3. Code of conduct for investigations and fact-finding

It is crucial that all Siemens personnel engaged in investigation-related activity perform their duties in a manner that is consistent with applicable laws and the Siemens values.

This code of conduct for Compliance investigations and fact finding (“Code”) supplements the [Business Conduct Guidelines](https://intranet.legal-compliance.siemens.com/docs/2019_SAG_BCG_English_FINAL.pdf) and applies to all internal inquiries and investigations performed by authorized Siemens personnel relating to alleged, potential or actual violations of company policies, internal regulations or applicable law (hereinafter referred to as “fact-finding”).

Governance responsibility for the Code rests with the Chief Compliance Officer of Siemens AG.

## 3.1. Applicability

The Code is particularly applicable to the following Siemens units (alphabetical order):

* CF Audit
* Compliance Organization worldwide
* Compliance Investigation and Regulatory
* Computer Emergency Response Team ∂ Data Privacy
* HR / OPCO HR / Local HR
* Litigation
* Operational Review / RIC Organization
* Security Office
* Works Council / GSpA

## 3.2. Code requirements

Siemens personnel engaged in fact-finding will:

* conduct their activities consistent with applicable legal and professional standards in an objective and diligent manner,
* demonstrate fairness and respect toward parties involved in investigations, including, but not limited to, interviews and other direct contacts,
* avoid the presumption of guilt or fault on the part of the parties involved,
* grant the parties involved the right to be heard,
* allow, where company policy and applicable laws permit or direct, the presence of a lawyer and/or a member of the works council / spokespersons’ committee at an interview. Employees will be responsible for the organization and costs involved unless otherwise determined by Compliance Investigation and Regulatory (LC CO IR); costs for lawyers will generally not be reimbursed,
* consult Compliance Investigation and Regulatory (LC CO IR) in advance when an interview has the potential to elicit self-incriminating statements by employees in order to ensure that local legal protocol is followed and that, where required by local law, employees are provided with appropriate legal advice,
* allow employees to make corrections to the interview minutes,
* draw conclusions with respect to the guilt or fault of the parties involved only after information sufficient to validate such conclusions has been obtained,
* disseminate information gathered during fact-finding activity solely on a need-to-know basis,
* maintain the confidentiality of information obtained during fact-finding activity consistent with company policy, internal regulations and applicable laws, and otherwise to the extent reasonably practicable under the circumstances,
* protect the identity of reporters of potential violations of company policies, internal regulations and applicable laws to the extent reasonably practicable under the circumstances.
* abide by company policies and applicable laws related to the protection of privacy rights and the collection of electronic and other data.

Siemens personnel tasked with fact-finding will not apply the following techniques:

* Make or obtain secret tape recordings of interviews or other communications
* Utilize private investigators[[1]](#footnote-1)
* Assume a false identity or present a false pretext for fact-finding
* Make false statements of material fact
* Induce a violation of law or policy
* Make promises premised upon the outcome of the inquiry
* Trespass onto private property
* Circumvent the rights granted to the employees involved under company policies or applicable laws, or the employees’ representation by legal counsel.

Engage in any attempt to determine the identity of an anonymous reporter without the pre-approval of the Chief Counsel Compliance of Siemens AG.

## 3.3. Conflicts of interest

1. Siemens personnel engaged in fact-finding will avoid actual or potential conflicts of interest or the appearance of actual or potential conflicts of interest. Actual or potential conflicts of interest may result, among other things, from:

* a personal or professional relationship with any party involved in an investigation,
* any connection to or involvement in activities related to the subject matter of the investigation.

1. Siemens personnel engaged in fact-finding who become aware of an actual or potential conflict of interest or the appearance of an actual or potential conflict of interest will:

* promptly inform their supervisors,
* directly or through their supervisors notify the Chief Compliance Officer of Siemens AG or the General Counsel of Siemens AG.

1. The supervisor of an employee who reports an actual or potential conflict of interest or the appearance of an actual or potential conflict of interest must promptly evaluate whether a conflict situation exists and, if so, take appropriate action to ensure that the fact-finding activity continues without any appearance of bias or partiality. Such action will include:

* the exclusion of the fact-finder and, if appropriate, the unit or function from further fact finding or any other role in the case.
* the outsourcing of the fact-finding or specified tasks to another internal unit or function
* or to an external service provider.

1. If a conflict of interest is subsequently determined not to exist or is resolved, the fact-finder may resume his or her role in the investigation at the discretion of his or her supervisor.

## 3.4. Code violations

Reported violations of this Code will be deemed Compliance Cases and handled accordingly. Violations of this Code may result in disciplinary measures.

## 3.5. Training and supporting material

[Siemens Compliance Brochure](https://www.siemens.com/content/dam/internet/siemens-com/global/company/sustainability/downloads/responsible-business-behavior-compliance-at-siemens.pdf)

## 3.6. History of changes

|  |  |  |
| --- | --- | --- |
| **Date** | **Author** | **Major changes of binding content** |
| January 1, 2019 | Jens Burgard | First release through the Compliance Handbook based on Siemens Circular SC No. 226 “Global Compliance”, Appendix 7. |

## 3.7. Contacts

Compliance Officer

The Compliance Officer responsible for your unit can be found through the following [link](https://intranet.for.siemens.com/cms/059/de/about/org/Pages/compliance_organization.aspx).

Corporate Governance Owner

The contact person for this code is:

[Jens Burgard (LC CO IR CF)](https://scd.siemens.com/luz/IdentitySearch?cn=burgard+j&utI=I&utX=X&utT=T&rtH=H&rtS=S&rtZ=Z&rtO=O&rtAktiv=A)

1. Exceptions: With explicit approval: 1) by the CHR Head for HR matters; 2) by the GM SEC Head for GM SEC matters; 3) by the LC C LIT Head for Litigation matters and (4) by the Chief Counsel Compliance for other matters. [↑](#footnote-ref-1)