

	Document Type: POLICY	Procedure / Title: WHISTLEBLOWING POLICY	Document Number: TCIMS-002	
	Document owner: Legal & Integrity TNB Energy Services Sdn Bhd		Revision:	2
			Date published:	26th February 2026

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TITLE:
WHISTLEBLOWING POLICY

Document Number:
TCIMS-002

Revision Number	Revision Date	Description	By	Verifier	Approver
N/A	-	Development of policy	TNB Energy Services Sdn Bhd	Integrity Department	TNBES BOD
001	10 July 2024	1 st Revision	TNB Energy Services Sdn Bhd	Legal & Integrity	TNBES BOD
002	26 February 2026	2 nd Revision	TNB Energy Services Sdn Bhd	Legal & Integrity	TNBES BOD

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1. Background

In line with the practice of integrity and good corporate governance, TNBES wishes to ensure that internal and external parties working with the company have an avenue to raise concerns about potential improprieties in business conduct in a secure and confidential manner.

The whistleblowing policy and procedure therefore aims to provide a platform and internal mechanism for both TNBES Personnel and external parties to report information relating to malpractice, misconduct, illegal activities and omissions that are against the rules of the company, industry regulations and legal requirements which may be committed by TNBES Personnel.

2. Objective

2.1 The policy aims to:

- a) Encourage and enable persons to report, in good faith or on the basis of a reasonable belief, any attempted, suspected and actual malpractice in relation to the operation and management of TNBES, to the Integrity Officer or other appropriate personnel, in confidence and without fear of retaliation;
- b) Build and strengthen a culture of transparency and trust both within the organisation and with external stakeholders.

3. Scope

3.1 This policy is applicable to:

- a) TNBES, the BOD and TNBES Personnel along with its Subsidiaries, their BODs and personnel; also the BODs and personnel of Business Associates when they are acting on TNBES' behalf.
- b) TNBES External providers (suppliers, consultants, contractors etc.)
- c) TNBES customers
- d) Other TNBES stakeholders

3.2 The whistleblowing policy covers possible and actual malpractice in relation to the operation and management of TNBES. Examples include:

- a) Bribery
- b) Fraud
- c) Theft or embezzlement
- d) Conflict of interest
- e) Corruption (abuse of power)
- f) Criminal offences
- g) Failure to comply with the rules, instructions and procedures of TNBES
- h) Failure to comply with legal or regulatory obligations
- i) Misuse of TNBES property
- j) Miscarriage of justice
- k) Endangering the health and safety of an individual
- l) Endangering the environment
- m) Concealment of any of the above

4. References

- a) TNBES Anti-Bribery Policy
- b) TNBES Ethics & Integrity Policy
- c) Integrity Committee Terms of Reference
- d) TNBES *Buku Prosedur Tatatertib*
- e) Malaysian Anti-Corruption Commission (MACC) Act 2009

5. Definitions

The following definitions are included in this policy. For additional definitions, see the TCIMS Glossary.

BOD	The Board of Directors of TNBES and the Boards of its controlled organisations
Bribery	Bribery is defined as any action which would be considered as an offence of giving or receiving 'gratification' under the Malaysian Anti-Corruption Commission Act 2009 (MACCA). In practice, this means offering, giving, receiving or soliciting something of value in an attempt to illicitly influence the decisions or actions of a person a position of trust within an organisation. 'Gratification' is defined in the MACCA to mean the following: 1. <i>money, donation, gift, loan, fee, reward, valuable security, property or interest in property being property of any description whether movable or immovable, financial benefit, or any other similar advantage;</i> 2. <i>any office, dignity, employment, contract of employment or services, and agreement to give employment or render services in any capacity;</i> 3. <i>any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;</i> 4. <i>any valuable consideration of any kind, any discount, commission, rebate, bonus, deduction or percentage;</i> 5. <i>any forbearance to demand any money or money's worth or valuable thing;</i> 6. <i>any other service or favour of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and including the exercise or the forbearance from the exercise of any right or any official power or duty; and</i> 7. <i>any offer, undertaking or promise, whether conditional or unconditional, of any gratification within the meaning of any of the preceding paragraphs (a) to (f).</i> Bribery may be 'outbound', where someone acting on behalf of TNB attempts to influence the actions of someone external, such as a Government official or client decision-maker. It may also be 'inbound', where an external party is attempting to influence someone within the TNB Group such as a senior decision-maker or someone with access to confidential information.
Corporate Gift	Something given from one organisation to another, with the representatives of each organisation giving and accepting the gift. Corporate gifts may also be promotional items given out equally to the general public at events, trade shows and exhibitions as a part of building the company's brand. The gifts are given transparently and openly. Corporate gifts normally bear the company

	name and logo. Examples of corporate gifts include items such as diaries, table calendars, pens, notepads, plaques, and festive gifts such as hampers, oranges and dates. See also <i>Personal Gift</i> below.
Corruption	The Transparency International definition is used for the TCIMS: 'The abuse of entrusted power for personal gain.' See the definition for 'bribery', which is the term used primarily in the TCIMS.
IC	Integrity Committee
Legal & Integrity	Legal & Integrity Department of TNBES
Integrity Officer	Integrity Officer of TNBES
MACC	Malaysian Anti-Corruption Commission
Manager	The person's immediate supervisor.
Personal Gift	Something given from one individual to another, with the intention of creating or enhancing a personal relationship. The gifts are given in a private setting, without the knowledge or approval of the company management of one or both parties. Personal gifts may include cash, cash equivalents such as credit cards, bitcoin or savings accounts, electronic items, watches, luxury pens, property, vehicles, free fares, shares, interest free loans, lottery tickets, travel facilities, entertainment, services, club memberships, any forms of discount or commission, jewelleries, decorations, souvenirs, vouchers or any other valuable items. See also <i>Corporate Gift</i> above.
Retaliation	One or more of the following: 1. Interference with the lawful employment or livelihood of a person, including discrimination, discharge, demotion, suspension, disadvantage, termination or adverse treatment in relation to the complainant's employment, career, profession, trade or business or the taking of disciplinary action. 2. Withholding of payment that is due and payable under a contract. 3. Refusal to enter into a subsequent contract. 4. Action causing injury, loss or damage. 5. Intimidation or harassment. 6. A threat to take any of the actions above.
Stakeholders	Individuals or groups concerned with, or affected by company policy and practice, including, but not limited to, personnel, customers, government bodies and parties, investors, joint venture partners, communities where TNB has interests, suppliers, contractors
TCIMS	TNB Corporate Integrity Management System
TNBES Personnel	All individuals directly contracted to the company and its controlled organisations on an employment basis, including permanent and temporary employees and directors.
Whistleblower	A person who discloses information on a person or organization engaged in or suspected of being involved in malpractice.
Whistleblowing	Disclosure by a person, usually company personnel, to those within the company in a position of authority and/or appointed to receive such

	disclosures, or a Government authority, or the media, of attempted, suspected and actual malpractice.
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6. Policy owner

The Legal & Integrity is the owner of this policy.

7. Policy

7.1 Reporting and Investigation

7.1.1 Reporting

- a) TNBES shall make provision for the reporting of bribery and other forms of misconduct through designated secure channels, available to both internal and external parties.
- b) TNBES Personnel may wish to report their concerns to their manager, Group HR, union representative or other trusted person in authority. In such a case, where the report can be substantiated or the matter is of a serious nature, the person receiving the information should recommend the discloser lodge a report with the Integrity Officer who will assist them in this matter.
- c) Reports to the Integrity Officer may be lodged via the following channels:
 - i. Walk-in to the Legal & Integrity (working hours only)
 - ii. Email
 - iii. Online whistleblowing disclosure form at TNBES website
 - iv. Letter
 - v. Via appointed designated officers
- d) Reports may be lodged in Bahasa Malaysia (BM) or English. Reports submitted in other languages may be translated by Integrity Officer for processing.
- e) The company discourages reports from anonymous sources. Disclosers are expected to provide their personal information, including name, contact phone number and/or e-mail to allow for follow-up, obtain further information if necessary and keep the discloser informed. Any anonymous reports must be channelled to Integrity Officer. TNBES reserves the right to close down anonymous reports without further action being taken.

7.1.2 Investigation

- a) All whistleblowing reports received will be channelled to Integrity Officer for processing.
- b) All concerns raised via the whistleblowing channels shall be assessed, managed and investigated in a fair and proper manner.
- c) TNBES may decide to close cases which lack material evidence, particularly where the report originates from an anonymous source and further information cannot be obtained.
- d) If there is sufficient evidence that a corruption incident has occurred and contact details are provided, the discloser may be advised to report the incident directly to the MACC to secure official discloser protection.
- e) Once sufficient information has been secured through a TNBES investigation showing that a corruption incident occurred, the matter should be reported to the MACC. The TNBES Domestic Inquiry should be conducted separately from any MACC investigation.

7.2 Protection of anonymity

- a) The identity of all disclosers shall be protected by all means possible.
- b) Only the following personnel are authorised to access full details (including information on discloser's identity) of the discloser reports:
 - i. Integrity Officer overseeing the Whistleblowing channels
 - ii. IC Chairman
 - iii. Head of Legal & Integrity
 - iv. TNBES Chairman
- c) In the event that the report makes reference to any of the above persons, the implicated person shall not have access to the report. In this instance or where otherwise necessary, a third party (for example a law firm) may be engaged to handle the issue.
- d) Unless the discloser agrees otherwise in writing, all further reports will exclude personal details of the discloser. If it is necessary to include reference to the discloser, a pseudonym unrelated to the discloser, must be used. E.g. 'Mr X' or 'Ms M'.
- e) Anyone who reveals the identity of a discloser without prior agreement from the discloser will be subject to disciplinary measures, including, but not limited to, the termination of contract or removal of directorship. The exception is where the information is demanded by a Government enforcement body or similar authority under the conditions of a warrant.

7.3 Assurances and protection against retaliation

- a) The discloser shall receive no retaliation for a report that was provided in good faith, i.e. was not done primarily with malice to damage another person or the organisation. Such protection is accorded even if the investigation later revealed that the whistleblower is mistaken regarding the facts, rules and procedures involved.
- b) Anyone who retaliates against a discloser will be subjected to disciplinary action, which may include termination of employment, demotion, or other legal compensation.
- c) A discloser or any person related to, or associated with, the discloser, who fears, or has suffered detrimental action as a result of their whistleblowing action may:
 - i. Report the incident(s) to the Integrity Officer or IC Chairman.
 - ii. Request for transfer of employment to another location. The request should be made in writing to the Integrity Officer or IC Chairman.
- d) Provided the request is reasonable, the IC Chairman shall escalate the request of transfer to People & Culture Department at the earliest opportunity.

7.4 Reports on incidents to internal and external parties

- a) No personal details of the discloser must be revealed in any report, unless prior written permission is given by the discloser. If it is necessary to include reference to the discloser, a pseudonym unrelated to the discloser must be used. E.g. 'Mr X' or 'Ms M'.
- b) Reports may be provided to the following TNBES parties, and must be in soft copy only with restricted access,:
 - i. BOD
 - ii. IC
 - iii. Personnel involved in disciplinary hearing proceedings related to the case
 - iv. Any other party agreed with prior written approval by the IC Chairman
- c) Reports are only to be compiled by Integrity Officer and authorised by the IC prior to printing and distribution to ensure no personal details are revealed.

- d) Reports to Government authorities are to be made by Integrity Officer, with the support of IC. See the *Incidents of corruption with evidence* section below.

7.5 Information storage

- a) All electronically stored information must be password protected with access restricted on a strictly need-to-know basis.
- b) All hard copies must be stored in a secure location with access restricted on a strictly need-to-know basis.
- c) Only the Integrity Officer, TNBES Chairman and IC Chairman and shall have access to information containing the details of the discloser.

7.6 False or malicious reports

The company will take disciplinary action against any discloser who knowingly makes a false report. Disciplinary actions may include termination of employment, demotion, or other legal redress.

7.7 Reporting to external bodies

TNBES Personnel should utilise the internal reporting channels established by TNBES to lodge reports regarding issues they are concerned about. It would not normally be appropriate for personnel to disclose their concerns to an external party unless they have first followed the procedures of the company to their full extent. However, TNBES recognises that on occasion there may be an exceptionally serious issue which warrants reporting to an external body. This disclosure must be made in good faith, not malicious, and not made for the purpose of personal gain.

7.8 Obstruction of Investigation

Any person who obstructs an investigation of a whistleblowing report shall be subject to disciplinary action, which may include termination of employment, demotion, or other legal compensation.

7.9 Timescales for processing of reports

TNBES shall endeavour to match international standards regarding timescales when processing reports.

7.10 Providing updates to the discloser

Where the contact details of discloser are provided, Integrity Officer shall update the discloser on the progress of the case from time to time.

7.11 Incidents of corruption with evidence

- a) IC shall decide whether or not to forward reports received to the MACC. Reports which include the items below should be submitted to the MACC:
 - i. Material evidence of an incident of bribery or corruption
 - ii. Specific details of the transaction(s)
 - iii. Names of specific individuals
 - iv. Other information considered substantial by the Integrity Officer
- b) All reporting to the MACC must be done at the earliest opportunity once the materiality of the case is proven.
- c) IC may also approve to forward unsubstantiated reports to the MACC.

7.12 Further information

Further information, including advice on what to do if faced with a concern or situation which could involve malpractice, can be obtained by contacting Integrity Officer, or from relevant pages on the intranet (for TNBES Personnel), or the company website (for external parties).

8. Precedence of policy

With respect to the protection of the identity of the discloser, this Whistleblowing Policy shall take precedence over previous policies, terms of reference and other TNBES documentation which would otherwise entitle TNBES Personnel and BOD access to this information.

9. Sanctions for non-compliance

TNBES takes whistleblowing seriously and will apply sanctions in the event of violations of this policy. For TNBES Personnel, non-compliance may lead to disciplinary action, up to and including termination of employment. Further legal action may also be taken in the event that TNBES' interests have been harmed by the results on non-compliance by individuals and organisations.

10. Waiver

Any deviation or waiver from this policy must be approved by the BOD.

11. Review & Inspection

- 11.1 A summary of whistleblowing incidents and their outcomes will be reported to IC and BOD for notification.
- 11.2 The Integrity Officer will review the suitability of this policy from time to time, in accordance with the *TCIMS Monitoring and Review Procedure*.