



## **AGÈNCIA VALENCIANA ANTIFRAU**

AGENCY FOR THE PREVENTION AND FIGHT AGAINST FRAUD AND CORRUPTION  
OF THE VALENCIAN COMMUNITY, SPAIN



# AGÈNCIA VALENCIANA ANTIFRAU

AGENCY FOR THE PREVENTION AND FIGHT AGAINST FRAUD AND CORRUPTION  
OF THE VALENCIAN COMMUNITY

Created by

Law 11/2016 of 28 November 2016 of the *Generalitat Valenciana*

Territorial scope

Valencian Community



## Valencian Community



Spanish autonomous territory with a regional parliament with legislative capacity to act.

Population  
5 million inhabitants

GDP: 11 %



## Antifraud Agencies in Spain



Catalonia, 2008



## Antifraud Agencies in Spain



Catalonia, 2008

Valencian Community, 2016





## Antifraud Agencies in Spain



Catalonia, 2008

Valencian Community, 2016

Balearic Islands, 2017



## Antifraud Agencies in Spain



Catalonia, 2008

Valencian Community, 2016

Balearic Islands, 2017

+ other regions with legal regulations but not operative for the moment:



## Antifraud Agencies in Spain



Catalonia, 2008

Valencian Community, 2016

Balearic Islands, 2017

+ other regions with legal regulations but not operative for the moment:

Aragon





## Antifraud Agencies in Spain



Catalonia, 2008

Valencian Community, 2016

Balearic Islands, 2017

+ other regions with legal regulations but not operative for the moment:

Aragon

Navarra



## Antifraud Agencies in Spain



Catalonia, 2008

Valencian Community, 2016

Balearic Islands, 2017

+ other regions with legal regulations but not operative for the moment:

Aragon

Navarra

Asturias



## Antifraud Agencies in Spain



+ municipal agencies:

Barcelona, 2015

Madrid, 2018



# AGÈNCIA VALENCIANA ANTIFRAU

## Objectives

To **prevent, detect and eradicate** fraud and corruption.

To promote **integrity** and ethical public conduct.

To promote a **culture of best practices** and rejection of fraud and corruption.

To give special attention to the **protection of whistleblowers**.





# AGÈNCIA VALENCIANA ANTIFRAU

## Objectives

To **prevent, detect and eradicate** fraud and corruption.

To promote **integrity** and ethical public conduct.

To promote a **culture of best practices** and rejection of fraud and corruption.

To give special attention to the **protection of whistleblowers**.



# AGÈNCIA VALENCIANA ANTIFRAU

## Objectives

To **prevent, detect and eradicate** fraud and corruption.

To promote **integrity** and ethical public conduct.

To promote a **culture of best practices** and rejection of fraud and corruption.

To give special attention to the **protection of whistleblowers**.



# AGÈNCIA VALENCIANA ANTIFRAU

## Objectives

To **prevent, detect and eradicate** fraud and corruption.

To promote **integrity** and ethical public conduct.

To promote a **culture of best practices** and rejection of fraud and corruption.

To give special attention to the **protection of whistleblowers**.



# AGÈNCIA VALENCIANA ANTIFRAU

## Objectives

To **prevent, detect and eradicate** fraud and corruption.

To promote **integrity** and ethical public conduct.

To promote a **culture of best practices** and rejection of fraud and corruption.

To give special attention to the **protection of whistleblowers**.





## AGÈNCIA VALENCIANA ANTIFRAU

### Legal nature

Public-law entity, with a legal personality and full capacity to act.

**Independent** from other public administrations and **neutral**.

Ascribed to the Parliament of the Valencian Community,  
who appoints the **General Director**.



## Organizational chart



**General Director**

The **highest authority**.

Elected by the **parliament** by a **majority of three-fifths**  
with **seven years** term of office.

-Parliament is elected for four years-

He/She's **unmovable** and can **not be reelected**.



## Organizational chart



**General Director**

The **highest authority**.

Elected by the **parliament** by a **majority of three-fifths**  
with **seven years** term of office.

-Parliament is elected for four years-

He/She's **unmovable** and can **not be reelected**.

**The Director is accountable and reports directly  
to the Valencian Parliament**



## Organizational chart



**General Director**



**Department of Institutional Relations,  
Communication and Participation**





## Organizational chart



**General Director**



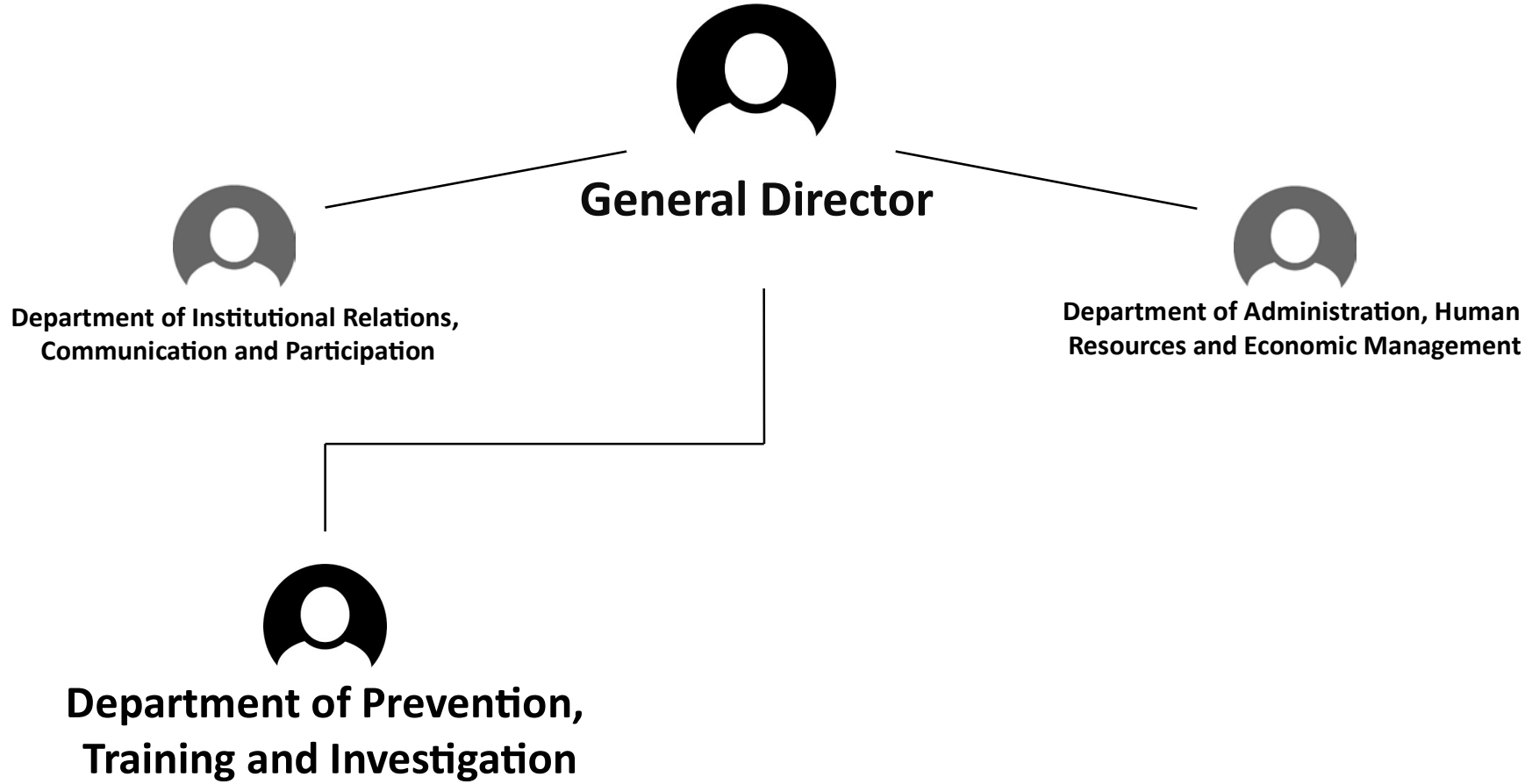
**Department of Institutional Relations,  
Communication and Participation**



**Department of Administration, Human  
Resources and Economic Management**

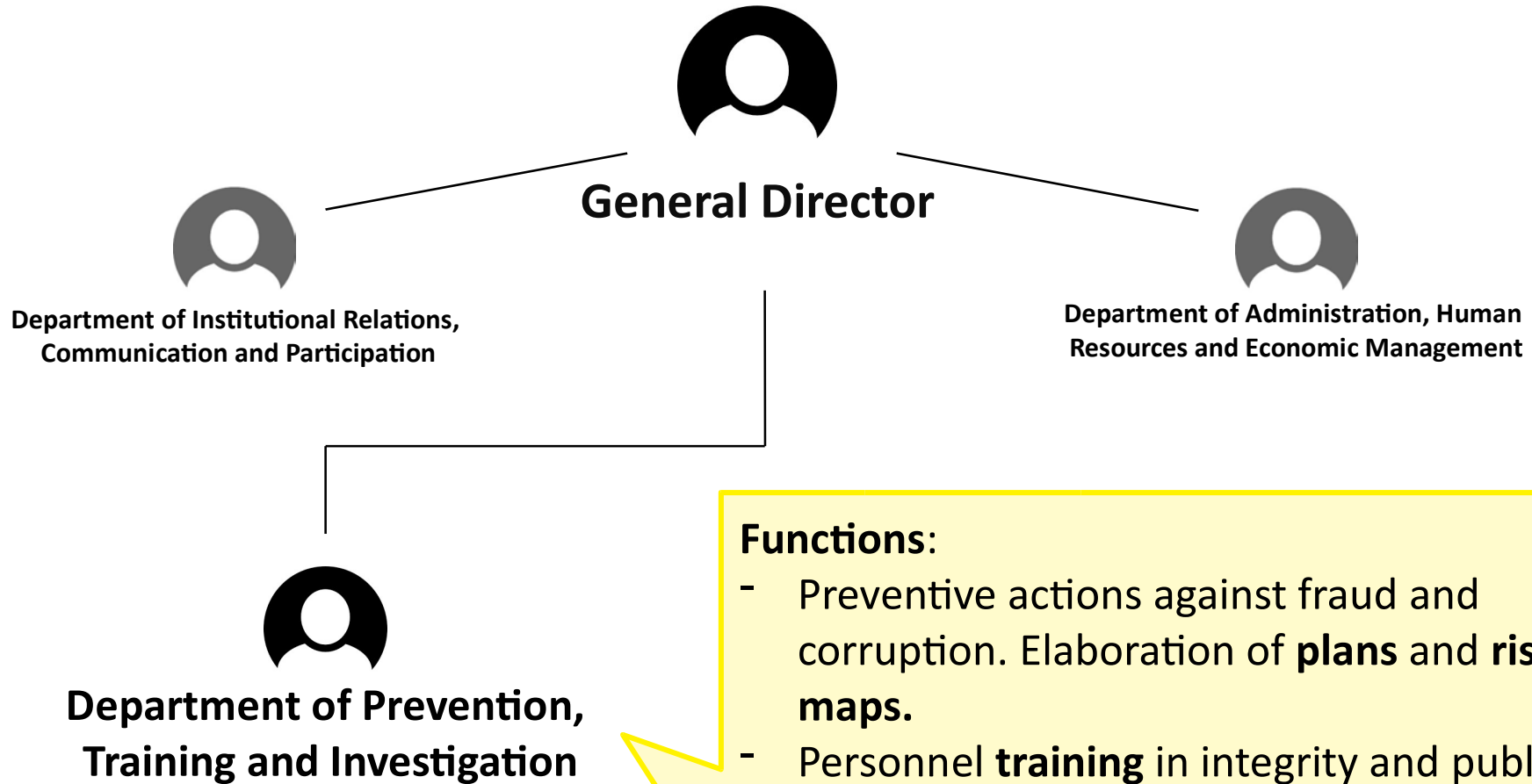


## Organizational chart





## Organizational chart

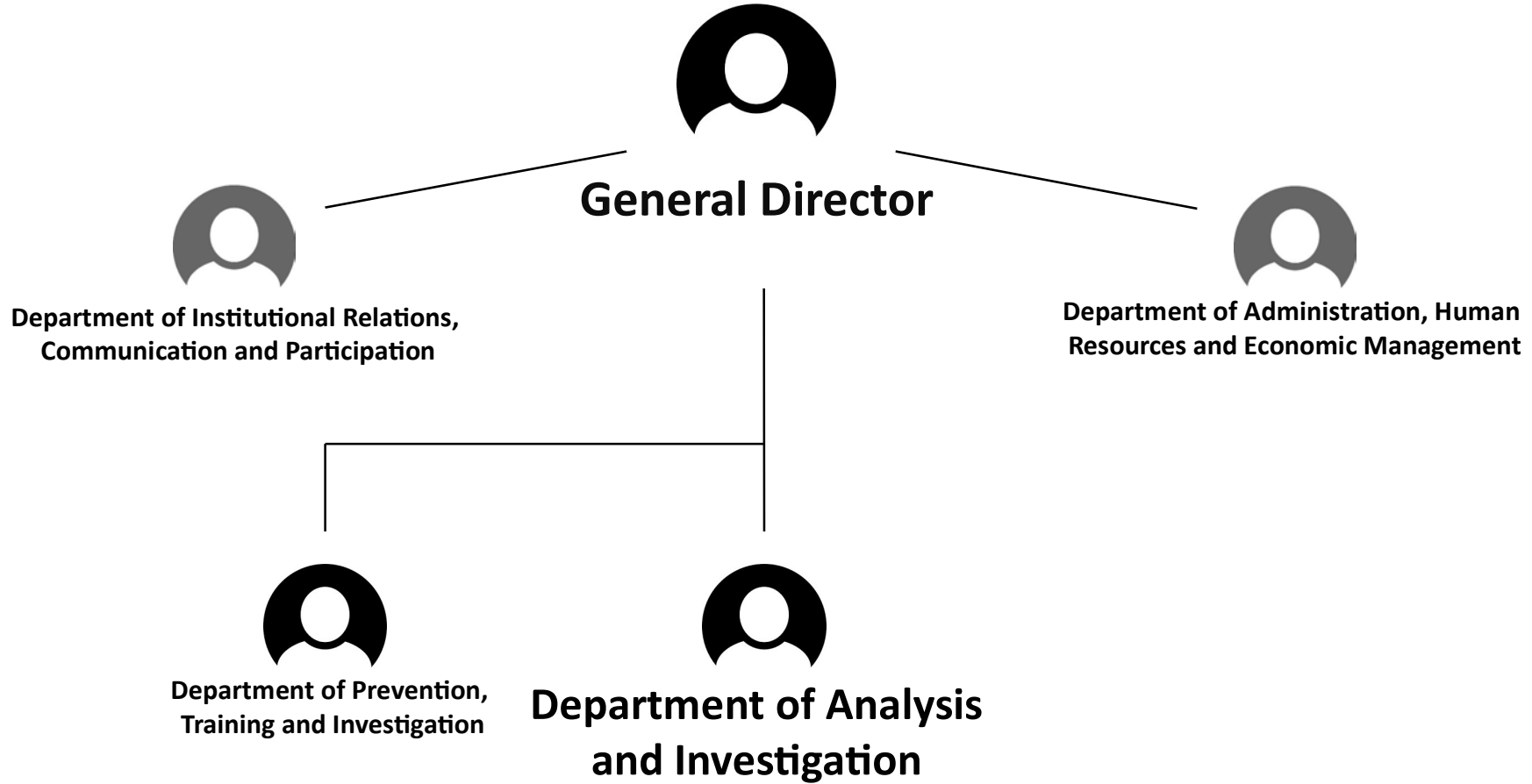


### Functions:

- Preventive actions against fraud and corruption. Elaboration of **plans** and **risk maps**.
- Personnel **training** in integrity and public ethics.
- Documentation, studies and preliminary risk analyses.

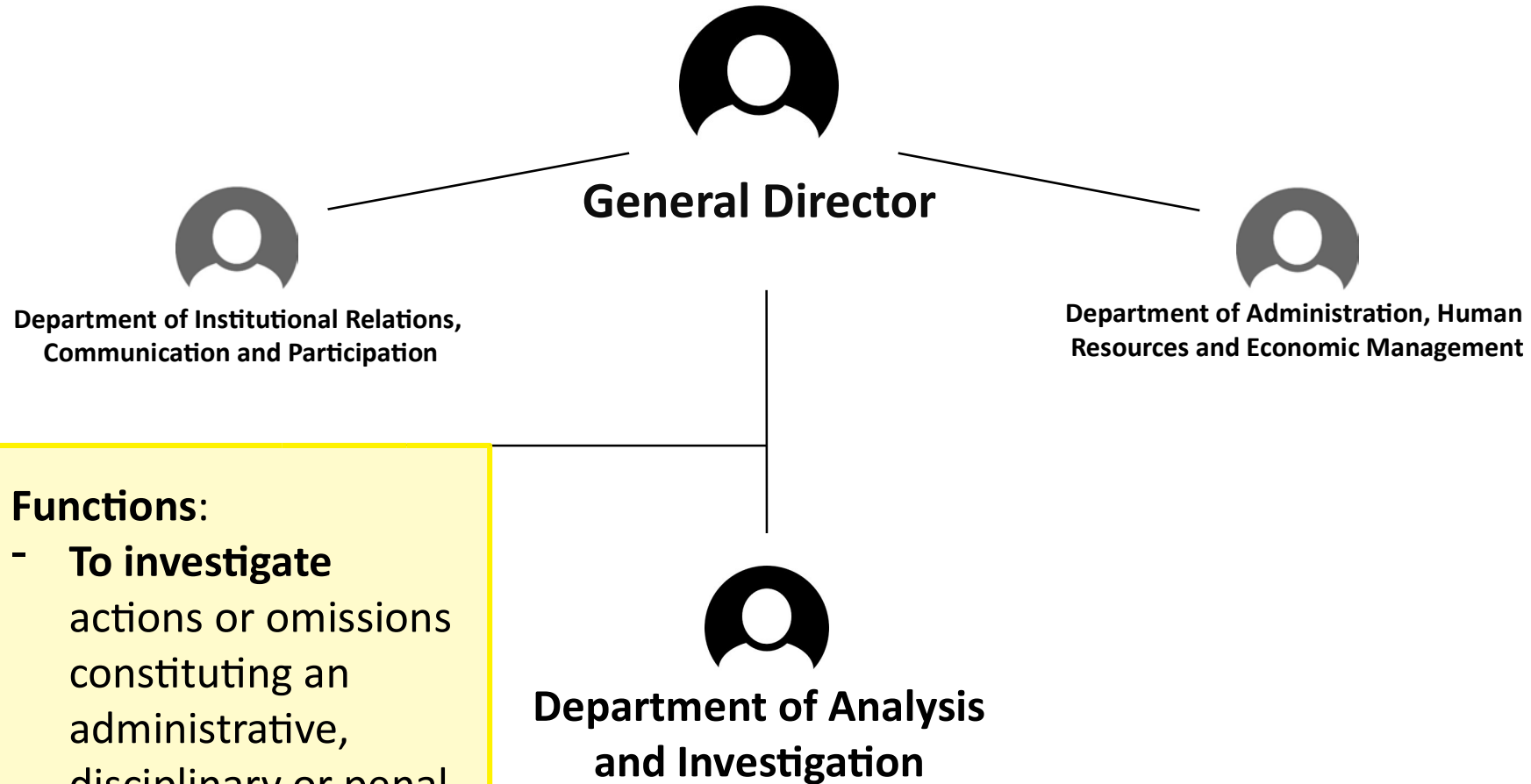


## Organizational chart





## Organizational chart



### Functions:

- **To investigate** actions or omissions constituting an administrative, disciplinary or penal infraction.
- To attend the requests received by the **complaint mailbox**.



BÚSTIA DE  
DENÚNCIES



# The Complaint Mailbox

www.antifraucv.es

The screenshot shows the website interface for the Valencian Anti-Fraud Agency. At the top, there is a navigation menu with options: Inici, L'Agència, Investigació, Prevenció i formació, **Denúncia** (highlighted), Comunicació i participació, and Portal de transparència. Below the navigation, the main heading is 'Bústia de denúncies'. The content area features four columns of information:

- Column 1:** A red exclamation mark icon. Text: 'Ha detectat algun tipus de frau en una administració en l'àmbit de la Comunitat Valenciana i pot aportar proves d'aquesta conducta?'.
- Column 2:** A red envelope icon with a white arrow. Text: 'Utilitzant l'aplicació, que garanteix la confidencialitat, pot fer que s'investigue el cas i s'actue per a millorar la integritat del sector públic.'
- Column 3:** A red document icon. Text: 'Pot donar les seues dades o mantindre una comunicació completament anònima. En qualsevol cas podem protegir-li per mitjà de l'estatut del denunciant.'
- Column 4:** A red speech bubble icon. Text: 'Pot fer el seguiment de la comunicació a través d'un canal segur i conversar amb l'òrgan gestor de la bústia, independent en l'exercici de les seues funcions.'

Below these columns is a red button labeled 'Fer denúncia'. To the right of the main content, there is a sidebar with several links and icons:

- BÚSTIA DE DENÚNCIES** (with a red envelope icon)
- AGENDA OBERTA** (with a calendar icon)
- PERFIL DEL CONTRACTANT** (with a handshake icon)
- SEU ELECTRÒNICA** (with a mouse icon)

At the bottom of the sidebar, there is a calendar for 'OCTUBRE 2018' with the date '18' highlighted in red. Below the calendar is a list of links:

- [Què és i per a què serveix la Bústia de Denúncies de l'Agència Antifrau?](#)
- [Objectius de la Bústia](#)
- [Àmbit d'actuació](#)
- [Funcionament](#)
- [Seguiment](#)
- [Comunicacions anònimes](#)







# The Complaint Mailbox

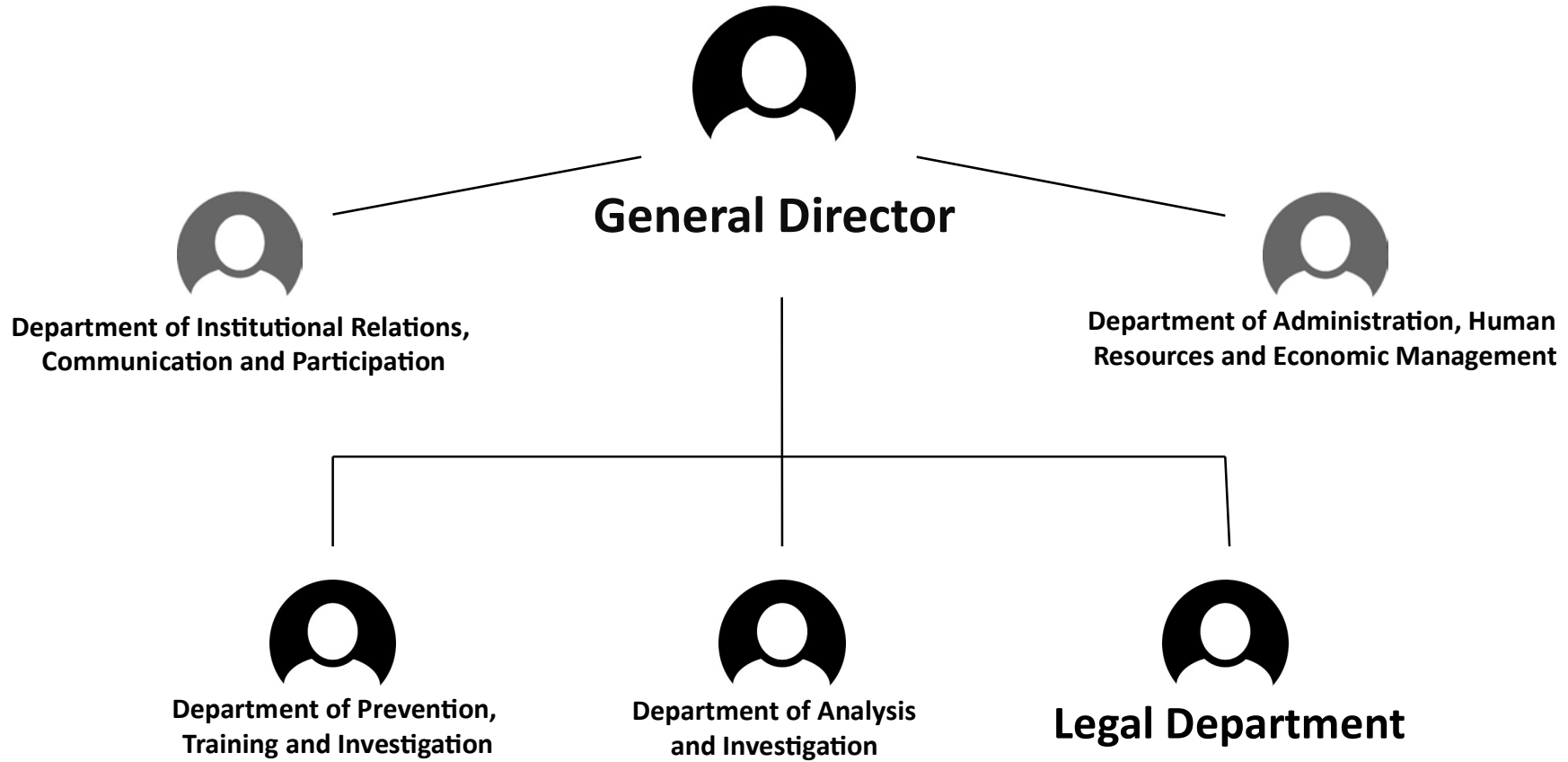
[www.antifraucv.es](http://www.antifraucv.es)

The mailbox is an **anonymous** way of receiving complaints.

**Anonymity – Confidentiality – Maximum discretion**

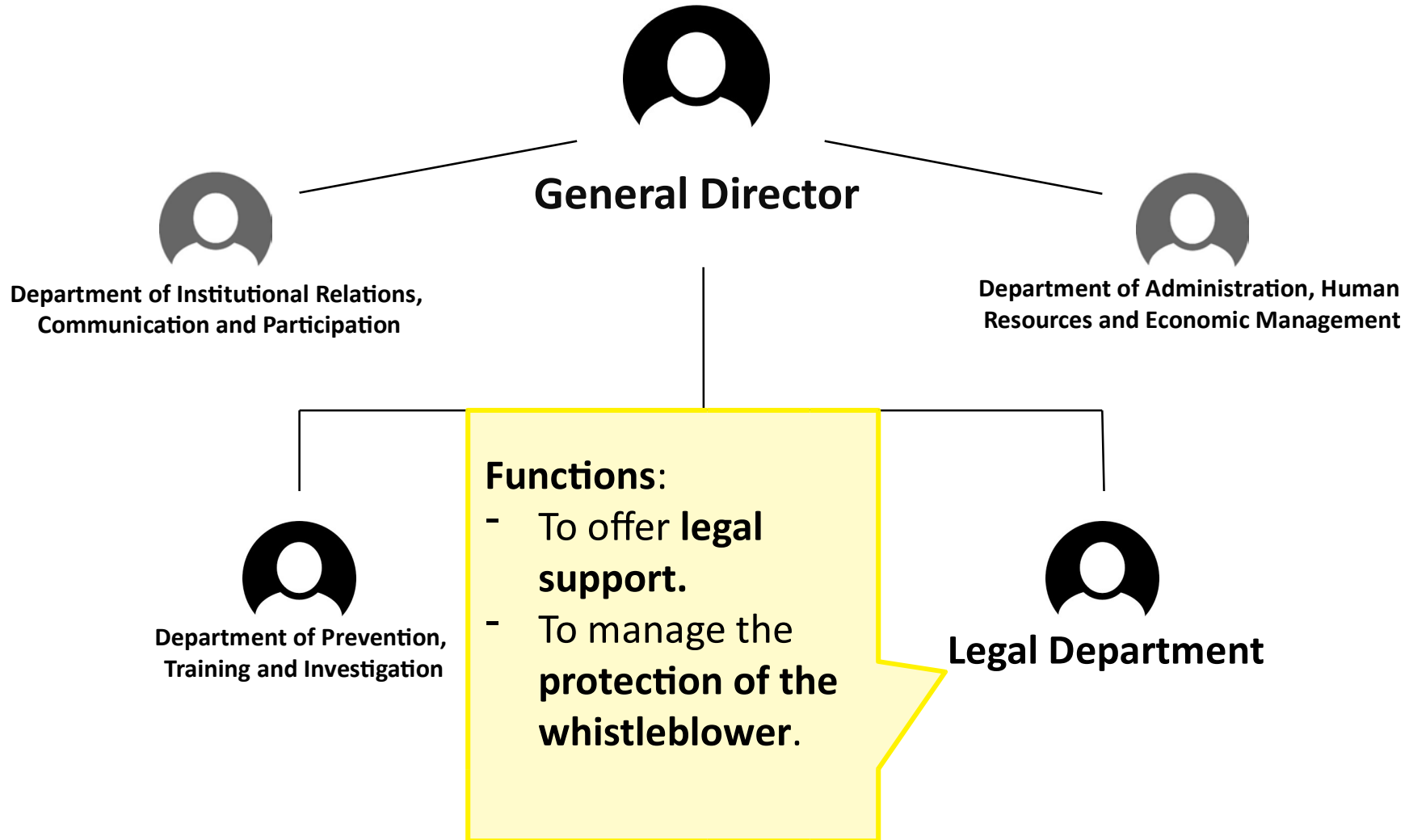


## Organizational chart





## Organizational chart





# The protection of the whistleblower

The whistleblower receives **immediate legal advice.**

He/She may ask for **protection.**

This right extends to the spouse, siblings and descendants.

If retaliation, the Agency will take **corrective or restorative action.**

In the case of the acts or omissions established by law,  
the Agency has **sanctioning power.**





## **Some of the our whistleblower protection cases...**







# Some of the our whistleblower protection cases...

**EL MUNDO**  
SANIDAD

## Antifraude obliga a readmitir a uno de sus confidentes que despidió Sanidad

VICENTE USEROS Valencia 17 OCT. 2018 | 06:41



El gerente del Instituto de Investigación del Hospital La Fe, Javier Santos Burgos. / EL MUNDO







## Some of the our whistleblower protection cases...

**EL MUNDO**

SANIDAD

### Antifraude obliga a readmitir a uno de sus confidentes que despidió Sanidad

VICENTE USEROS Valencia 17 OCT. 2018 | 06:41



El gerente del Instituto de Investigación del Hospital La Fe, Javier Santos Burgos. / EL MUNDO



**Antifraud forces to readmit one of his whistle-blowers who was fired by the regional public health service**



# Some of the our whistleblower protection cases...

## INFORMACIÓN

www.informacion.es Este diario utiliza papel reciclado al 80,3% ALICANTE

### Antifraude blindo al técnico que denunció corrupción y ordena al alcalde pagar su asistencia legal

También ordena al alcalde pagar su asistencia legal - La Agencia ampara al jefe de Urbanismo que trasladó supuestas ilegalidades en su área

D. Pamies

24.09.2018 | 23:44

El primer edil debe abonar de su bolsillo la defensa del técnico en denuncias que le interpuso y se archivaron

La Agencia Valenciana Anticorrupción ha otorgado el estatuto de persona denunciante al funcionario jefe de Urbanismo del Ayuntamiento de Los Montesinos. «Exige» además al alcalde José Manuel Butrón Sánchez (PSOE) que sufrague de su bolsillo el coste de la defensa del procedimiento judicial, ya archivado, que el primer edil interpuso contra el técnico -en torno a 15.000 euros-.







## Some of the our whistleblower protection cases...

### INFORMACIÓN

www.informacion.es Este diario utiliza papel reciclado al 80,3% ALICANTE

## Antifraude blindo al técnico que denunció corrupción y ordena al alcalde pagar su asistencia legal

También ordena al alcalde pagar su asistencia legal - La Agencia ampara al jefe de Urbanismo que trasladó supuestas ilegalidades en su área

D. Pamies

El primer edil debe abonar de su bolsillo el coste de la defensa del técnico en denuncia de corrupción. [Archivar](#)

Antifraud shields the technician who denounced corruption and orders the mayor to pay for his legal assistance.

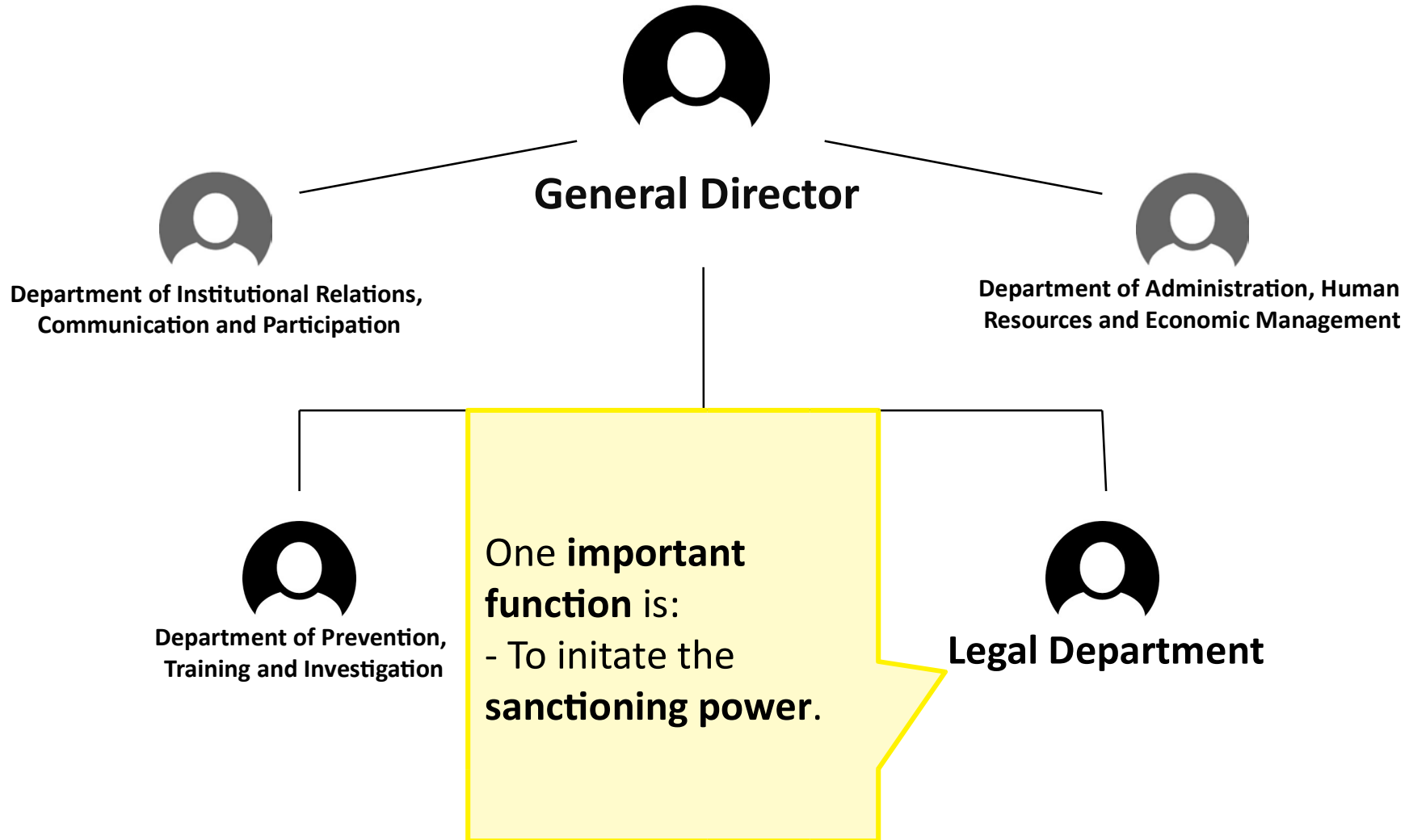


...funcionario del Ayuntamiento de Los Montesinos. «Exige» además al alcalde José Manuel Butrón Sánchez (PSOE) que sufrague de su bolsillo el coste de la defensa del procedimiento judicial, ya archivado, que el primer edil interpuso contra el técnico -en torno a 15.000 euros-.





## Organizational chart





# The sanctioning power

Applied by the **Director**.

For cases of **deceit, fraud or gross negligence**.

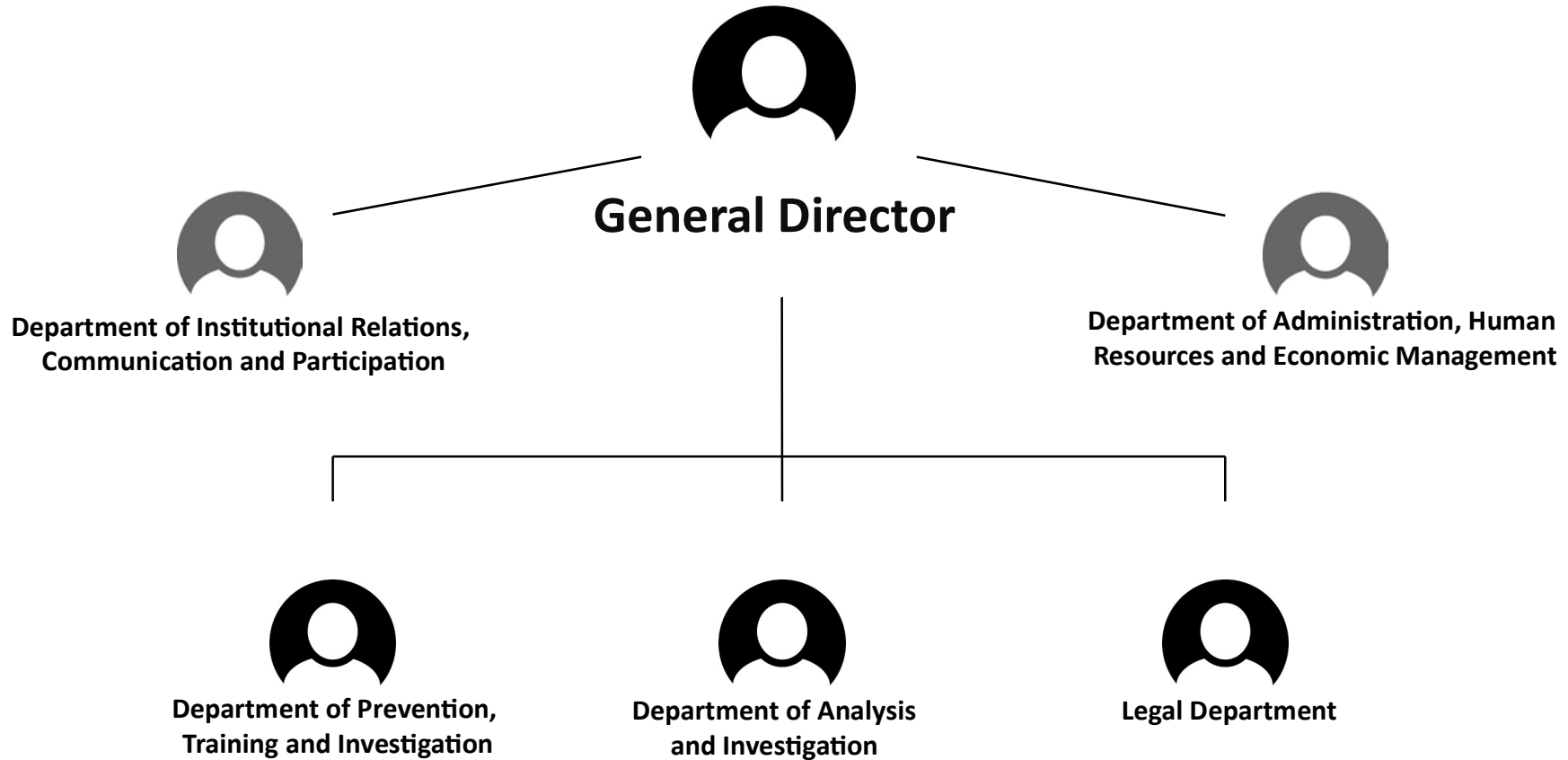
Acts or omissions established by **Law**.

**Sanctions from €200 to €400,000**

and reprimand, statement of breach of duty or  
publication in the Official Gazette of the Valencian Community  
depending on the sanction resulting from an offence classified  
as minor, serious or very serious.



## Organizational chart



**Agency staff**







**Agency staff**



**Civil servants** from any public administration.

**Staff with investigative functions** have the status of **public authority**



Agency staff



**Civil servants** from any public administration.

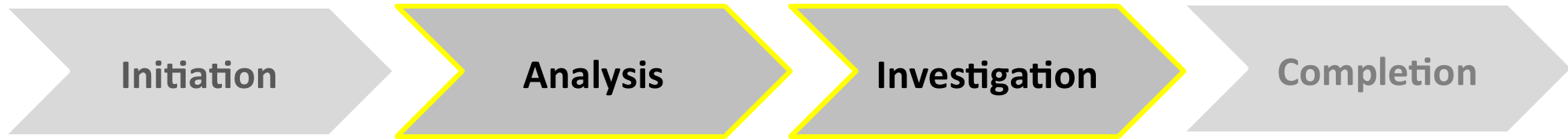
**Staff with investigative functions** have the status of **public authority**

They are **enable to**:

- Visit any office or premises in order to request information, make checks and examine all kind of documents.
- Conduct personal interviews.
- Access the current account information held by banks, if this is permitted by current legislation.
- Make copies or certified photocopies of documents under investigation.



## Procedure



If during the development of the procedure  
the facts investigated reveal a **criminal offence**

the Agency will collaborate with

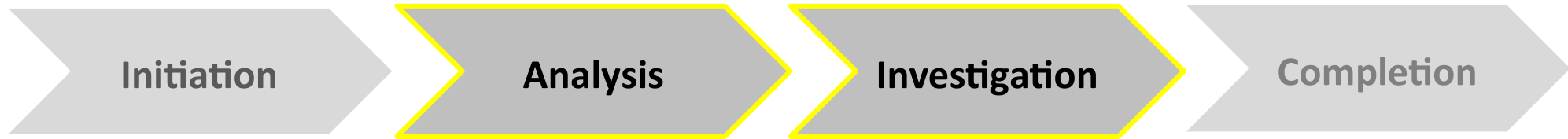
**the Public Prosecutor's office**

or

the relevant **judicial authorities**



## Procedure



with the following **actions**:

- a) Stopping its studies or investigation.
- b) Providing them with all the documents or information in its possession.
- c) Putting itself at their disposal to provide whatever support and collaboration may be necessary.



## Procedure



## Collaboration with the **Court of Accounts**

referring the action  
of its jurisdiction  
in the case of possible **accounting responsibilities**.



## ALETHEIA PROJECT

Project of technological research to improve **public procurement**.

**Traceability registration system** using the **blockchain** technology.

**It records** a public expense related to procedures and **analyzes** the data obtained **to detect** certain suspicious patterns.





If you are interested in **Aletheia project** or want to know more about the **Agència Valenciana Antifrau**, you could:

**check the electronic documents** to be uploaded to the secure EUROPOL Platform for Experts (EPE) used by EPAC/EACN,

visit our **website** [www.antifraucv.es](http://www.antifraucv.es),

or write us an **email** to [director@antifraucv.es](mailto:director@antifraucv.es).



If you are interested in **Aletheia project** or want to know more about the **Agència Valenciana Antifrau**, you could:

**check the electronic documents** to be uploaded to the secure EUROPOL Platform for Experts (EPE) used by EPAC/EACN,

visit our **website** [www.antifraucv.es](http://www.antifraucv.es),

or write us an **email** to [director@antifraucv.es](mailto:director@antifraucv.es).

**Thank you for your attention**