

# RUNNING EFFECTIVE INTERNAL INVESTIGATIONS

DATA PRIVACY & LABOUR LAW CONSIDERATIONS

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# MAN SE

Business Area

## Commercial Vehicles

## Power Engineering

Company

MAN  
Truck & Bus

MAN  
Latin America

MAN  
Diesel & Turbo

Renk



## MAN Facts

- Since 16 July 2013: part of the Volkswagen Group
- MAN Group: 2013 Revenues: approx. €15.9 Billion; approx. 53,000 employees in over 150 countries
- Nearly 50 colleagues in Compliance Organisation (local and central)
- Languages used at Compliance Organisation: German, English, French, Portuguese, Spanish, Italian, Danish, Russian, Polish, Chinese, Turkish

# COMPLIANCE WITH DATA PROTECTION LEGISLATION

- In the European Union: Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
- This is the minimum standard; national laws can be stronger. (In certain countries – France, Germany, Spain – the laws are much more stringent.)
- The legislation is enforced by national data protection authorities. The level of enforcement varies by country.
- To note: in the EU, the attorney-client privilege does not exist for in-house counsel.

# WHISTLEBLOWING

- **General assessment of a whistleblower law:**
  1. Does the law assist with the disclosure of misconduct?
  2. Will the whistleblowing have a serious impact on reducing the misconduct?
  3. Is the whistleblower protected from retaliation?
- **In the EU:** countries either have specific whistleblowing laws or whistleblowing protections built into their data protection laws and labour laws.
- **In the USA:** the Dodd-Frank Act allows ‘bounties’ to be paid, even for tips from outside the USA.

# COMPLIANCE WITH NATIONAL LABOUR LAWS

- Labour laws vary amongst countries and even within the EU: you may have to educate your parent company on the variations.
- Example: during a formal interview in France, the employee has the right to have a *représentant du personnel* or a lawyer with him. This is not the same as in other countries. And if the procedures are not followed, you may have trouble using the evidence you find.
- To note: a foreign parent company cannot impose sanctions on the subsidiary's employees; it can only make recommendations to the local management.