



Rule on investigations

1. PREAMBLE

Purpose

1. The Council of Europe (CoE) is committed to the proper use of funds and resources entrusted to it and the protection of its reputation and interests. To attain this objective, the Organisation has created an investigation function, situated within its independent Directorate of Internal Oversight (DIO), with responsibility for the conduct of investigations into behaviour affecting the CoE's interests.¹

2. This Rule should be read in conjunction with the CoE's Staff Regulations and Rules, Code of Conduct, the Charter of the Directorate of Internal Oversight, and Speak Up: Council of Europe Policy on reporting wrongdoing and protection from retaliation (Speak Up Policy). Together with the aforementioned texts, this Rule constitutes the internal framework that regulates how reports of wrongdoing will be dealt with. It sets out the basic procedural steps in the investigative process, as well as the main rights and obligations of those involved in the process, and the follow-up to be given to the process.

3. The aim of the investigative process is to examine and determine the veracity of allegations or other indications of wrongdoing, including wrongdoing committed by Secretariat members (which, if established, can be regarded as misconduct) or by other persons in the context of projects and activities organised and/or financed by the Organisation.

4. Any investigative process conducted under this Rule is administrative in nature. Although an investigation may result in the institution of disciplinary proceedings under the Staff Regulations, the two procedures are independent from each other.

5. This Rule aims to ensure that the investigative process addressing allegations of wrongdoing concerning the CoE's staff, funds, and/or resources are carried out in a consistent and coherent way. It also aims to ensure that the investigative process is carried out in an objective and impartial manner and in accordance with applicable international investigative standards.

6. Those conducting the investigative process must maintain objectivity, impartiality, independence, and fairness throughout the process and conduct their activities competently and with the highest levels of integrity.

Scope

7. The provisions of this Rule shall apply to all CoE Secretariat members and former Secretariat Members.

8. The provisions of this Rule shall also apply to members of CoE organs, bodies, committees and working groups; persons involved in CoE activities; and persons, natural

¹ [Charter of the Directorate of Internal Oversight](#).

or legal, in a contractual relationship with the CoE. To ensure the efficient protection of its interests, the Organisation shall ensure that contracts and agreements concluded by it include provisions allowing the Organisation to carry out necessary checks or investigative activities in relation to the proper performance of the contractual obligations by the other party.

9. The Rule applies to any activities carried out by the DIO or the Directorate of Human Resources (DHR) to address reports of wrongdoing affecting the Organisation, in accordance with the Speak Up Policy, Policy on respect and dignity in the Council of Europe, or any other applicable legal instruments. References in this text to the functions or responsibilities of the Director of Internal Oversight may refer, *mutatis mutandis*, to functions or responsibilities of the Director of the DHR, where applicable, pursuant to the above-mentioned legal instruments.

10. This Rule shall also apply to any investigative process carried out by external investigators, when engaged by the Director of Internal Oversight to investigate wrongdoing reported under the Speak Up Policy or by the Director of Human Resources to address harassment allegations under the Policy on respect and dignity. The terms of any contract between such external investigators and the Organisation shall make specific reference to the present Rule.

Definitions

For the purpose of this Rule, the following definitions apply:

11. "Secretariat members" means permanent and temporary staff, trainees, seconded officials and study visitors of the CoE;

12. "Members of CoE organs, bodies, committees and working groups" include, but are not limited to, Ministers' Deputies; members of the Parliamentary Assembly of the CoE or of the Congress of Local and Regional Authorities; judges of the European Court of Human Rights; the Commissioner for Human Rights; members of specialised independent monitoring bodies or of intergovernmental committees and subordinate bodies set up by the Committee of Ministers; judges or deputy judges of the Administrative Tribunal of the CoE; the Data Protection Commissioner;

13. "Person involved in CoE activities" means any natural or legal person who is not a member of CoE organs, bodies, committees or working groups, or a member of the Secretariat, but who participates or is otherwise involved in any projects, sessions, meetings, events or social functions related to the CoE's programmes and projects;

14. "Fraud" means any illegal act or omission characterised by deceit, concealment, or violation of trust, perpetrated to obtain money, property, or services; to avoid payment or loss of services; or to secure a personal or business advantage, irrespective of the application or threat of violence or of physical force.

15. "Corruption" means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage, or the prospect thereof.

16. “Wrongdoing” means acts and omissions affecting the public interest, as defined in the Speak Up policy.

17. “Misconduct” means wrongdoing committed by a Secretariat member which may result in the imposition of disciplinary and/or other measures, if necessary. Fraudulent or corrupt behaviour on the part of a Secretariat member, as well as harassment, are considered by the Organisation to be gross misconduct.

18. “Investigative process” means a fact-finding process aimed at establishing whether wrongdoing, as defined in the Organisation’s legal framework, has occurred. It shall consist of the obtention, securing, and examination of evidence aiming to establish facts substantiating or refuting allegations, and may consist of several stages (including initial consideration, preliminary assessment, and investigation).

19. The term “investigation subject” means any person who is the subject of an investigation into alleged wrongdoing, in accordance with the Organisation’s legal framework.

20. The term “evidence” means any information which tends to establish a fact material to an investigative process, and which may assist in substantiating or disproving an allegation or an indication of wrongdoing. It includes, but is not limited to:

- a. Physical evidence—e.g. equipment, goods, items, or an object not in documentary or digital form;
- b. Documentary evidence—e.g. any original hard-copy documents, as well as photocopies and digital documents, such as emails and digital communication, that have not been collected via a digital forensic method;
- c. Digital evidence—e.g. any information and data of potential value to an investigation that is stored or transmitted in digital form;
- d. Testimonial evidence—e.g. any oral or written statement provided by a person connected to an investigative process, obtained in person or remotely (including through interviews or in handwritten, electronic, and documentary format in response to requests or questions).

2. GENERAL PROVISIONS

Independence

21. Those conducting the investigative process are accountable only to the Director of Internal Oversight and may not receive instructions from any other persons in this connection. They shall also be granted adequate protection by the Secretary General against any possible retaliatory actions and undue interference with their work.

Conflicts of interest

22. No Secretariat member, including the Director of Internal Oversight, may be instructed to carry out an investigative process in respect of facts that may engage his or her responsibility under the disciplinary rules of the Organisation or put the Secretariat member in a situation of conflict of interest.

23. Those entrusted with carrying out an investigative process must immediately report any conflict of interest (whether real, potential, or perceived) that may arise to the Director of Internal Oversight.

24. In the event of a conflict of interest, the Director of Internal Oversight shall reassign responsibility for the investigative process or may have recourse to external investigators.

Confidentiality

25. The investigative process is confidential. Information gathered in the context of the investigative process will be accessible only by the Director of Internal Oversight and those conducting the investigative process. Access to specific information may be given, if necessary, to the investigation subject or other persons following up on a specific case.

26. Information gathered in the course of any investigative process shall be treated as confidential by all those involved and shall be shared only on a need-to-know basis in conformity with these and any other applicable rules, regulations and policies.

27. Secretariat members involved in an investigative process who disclose information obtained in this context to persons not authorised to receive it may be subject to disciplinary procedures.

28. However, any person invited to an interview in the context of a preliminary assessment or investigation may seek support and advice from a Secretariat member of their choosing, provided that such person has no connection to the matter; their close family members; a medical professional; and/or, at their own expense, legal counsel. Seeking support and advice in this manner shall not constitute a breach of confidentiality for the purposes of this Rule.

29. In the event that a person seeks support and advice from a Secretariat member, they shall disclose this fact to the person by whom they are interviewed. Any Secretariat member from whom support and advice was sought and, if different, any Secretariat member who accompanies an interviewee to the interview, may be required to sign a confidentiality agreement; however, irrespective of whether or not such an agreement is signed, the obligation of confidentiality exists. The fact that support and advice was sought from a close family member, medical professional, or legal counsel does not need to be disclosed to the interviewer.

Cooperation

30. Those conducting the preliminary assessment or investigation may interview any person who is reasonably believed to have information relevant to the investigative process in order to put to them questions related to the facts they seek to establish. Any person interviewed must be given adequate information about the subject matter of the investigative process.

31. A Secretariat member interviewed by those conducting the preliminary assessment or investigation has a duty to fully co-operate and to disclose all information in their possession that may be of relevance.

32. Persons involved in the CoE's activities and members of CoE organs, bodies, committees and working groups shall cooperate in accordance with any applicable contractual or other legal provisions; other persons invited to provide relevant information are expected to cooperate.

33. Failure to cooperate with an investigative process or to provide information which a person possesses or could reasonably be expected to be able to obtain, shall be reported to the Secretary General, along with details of the possible impact on the investigation of any such failure to cooperate. Failure to cooperate may, in the case of Secretariat members, give rise to disciplinary proceedings. However, no person shall be subject to disciplinary proceedings or any other penalty for failing to reply to questions that may result in self-incrimination.

Access to resources

34. The staff of the DIO carrying out the investigative process shall have access to all members of the Secretariat and any of the Organisation's records, documentation (in whatever format), or physical property (including digital equipment) related to the facts they are seeking to establish and considered necessary to carry out an objective and effective investigative process. They may furthermore inspect any premises of the Organisation, as well as carry out checks at other premises in accordance with any applicable legal provisions (such as contractual clauses providing for access to the premises of grant beneficiaries or persons implementing projects).

35. The staff of the DIO carrying out investigations have *inter alia* the power to: interview potential witnesses or suspected wrongdoers, search CoE premises, computers, mobile electronic devices, communication records or any aspect of the CoE's information system, and require the production of physical, documentary, electronic or other evidence located on CoE premises or held by a Secretariat member and any data collected or processed by the CoE. They may interview any Secretariat member or another person possibly having relevant information in order to put questions related to the facts they seek to establish. External investigators have the power to interview potential witnesses or suspected wrongdoers and obtain information relevant to the investigation upon request, in accordance with the relevant contractual provisions and terms of reference.

36. The investigation staff of the DIO, in cooperation with the Directorate of Information Technology (DIT), may carry out digital forensic operations in accordance with the principles of necessity and proportionality. Digital forensic operations shall be documented and shall consist of inspection, acquisition, and examination of digital media and/or their contents in compliance with relevant standards, with purpose of identifying, acquiring, and preserving data which may be relevant to any investigative process conducted under this Rule and may be used as evidence in administrative, disciplinary, and/or judicial proceedings. Checks of the content of data collected will solely be carried out on the basis of searches by key words related to the suspected wrongdoing. Private emails and documents (in particular, those labelled as 'private', 'personal', etc.) should not be subject to digital forensic operations unless the aforementioned checks result in the identification of files connected to the subject matter of the investigation. The investigation staff shall inform the investigation subject of the reasons for the access and the data accessed and, where feasible and appropriate, invite them to be present during the opening of electronic data files. Absence of a duly invited investigation subject shall

not, however, prevent access to the data concerned. In such a situation, the DIT Information Security Officer shall proceed with the opening of the electronic data files in the presence of the relevant investigation staff of the DIO.

37. The relevant data acquired in the framework of a digital forensic operation and a report setting out the results thereof should be provided to the person in charge of conducting the investigative process under this Rule and stored in a secured location as part of the relevant case file.

Cooperation with external bodies

38. At any stage of the proceedings, the Director of Internal Oversight may consider whether it is appropriate to refer information relating to any investigative process to a national authority or another organisation competent to act upon the allegations. Where a referral is warranted, the Director of Internal Oversight may recommend to the Secretary General that the case be referred by the Organisation's legal adviser to the respective national authority or organisation.

39. The DIO may assist the responsible national authorities by providing expert advice, support, and relevant information during the course of an investigation or other proceedings, following consultation with the Organisation's legal adviser.

3. INVESTIGATIVE PROCESS

Incoming information

40. Any information relating to wrongdoing shall be processed and dealt with without undue delay in accordance with the Organisation's legal framework.

41. The DIO shall accept reports irrespective of their source, including reports from anonymous or confidential sources.

42. Reports of wrongdoing shall be screened by the DIO to determine whether they fall within its mandate. If the allegations fall within the DIO's mandate, they shall be further processed in accordance with the Speak Up policy and this Rule. The DIO shall record them and, where possible, acknowledge receipt of such reports.

43. If the allegations fall within DHR's mandate, they shall be referred to the latter and handled in accordance with the Policy on respect and dignity.

44. If the allegations contain elements that appear to fall under the mandates of both entities, the DIO and the DHR shall liaise and agree on how to proceed. They shall cooperate and share information as necessary, in confidence and in accordance with the established procedures.

Preliminary assessment

45. The purpose of a preliminary assessment is to record and establish the basic facts, including how, when and by whom the allegation was reported; the nature of the allegation(s); the identity of the alleged wrongdoer; the identity of any witnesses or other persons involved in the allegation(s); whether the alleged facts can be substantiated; and

the internal rules or regulations which may have been breached. It will assess if the alleged facts can be substantiated and check what supporting documentation or other materials can be found. It aims at preserving and securing basic evidence, whether written or electronic, that might be necessary to determine whether an investigation is justified and at identifying any inconsistencies or outstanding questions.

46. Based on the preliminary assessment, the Director of Internal Oversight may decide to:

- a. take no further action, in which case the person/entity who reported the suspected wrongdoing, if feasible and appropriate, shall be informed;
- b. issue recommendations and inform senior management of any risks, internal control weaknesses and/or other deficiencies identified in the process;
- c. refer the matter to another body or entity of the CoE for non-disciplinary follow-up (including financial recovery, as necessary);
- d. recommend that the Secretary General refer the matter to a national judicial or other competent authority for further investigation and/or follow-up;
- e. open an investigation, define its scope, and carry out the necessary activities to establish relevant facts;
- f. re-open a previous preliminary assessment or investigation, in the event that credible new evidence subsequently arises;
- g. refer the matter to the Secretary General for further action if it is considered that interim measures should be taken or to the Director of the DHR if protective measures are deemed necessary at any stage of the proceedings;
- h. if the alleged wrongdoing concerns members of CoE organs, bodies, committees and working groups (e.g. intergovernmental committees and subordinate bodies set up by the Committee of Ministers, specialised independent monitoring bodies, etc.), and is found by the DIO's preliminary assessment to justify further investigation, the DIO shall inform the Secretary General and will liaise with the ethics board of each respective organ, body or committee of which the alleged wrongdoer is a member, or, in the absence of such a board, with the chairperson or president of that organ, body or committee. The body or committee concerned shall then investigate the reported wrongdoing pursuant to the legal framework applicable to them. Where the investigation results in a determination that wrongdoing has occurred, measures should be taken, as appropriate, with regard to the person concerned by the report.

The aforementioned decision by the Director of Internal Oversight shall take into account *inter alia* the sufficiency of the available information, the DIO's competency to act, the need for the efficient use of resources and proportionality of the means employed, the reliability of the source of the allegation, the credibility of the allegations, their verifiability, and whether the alleged facts could potentially amount to wrongdoing or

misconduct as defined by the Organisation and are of sufficient gravity or severity to warrant an investigation.

47. The Director of Internal Oversight has sole authority to take the aforementioned decision.

48. The preliminary assessment processes shall be carried out in a timely manner, in line with the DIO's priorities.² The Director of Internal Oversight may establish a set of criteria that will assist in deciding where a case fits in terms of priority and determine the resources that will be allocated to its investigation, for the timely and efficient management of DIO's caseload. Factors to be considered in this regard may include time sensitivity, impact on the Organisation, the type of allegation, and the status or type of parties involved.

Opening of an investigation

49. If, based upon the results of the preliminary assessment, the Director of Internal Oversight finds that sufficient grounds exist, they may decide to open an investigation in order to establish the relevant facts and, if needed, make recommendations in this connection. The investigation will consist *inter alia* in the collection and securing of physical, documentary, digital, and/or testimonial evidence, and the production of an investigation report.

50. The Director of Internal Oversight may also have recourse to external investigators, if they consider that the provision of such services is required or if foreseen by the Organisation's rules. In the event that investigative activities are to be carried out by external investigators, the DIO shall instruct and supervise the latter and shall inform them of the Organisation's standards for the conduct of investigations. The DIO shall also set a time limit for the submission of the external investigators' report.

51. Upon opening the investigation, the Director of Internal Oversight shall set a time-limit for the completion of the investigation, which they may extend, if necessary. If possible, investigations into allegations of harassment shall be completed within 3 (three) months, whereas investigations into other types of alleged wrongdoing shall be completed within 6 (six) months.

52. The Director of Internal Oversight shall inform the Secretary General and, where necessary, the head of the Major Administrative Entity concerned of the opening of an investigation and the time-limit set for its completion. The same persons shall also be informed of any extensions to such time limit. The information provided shall be limited to the nature of the investigation and the Major Administrative Entity involved and shall not disclose the identity of the investigation subject(s).

53. Where an investigation subject has been identified, this person shall be notified of the opening of the investigation once the Secretary General has been informed. Such notification to the investigation subject must be done without undue delay, taking due care that the securing of evidence is not jeopardised. The investigation subject must also be informed in writing of the nature of the allegations against them as well as the names of the persons who will conduct the investigation, the procedure to be followed and the

² As set out by the [Charter of the Directorate of Internal Oversight](#).

time-limit for the investigation. The identity of the person who made the allegation(s) will only be disclosed if expressly authorised by that person.

54. Those conducting the investigation will endeavour to obtain, review, and record any evidence that may appear relevant to an investigation. They shall make every reasonable effort to verify and corroborate the veracity of the information obtained, such that it can withstand further scrutiny and meet the threshold of the Organisation's standards of proof.

Physical and documentary evidence

55. Physical and documentary evidence may be obtained either directly or by request to anyone who is identified to be in possession of it.

56. Where physical or documentary evidence is obtained through searches of premises or property, the search should be performed in a methodical way with at least two persons present, so that there is corroboration in the event that any evidence is discovered. Key information, such as the location, date, time, and persons present should be recorded.

57. The integrity of evidence shall be safeguarded during an investigation through maintaining a chain of custody, including how it is obtained, stored, reviewed, and disposed of or returned. The DIO shall record the item's description, source (or receiver, if being returned), location, date, and time when the evidence is collected or returned, reference the item in the case file, and keep it secure while in its possession.

58. The DIO shall aim to obtain the best possible evidence available in the circumstances of an investigation. If original paper documents are not available, copies can be considered to be the best evidence. Electronic documents can be considered as originals.

Digital forensic operations

59. At the beginning of an investigation, all possible sources of digital evidence potentially relevant to the investigation should be identified and preserved. To limit the volume of potential data and to reduce the possibility of collateral intrusion, the relevance, necessity and proportionality of digital evidence relative to the investigation should be carefully considered.

60. Particular care shall be taken in order to establish the authenticity, protect the integrity and maintain the confidentiality of digital evidence, by inter alia: ensuring that collection of digital evidence is properly authorised and conducted in compliance with applicable standards; documenting the collection; preserving the documentation for later review; establishing a chain of custody; backing up the digital evidence and working only with copies; and ensuring that evidence and all copies are securely stored, transported and disposed of.

Testimonial evidence

61. The primary means of collecting testimonial evidence is through interviews. In addition, testimonial evidence may be collected in the form of written statements, notes,

summaries, recordings, and/or affidavits produced by the person whose testimony is sought.

62. To the extent possible, interviews should be conducted by two persons; only one interviewee at a time should be interviewed. An interviewee who is a Secretariat member may be accompanied by a Secretariat member of their choice, provided that the latter is not directly concerned by the investigation and/or there is no conflict of interest.

63. Interviewers must ensure that they do not misrepresent themselves, use any form of deception or oppressive tactics, and that the interview is conducted in an ethical manner whilst respecting due process for all participants. Interviews must be conducted without threat, coercion, or inducement to the interviewee.

64. If testimonial evidence is obtained orally and cannot be audio or video recorded, it should be documented in the words of the interviewee, or as close to the actual words as possible, to limit the possibility of any distortion or omission. Whenever possible, the content of this document should be reviewed and confirmed by the interviewee.

65. Interviews captured in an audio or video format may need to be documented in writing for use in the subsequent proceedings; this may include a verbatim transcript or non-verbatim summary form. The consent of the interviewee must be sought prior to beginning audio or video recording; where consent is not given, the interview shall be recorded by note-taking only.

66. All interviewees and, where applicable, accompanying persons, shall be invited to review the record of their interview, add any comments they may consider, and sign or otherwise approve it. If a person does not agree with the interview record and/or refuses to sign it, the reasons therefor shall be documented. Where the interview has been audio or video recorded, the recording shall be destroyed once all those present at the interview have reviewed and signed the record.

Absence of an interviewee

67. In the event that a person who is summoned to an interview is absent, at the time the summons is sent, by reason of medically certified illness for a period of 10 calendar days or less, or on approved leave of any duration, the interview may be postponed by a period of time corresponding to the duration of the absence. In the event of absence by reason of medically certified illness for a period exceeding 10 calendar days, the person concerned may be given the option to provide written comments in place of attending the interview. Any claimed inability to attend an interview or provide comments at any stage of the proceedings shall be supported by a statement from a medical practitioner which confirms the inability to do so. Where such a statement is provided, those carrying out the investigation shall decide whether it is possible to complete the proceedings without carrying out the activity in question. If needed, they can ask the Director of Internal Oversight or the Director of Human Resources, as applicable, to request an independent medical opinion as to whether or not the person is able to attend the interview, provide comments to a report, or cooperate with the proceedings in another way. In the event of any prolonged period of absence jeopardising the completion of proceedings, the DIO can decide to complete the investigation process and report to the Secretary General any limitations to the investigative process caused by such absence.

Interviews with investigation subjects

68. When obtaining testimonial evidence from the investigation subject, the same principles as set out in the preceding two sections will apply.

69. Additionally, the investigation subject has the right to be given fair prior notice before the interview, which includes the information that they are the subject of an investigation, the nature of the alleged wrongdoing, the identity and function of the investigator(s), and the time, date, place, and expected duration of the interview. Such notice shall be sent at least 24 hours before the indicated time of the interview.

70. A person who is suspected of wrongdoing shall be informed of that fact and of the substance of the allegations against them. They shall be notified of their rights, namely: the rights to be presumed innocent; not to incriminate themselves or their spouse or close relative; to put forward their own version of events and to propose evidence or witnesses tending to support this version; and to review and comment on the investigation report before it is transmitted to the Secretary General.

71. This information shall be conveyed at the beginning of the interview of the person suspected of wrongdoing. If it is not known at the start of the interview that the person is suspected of wrongdoing, this information shall be conveyed as soon as such a suspicion is formed. In the event that the suspicion is formed in the course of the interview, it shall be terminated after the information in the foregoing paragraph has been conveyed and the person shall be invited to a new interview, after the passage of sufficient time to permit the person to prepare themselves. This period shall not be less than 24 hours.

72. The person suspected of wrongdoing shall be given the opportunity to explain their conduct, to identify possible witnesses or other relevant evidence and to present information. They may not be subjected to oppressive or misleading questioning or threats and must not be offered any inducement.

Completion of an investigation

73. The investigation, including the preparation of the investigation report, must be concluded without undue delay and within the time-limit set for its completion.

74. Any investigation report shall include a summary of the facts established by the investigation, and conclusions as to whether it has been established to the relevant standard of proof that there has been wrongdoing as defined by the Organisation, as well as the nature of the wrongdoing or misconduct and the person(s) responsible.

75. The requisite standard of proof to determine whether allegations are substantiated for the purposes of an investigation is that of clear and convincing evidence.

76. The investigation report shall set out: the investigation activities; the evidence; an analysis of the evidence; any relevant information provided by the investigation subject; fact-based conclusions as to the existence or otherwise of wrongdoing, as defined by the Organisation, or any other established breaches of the internal legal framework; and any financial loss suffered by the Organisation or any other person or body.

77. The investigation report shall be transmitted to any person who is identified in the report as having committed wrongdoing as defined by the Organisation. Where necessary to protect the identities of witnesses or other sensitive information which is not essential for the person concerned to be able to respond to the report's findings, the investigation report shall be redacted, to the extent possible, before transmission to the person concerned.

78. The investigation subject shall be given 10 working days to review and comment on the investigation report. In exceptional cases and if duly justified, this time limit may be extended.

79. If no changes to the report are considered necessary, the investigation report, the comments of the person concerned, and the recommendations made by the Director of Internal Oversight, shall be transmitted to the Secretary General.

80. An investigation may be reopened, at any point subsequent to the submission of an investigation report to the Secretary General, in the event that credible new evidence arises. The Secretary General shall be notified of the reopening of the investigation, which shall be carried out in the same manner and subject to the same requirements as provided above.

81. If the evidence is not sufficient to substantiate the allegations, the Director of Internal Oversight will issue a closure report to the Secretary General. The closure report, which shall cover all aspects of the investigation and justify its conclusions, will as far as possible not contain any information that could serve to identify, whether directly or indirectly, any individual. The Director of Internal Oversight will also inform the investigation subject in writing of the closure of the investigation and provide them with summary conclusions of the closure report. Where possible, the person who made the allegation(s) and, where appropriate, the head of the Major Administrative Entity concerned, will also be informed of the closure of the investigation.

Action following the investigation

82. Based upon the results of an investigation, the Director of Internal Oversight may issue recommendations to the Secretary General including inter alia for disciplinary, financial or administrative follow-up, or transfer of information to national judicial or other authorities competent to further investigate the matter. It shall also report to senior management on any risks, internal control weaknesses, or other deficiencies detected as a result of the investigation and issue recommendations to address these.

83. In the event that the Secretary General considers it necessary, they may seek clarification and/or additional information (including documents) from the DIO on specific points.

84. If the Secretary General decides not to take any action against an investigation subject, they shall inform the investigation subject directly in writing.

85. Where the DIO's findings indicate that an allegation was knowingly false, it may disclose the identity of the person who made the allegation to the Secretary General for disciplinary follow-up.

Records

86. At the end of a preliminary assessment which has not given rise to an investigation, the file with the records of the proceedings shall remain confidential and shall be kept in a secure digital and/or physical location by the DIO for a maximum period of 5 years. They shall be anonymised by the DIO as soon as a personally identifiable format is no longer necessary.

87. An investigation report and the report of the preceding preliminary assessment, as well as all related working papers and interview records, will be kept for a maximum period of 10 years. The DIO shall anonymise all these documents as soon as a personally identifiable format is no longer necessary.

Reporting on activities

88. The Director of Internal Oversight shall keep an anonymised register of all allegations of fraud, corruption, and/or other wrongdoing, which shall be accessible only to the External Auditor and other authorised persons in line with the Organisation's legal framework.

89. The Director of Internal Oversight shall report at least once a year to the Secretary General and the Oversight Advisory Committee on the number and nature of such allegations. This summary report will not reveal the identity of any individual.

Entry into force

90. This Rule shall enter into force on 1 January 2023.

(signed) Marija PEJČINOVIĆ BURIĆ
Secretary General of the Council of Europe
22 December 2022