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INTEGRITY WHISTLEBLOWER FROM THE PERSPECTIVE OF ARTIFICIAL INTELLIGENCE*

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ABSTRACT:

BY REPORTING INTEGRITY INCIDENTS, THE GROUNDWORK IS LAID FOR PROTECTING THE IMAGE OF THE PROFESSIONAL BODY WITHIN PUBLIC INSTITUTIONS AND BEYOND, BY TAKING A STANCE AGAINST THOSE WHO DO NOT ADHERE TO INTEGRITY RULES. INTEGRITY WHISTLEBLOWERS PLAY AN ESSENTIAL ROLE IN DEMOCRACY BY EXPOSING CRIMES, CORRUPTION, FRAUD, OR MISMANAGEMENT WITHIN STATE OR PRIVATE INSTITUTIONS AND COMPANIES.

GIVEN THE DYNAMICS OF SOCIETY, ARTIFICIAL INTELLIGENCE (AI) CAN BE A VALUABLE RESOURCE FOR EMPLOYERS, WHILE ALSO REPRESENTING A SIGNIFICANT CHALLENGE FOR INSTITUTIONAL INTEGRITY. WE CAN CONSIDER THAT THE USE OF AI-GENERATED TOOLS FROM THE WHISTLEBLOWER'S PERSPECTIVE PROMPTS PUBLIC INSTITUTIONS TO REVIEW THEIR INTEGRITY POLICIES.

KEY WORDS: ETHICS, INTEGRITY, WHISTLEBLOWER, ARTIFICIAL INTELLIGENCE

INTRODUCTION

Ethics is a theoretical discipline, having a double meaning - philosophical and scientific. The term philosopher is fromed from the greek *philos*, which means loving and *sophia*, which transaltes through wisdom, the word „philosophy” meaning „love of wisdom”. The scientific character is based on the principles of science.

In the 1978 philosophy dictionary, ethics is defined as being a „Philosophical discipline which studies practical and theorectical problems of morality”.

„The concept of integrity is still the subject of many discussions, not being well defined, but it is known that it involves consistent actions, value systems and principles, methods and measures, all deriving from a person's character..

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One cannot talk about integrity without ethics, morality, responsibility, courage, honesty, ownership and will. At the opposite end are inconsistency, irresponsibility, cowardice, hypocrisy or falsehood.”[1]

The word „integrity” has its origins in the latin adjectiv *integer* (whole, complete) and presumes all the qualoities of an individual, of being fair, right and honest, to act in honesty and according to reality and to not use information which contain false or wrong statements (which could mislead).

According to DEX, integrity means being a man of integrity, honesty, probation, uncorruptability.

Integrity requires that there be a union between a person's actions and thoughts that reflects a set of ethical virtues freely and sincerely embraced by him. There are people who do not know what integrity is and why it is the most valuable characteristic of the human being.

It is said that a man of integrity:

- always tells the truth, is fair, firstly and foremost with himself;
- respects its commitments, keeps his promises;
- states what is right, even when it might attract prejudices and unfriendly looks;
- respects other people’s beliefs , their abilty, competence and expertise;
- consistently seeks to be himself, not to abdicate the ethical values that define him.

1. INTEGRITY WHISLTEBLOWER

The science of professional duties is deontology, part of ethics, and sums up all the obligations that a certain professional category undertakes to comply with in order to guarantee a practice consistent with ethics.

Professional ethics according to Hamilton:[2] "Society and the members of each profession enter into an unwritten social contract, whereby members of the profession agree to renounce narrow interests, promote the ideals of public service, and adhere to high standards of activity, while society allows the profession substantial autonomy to self-regulate. The ethics of a profession describes the specific duties assumed by its members through the social contract.”

In order to prevent integrity incidents in a lawful and transparent manner, Law nr. 571/2004,[3] was adopted, known as the Law on integrity whistleblowers, by establishing measures on the protection of persons who report violations of the law within public authorities and institutions, was conceived as a means of combating corruption and maintaining a climate of integrity in public administration.

The term whistleblower is a translation of the term whistleblower, which would mean the one who sounds the alarm. The term whistleblower in the public interest is also used.

As the name indicates, these individuals make complaints in good faith regarding facts involving deviations from the principle of integrity (violations of the law, abuse of office, violation of professional ethics or good administration).

The complaint can be made to the hierarchical head of the person who violated the legal provisions, to the head of the public institution, to the disciplinary commission, to judicial bodies, to the media or to non-governmental organizations. But the main institution empowered to receive notifications regarding an integrity incident is the National Integrity Agency.

In order to encourage the activity of whistleblowers, Parliament adopted, on June 29, 2022, a new Law on the protection of whistleblowers in the public interest,[4] even during the visit of the Vice-President of the European Commission to Bucharest, which transposes a European directive on whistleblowers.

According to the newly adopted legal framework, persons who report breaches of law, which have occurred or are likely to occur within authorities, public institutions, other legal entities

of public law, as well as within legal persons of private law, have at their disposal the following ways of reporting:

Internal channels – within the public or private entities in which they operate;

External channels – the National Integrity Agency as well as other public entities which, according to special legal provisions, receive and solve reports on breaches of law, within their field of competence;

Public disclosure – press, professional, trade union or employers' organizations, non-governmental organizations, parliamentary committees and so on.

One form of this law, which truly protects whistleblowers, was among the European Commission's conditions for unlocking the second tranche of the money allocated to Romania through the Recovery and Resilience Plan (PNRR).

From the final form of the whistleblowers law, amended at the request of the European Commission, which considered that the law in its initial form did not correctly transpose the European directive on whistleblowers, the word "thorough" disappeared, describing the indications that must contain the reporting of a case of violation of legislation, corruption, fraud or mismanagement.

The old paragraph of the law, "By exception from the provisions of para. (1), a report which does not include the surname, first name(s), contact details or signature of the whistleblower shall be examined and resolved to the extent that it contains serious indications of breaches of law." became "By way of exception from the provisions of para. (1), a report which does not include the surname, first name(s), contact details or signature of the whistleblower shall be examined and resolved to the extent that it contains indications of breaches of law."

Basically, only the word "thorough" was removed from the phrase "thorough indications".

Now it is enough for the whistleblower to present "indications of breaches of law," not "solid indications of breaches of law."

The initial form of the whistleblower law was also criticized by civil society in Romania, which considered that the law departed from the fundamental purpose of combating illegal behavior or corruption.

In most cases, whistleblowers take personal risks by reporting wrongdoing and therefore need legal protection, such as anonymity.

The importance of whistleblowers is almost unanimously recognized and in every country there are legal provisions designed to protect them. However, in our country, the number of whistleblowing is small compared to the frequency of immoral behaviors.

People are still reluctant to assume the role of whistleblowers, the main discouraging element being given by "observations about what happened in many real cases after the moment of whistleblowing. In an oft-cited study, Rothschild and Miethe interviewed people who had assumed the role of whistleblowers in the past. The results show an unpleasant reality. More than two-thirds of the subjects lost their jobs and were unable to engage in the same field of activity. 84% reported mental problems (especially depression) as a result of pressure from former employers and the long and stressful processes they were involved in. Despite legal protections, taking on the role of whistleblower often seems to imply a great willingness to self-sacrifice." [5]

Whistleblowers often face retaliation from those accused of alleged wrongdoing. That is why in many countries there are laws to protect whistleblowers, but this form of protection cannot protect them from all the problems they will encounter. Whistleblowers may face legal action, criminal complaint, social stigma, loss of job or position.

Two other classifications of whistleblowing are related to the type of organisations to which someone reports wrongdoing: the private sector or the public sector. Within each category, the obstacles whistleblowers face may differ. Whistleblowing in the public sector can lead to criminal

charges and possible imprisonment. On the other hand, whistleblowing in the private sector can lead to job loss and legal and civic charges.

The European Commission's initiatives on the protection of persons reporting on breaches of Union law are the result of measures applied at European level to protect whistleblowers, which are uneven and fragmented. As a result, they often lack the courage to report their concerns for fear of reprisals.[6]

Organizations with more than 50 employees and municipalities with more than 10,000 inhabitants must implement safe and effective warning channels. These channels must:

- be safe
- guarantee anonymity
- have a designated owner
- meet the deadlines
- follow GDPR rules
- allow verbal and/or written warnings

The EU Whistleblowing Directive does not set minimum sanctions, but requires national versions of the law to provide sanctions against those who prevent whistleblowing, breach confidentiality or take action against whistleblowers.

In applying the legal provisions, the National Integrity Agency has been entrusted with a series of new tasks, such as solving reports on breaches of law falling within its competence or submitting reports to the competent authority, confidential advice to persons intending to make a report, advising employers in developing or reviewing internal reporting procedures and for follow-up. At the same time, ANI will provide training for persons designated to handle reports and will regularly organise public information activities on the procedure for reporting breaches of law and protection measures.

2. ARTIFICIAL INTELLIGENCE (AI)

There have been many challenges to integrity over the years, so we cannot help but wonder how artificial intelligence (AI) can be useful in this area, how it can influence the whistleblower's actions and, above all, how it can protect them.

It is not easy for a machine to perform human work or possess human intelligence. It takes a lot of work at the back end. Huge datasets are run for the computer systems to understand the pattern. Various algorithms are involved, which are broadly classified under supervised learning, unsupervised learning, and reinforcement learning.

Machine learning and deep learning are subsets that support Artificial Intelligence. To summarize, Artificial Intelligence works by the combination of large amounts of data with fast, iterative processes and intelligent algorithms, allowing the software to learn automatically from patterns or features in the data.

As today's EU Competitiveness Council's is due to adopt Conclusions on research integrity, Science Europe publishes a comprehensive review of developments in research integrity across Europe and the US.

Research integrity is about "the performance of research to the highest standards of professionalism and rigour, in an ethically robust manner", says the report. The report argues that research integrity is vital because it creates trust, and trust is at the heart of the research process. Researchers must be able to trust each other's work, and "they must also be trusted by society since they provide scientific expertise that may impact people's lives".[7]

We believe that the activity carried out in all branches of activity, the integrity of employees and, especially, of decision makers, are the result of the education received by them during the

school years. We can say that education plays a primary role in the formation of people, character being the one that generates the facts that represent integrity incidents.

Artificial intelligence (AI) is increasingly having an impact on education, bringing opportunities as well as numerous challenges. These observations were noted by the Council of Europe's Committee of Ministers in 2019 and led to the commissioning of this report, which sets out to examine the connections between AI and education (AI&ED). In particular, the report presents an overview of AI&ED seen through the lens of the Council of Europe values of human rights, democracy and the rule of law; and it provides a critical analysis of the academic evidence and the myths and hype.

The report concludes with a provisional needs analysis – the aim being to stimulate further critical debate by the Council of Europe's member states and other stakeholders and to ensure that education systems respond both proactively and effectively to the numerous opportunities and challenges introduced by AI&ED.

Exploring artificial intelligence for anti-corruption - Uncovering corruption and fraud with artificial intelligence

There are relatively few examples of how artificial intelligence (AI) and machine learning (ML) have been deployed in anti-corruption work. Such technologies are more often implemented by investigators, banks, and financial institutions to uncover financial crime, fraud, or suspicious transactions. Anti-corruption organisations recently have been offered similar tools. A collaboration between Exiger and Transparency International (TI) in the UK aims to improve TI's capacity to analyse public records to identify risk for corruption.

Using AI to change faulty systems to promote integrity.

A different strategy in applying AI for anti-corruption purposes is to redesign systems previously prone to bribery or corruption. Enabling AI tools to increase integrity, simplify procedures, or reduce points of interaction may over time undercut opportunities for bribery.

Digitisation is a prerequisite for AI solutions. A prerequisite to deploy AI, either to track and uncover corruption or to renew government service systems, is accessible, digitised data.

Several countries are still dependent on paper-based systems, and private corporations offer their services to digitise registries or services. Some projects are based on extracts from telecom data, while others rely on the analysis of satellite imagery. Mobile money or the digitisation of cash-based aid not only simplifies transactions, but also make them more secure and possible to monitor. The data produced can be utilised for analytical purposes.

CONCLUSIONS

In light of the above, we appreciate that a healthy working environment must not have integrity incidents, which could become reality by involving all present factors, and the institution of the integrity whistleblower to function, as it represents the future of a civilised society.

Even if Romania is the first European country which in 2004 adopted a law for the protection of the whistleblowers with public interest, also called integrity whistleblowers, and the law was part of the measures against corruption in public administration, the general conclusions of monitoring the implementation of the National Anticorruption Strategies indicate that the European legislative premiere remained, unfortunately, only a statistical exclamation.

Creating an adequate legal framework to protect whistleblowers became a priority only after it was imposed as an obligation by the National Recovery and Resilience Plan (PNRR).

Defended in theory by the law, integrity whistleblowers are in reality a vulnerable category to abuses by the authorities, because there is no effective national system for their protection..

In conclusion, the question that arises and whose answer will only be provided by statistics, in time, is: the integrity whistleblower - myth or reality?

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