

# POLICY ON INCIDENTS

Stichting **Pensioenfonds**NIBC

DATE  
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CONTENTS	PAGE
<b>SUMMARY</b>	<b>3</b>
<b>1. INTRODUCTION</b>	<b>5</b>
1.1. General	5
1.2. Definitions	5
1.3. Applicability	6
1.4. Purpose	6
1.5. Effective Date	6
1.6. Ownership	6
1.7. Internal policies and/or procedures relating to the Policy on Incidents	6
<b>2. REPORTING AND HANDLING</b>	<b>7</b>
2.1. Reporting a Reportable Incident	7
2.2. Reportable Incidents to be reported immediately	7
2.3. Anonymous reporting of a Reportable Incident	7
2.4. Investigation	8
2.5. Measures to correct or improve and prevent recurrence of Incidents	8
2.6. Reporting to the Board	8
<b>3. REPORTING AND RECORDING</b>	<b>8</b>
3.1. Reporting to the relevant regulator	8
3.2. Dutch Personal Data Protection Act	8
<b>4. CONFIDENTIALITY AND PROTECTION</b>	<b>9</b>
4.1. Confidentiality	9
4.2. Protection	9
<b>5. POLICY EXCEPTIONS, MONITORING COMPLIANCE AND SANCTIONS</b>	<b>9</b>
5.1. Policy Exceptions	9
5.2. Monitoring	9
5.3. Sanctions	9
<b>6. TRAINING AND AWARENESS</b>	<b>9</b>

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## Revision History

Version			Summary of change	Date of approval (of change) by Board if applicable
Effective Date of Policy/Change	Modified by			
20 December 2018	Ronald Goudriaan			

## SUMMARY POLICY ON INCIDENTS

To whom does it apply?	To Stichting Pensioenfonds NIBC (PF NIBC) and all 'verbonden personen' of PF NIBC. For a definition of 'verbonden personen' also reference is made to the 'Gedragscode' of PF NIBC.
What is the purpose?	<ul style="list-style-type: none"> <li>To enable PF NIBC to timely notify Reportable Incidents to the relevant regulator (DNB), thereby adhering to applicable legal requirements.</li> <li>To provide guidance for identifying, reporting, managing and recording of Reportable Incidents and protection of 'verbonden personen' who report. PF NIBC expects its 'verbonden personen' to adhere to this Policy.</li> </ul>
What are the principles?	<ul style="list-style-type: none"> <li>Reportable Incidents must be reported and escalated within PF NIBC and must be reported to the relevant regulator.</li> <li>Every 'verbonden person' of PF NIBC reports a Reportable Incident to the chairman of the board or to the Compliance Officer.</li> <li>'Verbonden personen' who report a Reportable Incident in good faith under this Policy will receive confidentiality and protection against adverse treatment resulting from reporting a Reportable Incident.</li> </ul>
How to comply?	Follow the internal process for escalation, handling, reporting and recording within PF NIBC and reporting to the relevant regulator. PF NIBC has a legal duty to notify DNB upon discovery of the Reportable Incident.
When and to whom to notify breaches?	A breach of this Policy must be reported to the Compliance Officer without delay.
Consequences of non-compliance?	A 'verbonden persoon' found to have violated this Policy may be subject to disciplinary action, depending on the materiality and frequency of the breach.
Ownership of the Policy	Compliance Officer
Internal policies and/or procedures relating to the Policy on Incidents	Whistleblowing Policy of NIBC Bank NV

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# 1. INTRODUCTION

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## 1.1. General

The Policy on Incidents ('the Policy') provides guidance for identifying, reporting, managing and registration of Reportable Incidents (i) ensuring that PF NIBC meets its notification requirements for incidents in relation to pension activities, its participants ('deelnemers'/ 'gewezen deelnemers' / 'pensioengerechtigden'), its 'verbonden personen' and other stakeholders, (ii) to ensure business continuity and (iii) to maintain PF NIBC's reputation. PF NIBC has a notification requirement for Reportable Incidents to the regulator De Nederlandsche Bank ('DNB').

Incidents are widely defined and could give rise to involvement of PF NIBC and/or its 'verbonden personen' in criminal offences and/or unethical or unprincipled behaviour which threatens the sound management of PF NIBC.

## 1.2. Definitions

### **Confidential/**

**Confidentiality** Confidential/Confidentiality refers to the non-disclosure of certain information, including the identity of the person reporting a Reportable Incident and the investigation thereof.

### **'Verbonden**

#### **Personen'**

'Verbonden personen' are:

- a) members of the Board,
- b) members of the 'Visitatiecommissie' and the 'Verantwoordingsorgaan',
- c) (external) members of commissions supporting the Board,
- d) employees of the 'Bestuursbureau', including persons on temporary basis,
- e) other (groups of) persons assigned by the Board.

Employees of outsourcing parties are not 'verbonden personen', unless they are assigned as such by the Board based upon clause e of this article.

### **Participants**

'Deelnemers', 'Gewezen deelnemers' and 'Pensioengerechtigden' of PF NIBC

### **Reportable**

#### **Incident**

The behaviour or an event that poses a serious threat to the integrity of the business of PF NIBC and/or the financial markets as a whole.

DNB distinguishes four categories of Reportable Incidents:

1. Incidents with regard to a controlled and sound conduct. Examples: breach of financial regulatory legislation, involvement of Board members, or a 'verbonden person' of PF NIBC in a serious criminal offence, such as fraud, bribery, corruption, conflicts of

interests, insider trading/market abuse;

2. IT incidents. Examples: cybercrime attacks which hamper the 'AZL Deelnemersportal' or a leakage of personal data of participants through a security breach;
3. Crisis of governance. Example: crisis of governance created by the unexpected departure of a Board member;
4. Relations with the regulator. Example: conspiracy within PF NIBC to withhold necessary information (or give a misleading report or impression thereof) to the DNB on relevant issues for DNB's supervision.

### **1.3. Applicability**

This Policy applies to PF NIBC and its 'verbonden personen'.

### **1.4. Purpose**

The purpose of the Policy is to provide guidance for identifying, reporting, managing and registration of Reportable Incidents and protection of 'verbonden personen' who report in good faith.

PF NIBC expects its 'verbonden personen' to adhere to this policy and its Board to support and promote the Policy within the different bodies of PF NIBC.

### **1.5. Effective Date**

This Policy comes into effect on 1 January 2019. PF NIBC reserves the right to amend this Policy from time to time if circumstances (e.g. changes to legislation and regulations) make this necessary. Any changes to this Policy will be notified to the relevant stakeholders, such as 'verbonden personen', as appropriate.

### **1.6. Ownership**

The Compliance Officer is the designated owner of this Policy and, as such, responsible for the maintenance and review of the document every year, or more frequently if circumstances (such as changes in relevant laws or regulations) so require. The Compliance Officer also monitors adherence to the policy and periodically reports on such matters in the event of any Reportable Incidents.

### **1.7. Internal policies and/or procedures relating to the Policy on Incidents**

- Whistleblowing Policy of NIBC Bank NV
- 'Klachtenprocedure' and 'Geschillenprocedure' of PF NIBC

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## **2. REPORTING AND HANDLING**

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### **2.1. Reporting a Reportable Incident**

As a general principle, 'verbonden personen' should follow the internal procedure provided by this Policy when they identify a Reportable Incident. Identifying, responding to and managing Reportable Incidents can only be done after careful consideration. PF NIBC first must have had the opportunity to consider any allegations and determine an appropriate course of action. Any premature or unjustified reporting externally may have serious implications for PF NIBC and/or its 'verbonden personen' and stakeholders. Therefore, any one inappropriately seeking outside intervention may invalidate the protections otherwise applicable under this Policy. However, 'verbonden personen' reporting a Reportable Incident under this Policy in good faith can be confident that they are safeguarded by protection and their report will receive full confidentiality.

A 'verbonden persoon' of PF NIBC shall report an incident, which he/she deems a Reportable Incident, to the Chairman of the Board or to the Compliance Officer.

When reporting, the 'verbonden persoon' will provide the following information:

- the characteristics of the Reportable Incident;
- information about when the Reportable Incident occurred;
- the body within the organisation where the Reportable Incident took place;
- the (possible) amount or extent of damage, caused or likely to be caused by the Reportable Incident;
- the moment that the Reportable Incident was reported to the Chairman of the Board or the Compliance Officer and
- if available, information of the person or persons who have caused or contributed to the Reportable Incident.

It is possible that a Reportable Incident at the same time qualifies as an Abuse, as defined under NIBC Bank's Whistleblowing Policy (concurrency). In such case the Whistleblowing Policy of NIBC Bank applies as well.

### **2.2. Reportable Incidents to be reported immediately**

'Verbonden personen' must report a Reportable Incident immediately to the Chairman of the Board or to the Compliance Officer, especially if the Reportable Incident is preventable and the consequences thereof may be minimised or avoided by prompt action. In certain circumstances, taking timely steps to prevent a serious Reportable Incident from occurring may be a legal duty, particularly where the matter and any corresponding preventative action have already been identified and escalated.

### **2.3. Anonymous reporting of a Reportable Incident**

'Verbonden personen' are encouraged to disclose their identity when reporting a Reportable Incident. However, if the 'verbonden persoon' only feels able or comfortable to report a Reportable Incident if made anonymously, the 'verbonden persoon' may do so in accordance with the Whistleblowing Policy of NIBC Bank.

## **2.4. Investigation**

Verification of the reported Reportable Incident by the Compliance Officer may result in a Special Investigation decided by the Board. The Special Investigation will be executed under the auspices of the Chairman of the Board (see the Policy Special Investigation of NIBC Bank).

## **2.5. Measures to correct or improve and prevent recurrence of Incidents**

As result of the findings – possibly following the Special Investigation – the Compliance Officer will oversee that appropriate measures are taken. The measures shall be taken in consultation with the Chairman of the Board. The aim of the measures is to correct or improve the situation and to control the risk arising/arisen (limiting both the internal and external effects of the Reportable Incident) as well as to prevent the recurrence of a similar kind of Reportable Incident.

## **2.6. Reporting to the Board**

The Compliance Officer shall report the findings including the appropriate actions taken to the Board.

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# **3. REPORTING AND RECORDING**

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The Compliance Officer shall record the Reportable Incident, including:

- The name of the person or persons who were involved, have caused or contributed to the Reportable Incident;
- The time the Reportable Incident occurred and the time of reporting;
- The name of the reporting 'verbonden persoon';
- The characteristics of the Reportable Incident;
- The appropriate actions taken, as well as the moment they have been taken (including where applicable any preventative and / or damage limitation measures);
- Possible disciplinary measures against 'verbonden persoon'.

Documents containing the abovementioned information as well as the findings of the Special Investigation will be filed in a strictly confidential archive, which is only accessible to the Compliance Officer.

### **3.1. Reporting to the relevant regulator**

In consultation with the Chairman of the Board, the Compliance Officer, where relevant, will report a Reportable Incident to the regulator in accordance with relevant applicable laws and regulations. De Nederlandsche Bank provides guidance for reporting Reportable Incidents: <https://www.dnb.nl/nieuws/dnb-nieuwsbrieven/nieuwsbrief-beleggingsondernemingen/nieuwsbrief-beleggingsondernemingen-maart-2016/dnb339307.jsp>.

### **3.2. Dutch Personal Data Protection Act**

PF NIBC will process Personal Data to provide a follow-up on any reported abuses.

Personal Data regarding a reported Reportable Incident will be processed in accordance with the applicable data protection laws and regulations and the Privacy Policy of PF NIBC. The Personal Data regarding a report which does not qualify as a Reportable Incident will be removed.

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## **4. CONFIDENTIALITY AND PROTECTION**

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### **4.1. Confidentiality**

‘Verbonden personen’ involved in a Reportable Incident must maintain the highest standards of professionalism and confidentiality. Any documents generated in connection with the Reportable Incident must be kept highly confidential. During all communications and meetings, care must be taken to avoid potential damaging statements, to protect the identity of those involved and to make sure that any investigation is not impaired.

All investigations should be carried out as to avoid the attention and/or speculation of those who do not need to be involved. Information may only be shared to persons on a ‘need to know’ basis. ‘Verbonden personen’ interviewed in connection with an (Special) investigation should treat the matter confidential and should refrain from discussing it with others.

### **4.2. Protection**

PF NIBC shall ensure that Employees reporting Reportable Incidents under this Policy in good faith will suffer no detriment for having raised their concerns. Other ‘verbonden personen’ performing their duties under this Policy will suffer no detriment either.

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## **5. POLICY EXCEPTIONS, MONITORING COMPLIANCE AND SANCTIONS**

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### **5.1. Policy Exceptions**

As a matter of principle, no exceptions to this Policy are allowed.

### **5.2. Monitoring**

The Compliance Officer monitors adherence to this Policy and reports any material findings to the Board.

### **5.3. Sanctions**

PF NIBC may withhold support and protection for a ‘verbonden persoon’ who does not follow the procedure for the reporting of Reportable Incidents as included in this Policy. A ‘verbonden persoon’ found to have violated this Policy may be subject to disciplinary action, depending on the materiality and frequency of the breach.

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## **6. TRAINING AND AWARENESS**

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For the Incident Policy to be effective, ‘verbonden personen’ must be aware of its existence, understand how it works, why it is important, and how they must act in case they identify a Reportable Incident. Raising awareness is an ongoing task. Therefore, the Compliance Officer will communicate and provide training on the existence and operation of the Incident Policy on a yearly basis to all ‘verbonden personen’.