombudsman, including requesting further information.

6 Confidentiality

Incoming reports are treated confidentially at all times and at every stage of processing. Information contained in a report is made available exclusively to those persons whose involvement is necessary and legally permissible for the receipt, review or implementation of any required follow-up measures. Information is disclosed on a need-to-know basis.

Where required for the purpose of establishing the facts or reaching a decision, other relevant departments may be involved, whilst ensuring confidentiality.

The whistleblower's identity will not be disclosed insofar as they do not wish it to be disclosed and this is legally possible.

7 What information should a report contain?

It is not necessary for the whistleblower to have full knowledge or evidence of suspected misconduct or a breach of duty in order to report a whistleblowing incident. The following information is helpful to process the report and substantiate the suspicion. It is still possible to submit a report even if not all of the following information is available.

Description of the facts (incident), if possible, in chronological order:

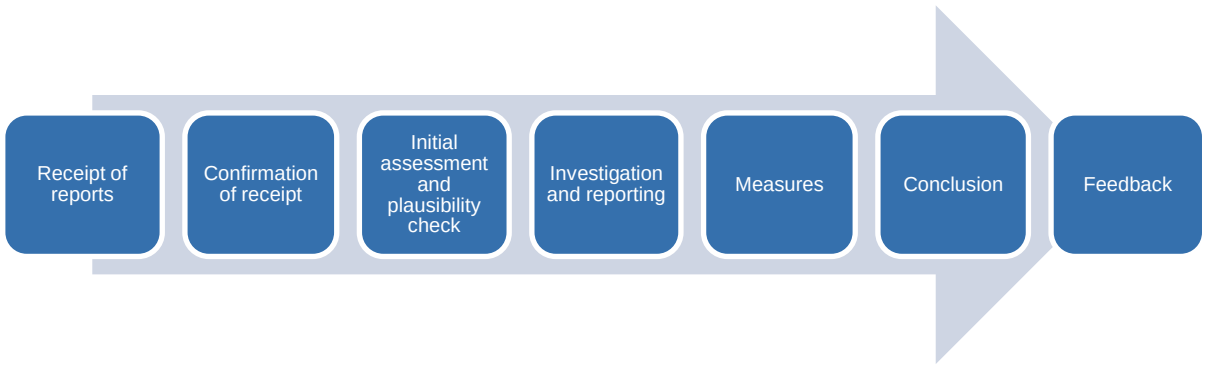
- **What** happened and/or what did you observe?
- **How** did it happen? Is there proof of misconduct or possible infringements?
- **Where** did it happen?
- **When** did the incident take place?
- **Who** committed the potential misconduct or breach of duty, who is affected, responsible, or who else may recall the incident?
- **What** consequences or what damage has been caused?
- If known: **Which** statutory or internal requirements might be affected?

- **What is your** relationship to the activities of Toll Collect?

8 What happens after a report?

8.1 Procedure for whistleblower reports

Illustration: Procedure for the reporting process



8.2 Independence and neutrality

The persons entrusted with the duties of the internal reporting office are professionally independent in the performance of these duties and are not subject to any instructions that might prejudice the independent handling or assessment of a report.

8.3 Processing of reports by the internal reporting office

8.3.1 Confirmation of receipt

Once a whistleblowing alert has been reported via the whistleblowing system, the whistleblower will receive confirmation of receipt within seven days of submission, assuming the whistleblower has provided contact details or set up a mailbox.

8.3.2 Initial review and assessment

The internal reporting office reviews reports after they are received. This includes checking whether the report falls within the scope of these rules of procedure.

If the report does not fall within the scope of these rules of procedure, for example in the case of customer complaints relating to toll collection, the person making the report will be informed of this by the internal reporting office with a brief explanation, if possible. If necessary, other contact points will be provided, or the information may be forwarded directly to the responsible office. Corresponding information about the forwarding of the report will be provided at the same time as the explanation.

If the report falls within the scope of these procedural rules, the internal reporting office shall investigate and document the facts of the case whilst upholding the presumption of innocence of the persons concerned.

The reporting office checks, in particular:

- scope of application/responsibility
- plausibility and level of detail
- potential risk or urgency
- the need for immediate action
- the requirement to involve other departments

A decision will then be made as to what follow-up measures will be initiated.

8.3.3 Communication and follow-up measures

The internal reporting office carries out, or coordinates, the fact-finding required for the investigation. To this end, documents may in particular be examined, information obtained, and discussions held. Measures which must meet specific legal, data protection or co-determination requirements are carried out in consultation with the relevant authorities. Subject-specific bodies may include, among others, Human resources, Legal Affairs, Data Protection, Sustainability or Health and Safety. These specialists support the internal reporting office in clarifying the facts.

If the investigations conducted do not provide concrete evidence of an offence, the whistleblower will be informed of the outcome.

Provided the report was made in good faith, protection against reprisals remains in force. This protection does not apply to persons who intentionally or knowingly report incorrect information about breaches.

If the investigation identifies concrete indications that an offence is imminent, currently occurring, or has already taken place, a decision will be made as to what corresponding action should be taken.

In the case of complex, serious or organisation-wide matters, the Compliance Committee may be consulted in an advisory capacity within the scope of its remit. The Compliance Committee comprises the Compliance Officer, the Head of Legal and the Head of Communications, and operates in accordance with a set of rules of procedure.

8.3.4 Feedback and conclusion

Feedback will be provided to the whistleblower no later than three months after confirmation of receiving the report. This includes information on planned or already implemented follow-up measures and the reasons for these.

Feedback will only be provided insofar as this does not affect internal enquiries or investigations and does not prejudice the rights of the persons concerned by the report or named therein.

If the case has not yet been finalised at this stage, the person who made the report will, where possible, be informed of the current status of the case.

Once the case has been processed, the procedure is concluded and the person who made the report is informed accordingly, provided that their contact details are available.

8.4 Processing of reports by the external ombudsperson

Reports to the ombudsperson are first checked for plausibility. The ombudsperson then forwards the report to the internal reporting office. The identity of the whistleblower will only be passed on to the internal reporting office if the individual has expressly authorised this. The subsequent method is governed by clause 8.3.

8.5 Possible follow-up measures

The follow-up measures to be taken depend on the nature, seriousness and circumstances of the reported incident, as well as on the Result of the investigation.

To clarify the facts further, e. g. Information may be sought and discussions held with employees, business partners or other relevant individuals.

If, during the investigation of the facts, there are indications that damage is imminent or could increase, appropriate immediate or precautionary measures may be taken.

If a breach is confirmed or a relevant risk is identified, appropriate remedial and preventative measures will be put in place. These may include, in particular, organisational or procedural changes, the adaptation of controls, and awareness-raising and training measures.

In addition, the relevant authorities may examine and take action under labour law, civil law or other legal provisions.

Where required by law or where an assessment of the facts so warrants, the possibility of involving the relevant law enforcement, supervisory or other authorities may also be considered.

9 Data protection

Use of the whistleblower system is voluntary.

The processing of personal data is carried out in compliance with the provisions of the General Data Protection Regulation and the German Federal Data Protection Act, particularly as this affects the whistleblower's personal data and any individuals affected by the whistleblower report.

Personal data will only be processed and retained for as long as is necessary for the conduct of the method and to comply with statutory documentation and retention obligations.

Detailed information about data protection can be found in the privacy policy for the reporting office.

10 Effectiveness review

The principles governing the submission and processing of reports are reviewed and refined by Toll Collect annually and as and when necessary to ensure their effectiveness. Findings from the processing of reports are analysed and used to improve Toll Collect's own due diligence processes.

Credits

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