

*[ICN Training on Demand: Encouraging Reporting]*

**[ICN TRAINING ON DEMAND: ENCOURAGING REPORTING]**

**[Georgina Laverack, Assistant Director, Cartels UK Competition and Markets Authority]**

GEORGINA LAVERACK: Hello, my name is Georgina Laverack, and I'm an Assistant Director in the Cartels Enforcement Group at the UK Competition and Markets Authority, called the CMA.

This module, looking at encouraging reporting, will share approaches and experiences to provide some ideas for the challenges you face. We will specifically look at reports of anti-competitive practices, such as price fixing, bid rigging, market sharing, and illegal information exchange that can all come under the collective banner of cartel conduct.

I should start by making clear that encouraging cartel leads at the CMA is a cross-team effort. In our experience, this isn't something that can be done by one team alone. A variety of skill sets and expertise are needed to encourage reporting and indeed to encourage compliance with the law more broadly.

Today, we will provide a practical guide to the key steps and techniques that CMA staff, working in a variety of teams ranging from external relations, campaigns, advocacy, behavioral insights, intelligence, and enforcement, bring to the table to facilitate and nurture greater reporting of cartel conduct. In practical terms, this module will look at how we encourage people to report a cartel they have spotted and what emotions they may go through before reporting.

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This session will look specifically at witnesses to cartel conduct who may be complainants, by which I mean those reporting conduct by a business, another business, or whistleblowers, by which I mean those reporting conduct within the business they work in or have worked in but without corporate approval, rather than leniency applicants who are reporting their own cartel conduct in exchange for immunity from sanctions or a reduced penalty.

In the first part of this module, we will explain what campaign planning, advocacy, and behavioral insights are, why they're important, and how we apply these to our work to encourage reporting. In the second part of the module, we will detail how intelligence specialists manage reporting and the intelligence supplied to help ensure that those who report to us remain on the reporting journey and that the information they give us is kept safe and handled correctly.

Today's module is aimed at intelligence, comms, and advocacy teams who want to generate quality leads, and at investigation teams who handle reporting. We hope you find this module useful. In return, we're keen to hear from officials working in other jurisdictions on reporting engagement techniques being applied or thought through. Sharing knowledge and learning is incredibly valuable and we welcome your feedback and ideas.

**[Why Encouraging Leads Matters]**

GEORGINA LAVERACK: Why encouraging leads matter: It is our job to help facilitate reporting to us and that is no small task. We can't assume that people readily understand and recognize cartel practices nor can we

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ignore the barriers there are to reporting, such as fear and anxiety. Our research with business and the public reveals that understanding of business cartel practices remains low. People are often confused by the term “cartel.” Many mistakenly associate it with serious organized crime depicted in Hollywood movies. They don't necessarily associate cartel practices with subtle business activity that could be happening around them, such as casual conversations between old friends who now happen to work in rival businesses and who start talking shop, for example, what prices they're planning to charge, what customers they want to target, and what bids they are preparing for, et cetera.

We need to help people more easily understand what we mean by cartel practices. We need to communicate effectively using simple language and regularly. We also need to make the reporting journey easy and to support those who report to us at each step of the way, managing and handling the intelligence they give us with care.

Enforcement is the end goal of a lead and alongside enforcement sits compliance messaging and advocacy. This is a powerful deterrence package for the businesses that have been caught and for wider industry, sending a clear message that cartel practices will be pursued and the consequences are serious. Enforcement practice with compliance comms and advocacy can also generate further leads in the form of leniency applicants. We have experienced cases where enforcement action, followed by comms promoting compliance, for example, in the estate agency sector, has prompted others in the sector to come forward and confess to wrongdoing. Lead generation, advocacy, compliance

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comms, and enforcement go hand in hand in a virtuous circle of more awareness of what cartel conduct is, more reporting and more cases.

At the start of enforcement work, there is always a lead, a tip-off, information from another agency or partner or a leniency applicant that gets the investigation underway, which is why encouraging leads is so important to us. It is the starting point for what we do and so we want to support leads as well as we can.

When an enforcement case takes place in a sector, awareness and understanding of competition law, particularly in that sector, will increase. However, memories can be short and businesses have a lot of other issues to grapple with. Therefore, we can't rely on cases alone or one-off pieces of comms. We need to continually re-engage.

In the construction sector, we have taken a number of enforcement cases, fining businesses 67 million pounds in total across five separate cases, but awareness of competition law risk remains low even in that sector and senior leaders at board level aren't taking it as seriously as they should.

When we've run awareness campaigns, like our Cheating or Competing campaign, we will see calls to our hotline -- our cartels hotline and visits to our reporting page increase when the campaign goes live, but that will naturally tail off after a paid-for campaign period ends. It is therefore important to continually nudge our audience with compliant messages -- with compliance messages through targeted paid-for media, including digital and low-cost stakeholder engagement.

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**[Think Ahead - Have a Strategic Plan]**

**[Mary Reilly, Senior External Relations Officer, UK Competition and Markets Authority]**

MARY REILLY: Think ahead, have a strategic plan. Why it is important to have a clear strategic plan: Ahead of doing any external facing engagement to encourage reporting, it's important to have a good think about what it is you want to achieve and why. Speak to colleagues across the organization, for example, teams in enforcement and pipeline intelligence. Engage with other enforcement and intelligence agencies. Have a good understanding of what types of reports are coming through and what sectors senior leaders want to target and why. Look back on past engagement and where possible reflect on what worked well and what could have worked better.

If this is your first piece of engagement, reach out to other authorities and seek advice.

You should have a targeted rationale for any engagement you do, drawing in learnings where you can and applying the insights to your approach.

Consider, too, the broader economic landscape of your engagement. For example, what industries might have an increased risk of cartel activity, what is the impact, where and how do your investigation teams suspect illegal activity is taking place.

At the CMA, protecting consumers is at the heart of what we do. In addition to our competition enforcement work, we listen to consumer complaints and we engage with government and public authorities. As part of

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our advocacy function, we have insight into industries that help shape what sectors we scrutinize. Our advocacy work with public procurement bodies enables us to raise awareness of cartel dangers among potential victims of anti-competitive practices in public sector projects. We encourage potential victims to report suspect wrongdoing to us. We monitor media reports and we conduct economic and market strategies to better understand the impact of anti-competitive behavior on the public.

Draw in all your channels of information to inform your work.

Connect with teams across your organization to help you.

**[Define who you want to target and why]**

MARY REILLY: Define who you want to target and why. At the outset, be clear on who you want to target and why. Be mindful to have messages that are relevant and resonate with your audience. It is better to speak to fewer people in a way that is meaningful and prompts a reaction. Avoid trying to share a diluted message with a mass audience that risks going unnoticed or results in misunderstanding or poor leads.

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Once you are clear on who your audience is research them, understand what makes your audience tick and how best to reach and connect with them. Audience and stakeholder mapping exercises where we identify and prioritize influential audience groups and stakeholders are valuable here to enable us to be targeted.

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As part of a mapping exercise, draw in opinions internally from a broad range of colleagues and specialist perspectives. Speak to investigators in your organization who can give you insights into the types of witnesses you are likely to want to send reporting messages to. Draw in views from policy and enforcement teams. Work with teams in advocacy and external relations to map influential stakeholders.

Questions to ask yourself and colleagues: What sectors are we most interested in getting reports from and why? What types of business or individual do we want to speak to? What makes them tick? What media do they consume? Who are their key influences? What are their pressure points? What motivates them to act?

Once you have mapped out stakeholders, the next step is to engage with them. You can use an influence versus interest matrix to help you do this. Put names of stakeholders on separate pieces of paper and literally sit down with colleagues in a room. Talk through each stakeholder and map them on a matrix. This will help you prioritize who you need to speak to, when and how.

External stakeholders can give you insights into how to best connect with those they represent. You can test messages with them, but be mindful of sensitivities and risks. Be careful to avoid tipping an industry off to an imminent investigation, for example.

Encouraging leads isn't a one-person job, it's a team job, and it is very much a collective effort both within your organization and through

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partnership with external stakeholders. There are many valuable perspectives to consider.

**[Be Clear What Success Looks Like]**

MARY REILLY: Be clear on what success looks like. External relations and advocacy teams complement the CMA's enforcement and intelligence work. Communications amplify the deterrence effect of enforcement and help raise awareness to encourage reporting. To track success, it is important to monitor activity throughout. Be flexible and adapt the approach, if needed. It is also important to agree a realistic and measurable target to achieve, for example, a percentage uplift in quality reports over a defined period of time.

Also, be mindful to have milestones or key project indicators, what we call KPIs. Use these throughout to check how you are progressing against your longer term objective. Take stock and reflect on your KPIs. Make improvements to meet your end goal.

**[Draw on Enforcement Cases to Tell the Story of Harm]**

MARY REILLY: Draw on enforcement cases to tell the story of harm. Draw in the support of colleagues outside your team to tell the story of enforcement cases and bring the subject matter to life. For example, work with teams in comms, external relations, digital, press office, et cetera. This is a powerful way to encourage reporting.

Using real-life case studies will resonate with your audience, particularly if they operate in the sector where the case occurred. Highlight the common behaviors that you want potential witnesses to identify and report.



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Using interesting non-confidential pieces of evidence is an effective way of getting attention. Remember to keep case studies and evidence examples short. Always use simple, easy-to-understand language. Make it easy for potential witnesses to recognize law breaking and make it easy for them to report it.

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### **New Zealand Commerce Commission case studies**

**August 2021**

**Grant Chamberlain]**

**[Grant Chamberlain Commerce Commission]**

GRANT CHAMBERLAIN: Hello, my name is Grant Chamberlain. I'm the Cartels Manager of the New Zealand Commerce Commission. This is a short video about our experiences over the last few years of encouraging reporting from witnesses and other parties in New Zealand to help us with our detection of cartels.

So today, what I'm going to focus on is how we went about building what we call our AWB system, which is our anonymous whistleblowing system. I'm also going to talk about how we developed our review of our cartel leniency policy, and then we're going to talk about our cartels media campaign that we've been running for about the last 14 months and how we developed that. And then I thought at the end, I'd highlight a piece of work that's coming up for us which is about our redesign of our confidential hand -- confidential information handling policy.

So first of all, talking about what we call our AWB system.

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Anonymous whistleblowing -- there's many different forms of it around the world that are used by businesses and government agencies. About four years ago, we were receiving quite a lot of feedback from different people as part of outreach, et cetera, that said to us they were wanting to have a system whereby they could report things anonymously to us and on a confidential basis.

Now, there are a number of systems that are in place that people can use. We chose a system that was called Whistle B. Now, the reason why we chose that was essentially it provided a high degree of anonymity -- and I'll take you through the landing page in a moment -- but essentially that product enabled people to report material to us and they can provide any format, whether that's documents, information, et cetera. They file a separate report on a separate page to our home page. A report is generated by Whistle B in Sweden. The information then comes back to us that actually clears all the metadata off that information. And, importantly, we can have a two-way channel of communication with that party without them ever providing us their identity or other information that could reveal their identity.

So looking at our AWB landing page, one of the key things that we addressed as part of the feedback was that a number of individuals were concerned that there could be mistakes and they could reveal their identity. So we deliberately put as part of our landing page for AWB the tips for us to encourage reporting whilst also protecting your identity. Also, we use it to just report cartel conduct. Feedback was that, in other areas, people were more prepared to provide leads and tips, but they were really concerned that there

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could be some degree of pushback by other businesses if they were to report conduct, and we set out on this page, again, how to protect your anonymity. And over on the right-hand side is the actual process. We spell that out quite clearly so that it encourages people to report, but it also sets out some of the practical things that we can do.

If you look at our AWB reporting page, it actually sets out quite clearly and quite simply what information we want from that party, which is always going to be really helpful for us to be able to understand and assess whether there is anything we need to follow up on.

So in summary, our AWB reporting system was developed to try and address a big issue around parties wanting anonymity and being able to talk to us confidentially continuously.

I now move on to what we've done around the review of our cartel leniency policy. Importantly, cartel conduct became a criminal offense in New Zealand from the 8th of April 2021. So we're still in our infancy of a cartel criminal regime. But one of the things that was really important to encourage reporting was we were moving to what's called a bifurcated system, both civil liability and criminal liability. We went out and spoke to law firms and a number of business associations before the law change and one of the key pieces of feedback about ensuring that leniency still worked in New Zealand -- and it is a successful program -- was that we had to be able to ensure that it was very clear the way the system was going to work.

So we reviewed our Cartel Leniency Policy in light of that and,

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importantly, there was a new bifurcated system being put in place where the Commerce Commission will grant civil leniency but the Solicitor General in New Zealand, who's the highest legal officer in New Zealand, now could grant immunity from criminal proceedings.

So as I said, we engaged with the legal community to ensure that reporting was still easy to do and that actually meant that we had to completely review the policy and think about actually how we could make it easier for people. So there's a number of new steps that we've built in to make it straightforward as possible. Essentially, it still is a one-stop shop where you report to the Commission. The feedback from the business community was that did encourage strong reporting to know that there was one stop to do that, but also, secondly and also very importantly, it made it very clear in the new system every step that needed to be taken for you to get criminal immunity, because the fear was that if the system wasn't clear, we'd have lots of problems.

The third topic I'll go on to now is the cartel media campaign. So I described before that we've moved to a criminal regime. One of the important points that we thought about, there was a transition period of two years before it became effective on the 8th of April, and it was apparent from the feedback that we had been getting as we've been running other cartel media campaigns over the years that SMEs account for over 90 percent of New Zealand businesses, but didn't necessarily understand cartel conduct and its consequences. And this was one of the issues that was stopping people reporting as much conduct to us as they could and should.

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So how do we deal with it slightly in a different way as part of this campaign? Well, right from the outset, we've got a business user group to be brought on board by the businesses that we were working with to develop the media campaign and we started very much from a ground-up position where we asked them what they thought about the law changes and what it meant to them and how could we actually develop materials that could work for them.

So as a result of that, we made it very clear with a series of short videos that set out what cartel conduct was and also very easily on one page how you could report that conduct to us, whether that was a complaint, a leniency application, or using the AWB.

Now, it was also very important that all the materials were simple, digestible, and they were put up on Facebook, LinkedIn, they were run on national news media. And we also made the links to our own website very clear so there was one clear landing page. If you want to know more about cartel conduct and specifically criminal conduct, you could find it out very easily.

I thought I'd highlight the fourth topic, and this is one that we're currently working on, which is a refresh of our confidential handling policy. Now, this is an important area. In talking to a number of agencies that undertake criminal cartel investigations, an important part of it is developing what is called human intelligence sources, i.e, people that are prepared to provide you information that may be relevant to an investigation or understanding what's going on within the business community.

So in this sense, we're developing and refreshing our policy. But

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what does that mean and how do we go about that initially? Well, we're at the early stages, but we've worked with a business user group that said to us, you need to have specific people that can work in this area, you need to have -- very much focus on building the trust with the reporter.

So we're proposing that what we will do is work with a user group, various business entities, and we'll work through how we can make this policy as user-friendly as possible. This will be launched at the end of this year and we're hopeful that it will be another vehicle by which we will encourage reporting from all New Zealanders.

Thank you.

**[Why Behavioural Insights Matter]**

**[Laura Smart, Assistant Director, Behavioural Insights and Science, UK Competition and Markets Authority]**

LAURA SMART: My name is Laura Smart. I'm Assistant Director of the Behavioural Hub at the UK Competition and Markets Authority.

What are behavioural insights? Behavioural insights are concerned with the various factors that influence the decisions that people make. They draw on the behavioural and social sciences, including psychology, behavioral economics, cognitive science, neuroscience, and organizational and group behavior. They're also used to improve the welfare of citizens and consumers by influencing behavior through the design of policies and regulations based on empirically tested results derived using robust research methods.

Behavioural insights are being applied widely by governments

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and organizations across the globe and they can have a huge impact. For example, making organ donation a no action default can save lives. Defaults are preset courses of action that take effect if nothing is specified by the decision-maker. In countries like the US, the Netherlands, Germany and up until recently the UK, where the default is not to be an organ donor and donors have to opt in, only a quarter of the population or less have granted permission by signing a donor card. This is even though a majority of people in those countries approve of organ donation. By comparison, in countries like Sweden, Austria, France, and others, the default is that you are a donor, but have a possibility of opting out. Eighty-five percent or more of the population are registered as organ donors.

A simple change from opt-in to opt-out is a powerful tool, particularly when there's inertia or uncertainty. Also, a significant impact on people's lives and health can be achieved with little cost to the government. This is one of the reasons that the UK changed its organ donation law in 2020 to make donation the default.

**[How We Harness and Apply Behavioural Insights Theory]**

**[Dr. Vedran Lesic, Senior Behavioural Insights and Research Adviser, UK Competition and Markets Authority]**

VEDRAN LESIC: My name is Vedran Lesic, and I'm a Senior Advisor at the Behavioural Hub at the UK's Competition and Markets Authority.

Previously, at the CMA, we worked with an external behavioural insight team that helped us to better appreciate the psychological hurdles that the

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potential witness needs to overcome in order to make a report. Then we were able to put measures in place to reduce those hurdles. We drew on behavioural insights theory from the trans-theoretical model, also known as the stages of change model, developed by Prochaska and DiClemente. This maps out different psychological stages an individual who is reporting goes through from pre-contemplation through the action or making a report.

I'm going to go through each of those four stages now. The first stage, pre-contemplation or not ready, is when people are not intending to take action in the foreseeable future and they might not be aware that their behavior is problematic. For the CMA, this stage corresponds to not understanding the nature or appearance of cartels and or not understanding why they're wrong.

The second stage, contemplation or getting ready, is where people are beginning to recognize that their behavior is problematic and start to look at the pros and cons of their continued actions. For the CMA, this stage corresponds to understanding that cartels are illegal and wrong and that they're aware of or involved in a cartel. It does not imply that they are prepared yet to act.

The third stage, preparation or ready, is where people are intending to take action in the immediate future and may begin to take small steps towards behavior change. For the CMA, this stage corresponds to scoping out the pros and cons of action.

And the last stage is action or acting, where people made specific overt modifications in modifying their problem behavior or in acquiring new healthy behaviors. For the CMA, this stage corresponds to contacting the CMA



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to discover if they have useful information.

We also drew on research involving businesses and the public. Working with the behavioural insight team, we identified the following. We need to simplify the way we talk about the competition law. Language testing revealed a lot of misconceptions around the term “cartel.” We need to make the reporting journey more accessible.

We moved to an intuitive online reporting function and one cartel hotline number. We created a campaign page to explain what anti-competitive practices look like in simple terms, using visual imagery, concise language, and a clear message. This was supported by interactive content, an online quiz, and a series of short films.

Protecting anonymity was a key concern of potential informants. We moved to permit anonymous reporting of digitals -- of cartels digitally. Our campaign messaging and accompanying visuals have evolved over time. After we embarked on our stop cartels campaign over five years ago, the approach changed from a harsh message to creative to a then much softer illustrative creative.

Today's Cheating or Competing campaign sits somewhere between the two previous examples. Today's campaign creative uses real-life photography, which is bold and hard-hitting when it comes to illustrating illegality, but the reporting message remains softer, encouraging, and supportive.

### **[What the Future Holds]**

LAURA SMART: What the future holds: Language testing and

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research continues to shape how we communicate messages and execute creative ideas. We know that we must repeat our messages to help facilitate reporting. We are equally aware that we must continue to scrutinize, check, and refine how we communicate.

So how can we build on previous behavioural insights work?

Recently, the behavioural hub facilitated an internal workshop at the CMA to help identify improvements to the whistleblower journey using behavioural science and design methods. In particular, the cross-organizational group of participants sought to remove barriers and facilitate enablers to reporting.

Barriers included beliefs that somebody else would have raised the problem already, worries about confidentiality, fearing negative reactions from others, and not knowing how and whom to report. Solutions included giving reassurance about confidentiality and simplifying the reporting process further and motivating those thinking of reporting.

The CMA is not the only authority using behavioural insights to encourage reporting. Other international competition authorities, such as the Dutch, Danish, and Canadian authorities, have behavioural insights teams, too. For example, the Dutch Consumer and Competition Authority has a large team of behavioural experts who support ongoing cases and lead targeted research projects to help improve existing processes amongst other activities.

**[Competition Bureau Canada**

**Bureau de la concurrence Canada**

**ITOD: Reporting**

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**On screen content for Ann Salvatore's submission on behalf of the  
Competition Bureau]**

ANN SALVATORE: My name is Ann Salvatore. I'm the Deputy Commissioner of the Cartels Directorate at Canada's Competition Bureau.

At the Bureau, we encourage people to report cartel conduct in a number of ways. We create awareness of what cartel offenses are, we build relationships and reporting channels, and we protect those who choose to report illegal agreements. The Bureau's Cartels Directorate works with government officials at all levels. In doing so, we have two goals. First, we want to prevent bid rigging from happening. Second, we want procurement officials to know how to detect and report it if it does happen.

The way we build this awareness has changed because of COVID-19, but we think it may even be more efficient and effective now. Before the pandemic, our officers did in-person presentations with procurement teams. These presentations focused on how to prevent, detect, and report bid rigging. In these presentations, we covered common forms of bid rigging, warning signs, how to design and manage tenders, and what procurement officials should do if they suspect bid rigging. We changed our approach because of pandemic restrictions. We now give these presentations virtually and we also created other tools to deliver this content.

Our presentation is now available as a video. This allows participants to access the information on their own time. We also recorded a

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podcast with the Canada School of Public Service. In the podcast, an interviewer goes over the content with a competition officer and procurement official. The discussion format makes for easy listening.

We know that the risk of bid rigging is higher as we move from crisis to recovery. That's why we are being proactive. We are reaching out to departments and agencies and all levels of government that do procurement. We want to remind them of the risk and start a conversation about how we can help. We talk about our presentations, video, and podcast. We want procurement officials to know how to prevent, detect, and report bid rigging. The more they know, the more likely they are to report suspected bid rigging to the Bureau.

We also use other tools to encourage people to report suspected cartel conduct, such as a telephone tip line and online form. The tip line allows people to anonymously report suspected fraud, collusion, or corruption in federal government contracts or real property agreements. The tip line is a partnership between the Bureau, the Federal Procurement Department, and a police agency.

The Bureau's Information Centre, we receive thousands of questions and complaints every year about the work we do. People can contact us by phone, an online form, mail, and fax. They can also do so anonymously.

Our partnerships with other law enforcement agencies, we want to make sure that information other agencies have about possible cartel conduct makes its way to the Bureau. Canada's competition law has sections that can protect people who provide the Bureau with information. One section of the law prohibits Bureau officials from sharing the identity of anyone who provides

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information to us.

There are a few exceptions to this. For example, we can share information to administer and enforce the act or with another Canadian law enforcement agency. We provide even more protections for people and companies that participate in our immunity and leniency programs. Our law contains sections to protect the identity of whistleblowers. It also aims to prevent reprisals by employers. Individuals reporting to the Bureau can also be protected by confidential informer privilege. People with this status have a high degree of protection around their identity or information that could be used to identify them.

We want to create an environment that encourages reporting. Our strategy combines creating awareness, building reporting channels, and providing legal protections to promote reporting in Canada.

### **[Handling Reports]**

#### **[Intelligence Adviser, UK Competition and Markets Authority]**

INTELLIGENCE ADVISER: In the second part of this module, we will explore how we handle reports. We will discuss the intelligence model that we apply, including our triage process, how we manage the information we receive, and how we then engage with complainants and whistleblowers.

#### **[The Intelligence Model]**

INTELLIGENCE ADVISER: The majority of law enforcement agencies in the UK utilize the National Intelligence Model. By using the standardized model, agencies are able to share intelligence easily as we all use

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the same processes, intelligence grading, and terminology. The model breaks the intelligence management process down into three parts, collection, development, and dissemination.

**[Collection]**

INTELLIGENCE ADVISER: The CMA collects and receives information from a variety of sources. Some of the information that we gather is from the research and analysis that we conduct into markets and sectors of the UK economy in order to identify areas that are not working well for consumers or that are at risk of cartelization. Members of the public also provide us with information by contacting our dedicated cartels hotline or the CMA general inquiries team. This can be done either by phone, email, or by using our online reporting form, a process which allows people to provide information anonymously if they wish.

Once received, the information is assessed and triaged by our specialist intelligence unit. This involves a review of the basic information received in order to establish whether the subject or allegation relates to an issue that the CMA has the power to address. For example, our powers stem from UK competition and consumer legislation and so we could not deal with a bribery and corruption case. We will also assess the issue reported against our prioritization principles and the themes highlighted in our annual plan.

**[Development]**

INTELLIGENCE ADVISER: The information is then placed onto our intelligence database. This system allows information and intelligence

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to be stored securely and enables intelligence staff to identify links between new information and information already held on the system. Once on the database, further research is conducted using both open and closed sources in order to obtain more information related to the businesses and the sector of the UK economy involved.

The intelligence unit also undertakes analysis of sectors across the UK economy, examining previous UK competition cases and investigations conducted by other national competition agencies across the world. This analysis provides us with a broader understanding of those areas of the UK economy that are potentially vulnerable to cartelization.

**[Dissemination]**

INTELLIGENCE ADVISER: Once the development work is completed, the intelligence gathered will be disseminated. If the issue relates to activity that the CMA cannot address, an intelligence report will be sent to the most appropriate law enforcement agency for its consideration. If the matter warrants further investigation by the CMA, an intelligence assessment form will be passed to one of the cartel investigation teams. These teams are responsible for conducting initial interviews with complainants and whistleblowers and for obtaining any evidential material relating to the case that those individuals may hold.

On completion of this process, if there are reasonable grounds for suspecting an infringement of the Competition Act of 1998, and therefore passes the threshold for the CMA to conduct a formal investigation, a report is

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submitted to the CMA pipeline and intelligence steering group for it to be considered for full investigation.

### **[Engaging with Complainants and Whistleblowers]**

INTELLIGENCE ADVISER: The CMA is very aware that some of the people who provide us with information about anti-competitive activity do so at significant risk to themselves. Whistleblowers, in particular, are often putting their jobs and careers in jeopardy by deciding to speak out about the unlawful activities of their employers. Although there is specific legislation in place in the UK which provides protections in the workplace, whistleblowers can still experience bullying, harassment, and dismissal by employers. Due to these risks, many of those that contact the CMA wish to discuss their options for maintaining anonymity and confidentiality.

At the CMA, we provide people wishing to provide information with the option to do so anonymously via our online reporting forms. Individuals may also set up new email accounts that do not provide any personal details or simply withhold their number when calling. We always prefer that a person provides us with their personal details, however, as this enables us to better assess the information they provide, provide us with the opportunity to clarify and obtain further pertinent information, and gives us the opportunity to provide advice to whistleblowers on the support they can obtain from external parties and charities.

However, if they confirm they wish to remain anonymous, the CMA does not take any steps to identify them. If they wish their details to



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remain confidential, then we will have an honest conversation with them regarding how we will store and control their information and the steps we take to limit those who are aware of their involvement, even CMA colleagues on a need-to-know basis, but we will also explain that there may be circumstances in which a court could require the CMA to disclose their details, in which case we would have to comply.

If the complainant or whistleblower chooses to provide us with their details, members of our investigation team will conduct an interview to record their evidence. These colleagues are specially trained interviewers who will guide the person through the process, ensuring they are aware of what will happen during and following the interview and what will happen to any evidence that they provide. Throughout the investigation, we aim to have regular contact with a whistleblower and where possible keep them informed on the progress and the outcome of the case.