

Whistleblowing in Spain:

Public views on secrecy, whistleblower protection, anonymity and reporting to the media

Authors: Naomi Colvin, Bruno Galizzi, Dr. Suelette Dreyfus

Design: Ilva Letoja

©2021 Blueprint for Free Speech

We would be very happy if you shared this report. If you would like to reproduce part of this report, please feel free to do so with proper attribution and without alteration to the content.

If you would like to include it on your website, please only reproduce it in full, unaltered, with attribution. All other rights reserved.

You're welcome to contact us if you would like any other permissions:

info@blueprintforfreespeech.net or via our web contact form:

www.blueprintforfreespeech.net

Acknowledgement

This report has been made possible by a grant from the Open Society Initiative for Europe within the Open Society Foundations. Its content represents the views of the authors only and is their sole responsibility.

The authors acknowledge Prof. AJ Brown for his work on an earlier version of this survey.

EXECUTIVE SUMMARY

Some of the most celebrated examples of whistleblowing concern issues of official secrecy, anonymity and insiders working closely with journalists. These are also some of the most intractable issues in whistleblower protection.

Whistleblowers privy to protected information find themselves in a particularly difficult situation when it comes to reporting wrongdoing. Many countries have criminal penalties for those who disclose official information. Privileged information in the private sector, such as trade secrets, is the subject of increasing legal protections.

At the same time, those wanting to make a report do not enjoy the full range of protections. The current state of play for those in Europe – a region of generally strong whistleblower protections - is that those privy to sensitive state information must have some reporting procedures available to them, but these can be different from those enjoyed by most whistleblowers.

Our survey shows strong public support for better protection for these whistleblowers, and an overwhelming majority of Spain's population in favour of anonymous reporting. This may reflect the high-profile cases of retaliation against whistleblowers in Spain.

As Spain decides how to transpose the EU Directive 2019/1937 (the EU Whistleblower Directive) into its own national law, this data provides strong support for legal endorsement of anonymous reporting. It also revealed very strong public support for protecting whistleblowers who go to the media or other outside sources.

To better understand the public' attitudes to whistleblowing in Spain, Blueprint For Free Speech conducted a detailed survey in collaboration with the IPSOS institute in late 2020.

The research, based on interviews with 2,100 people across the country, showed strong public support for greater transparency and better protections for those disclosing protected or privileged information.

"Whistleblowing is a fundamental aspect of freedom of expression and of the right to information, as protected by Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights."¹

-The Council of Europe's Committee of Ministers Statement, 2019

SECRECY

We found majority support (57%) across Spain for increased transparency in institutions. This majority held across all Spanish regions and across genders.

While analysts have often seen a generational shift behind calls for transparency, we found that 18–24-year-olds were actually the most sceptical about greater openness, with slightly less than a majority (48%) stating that too much information is kept secret. Majorities in favour of transparency were particularly striking in the 25–34 and 35–44 age groups, at 66% and 61% respectively.

Women were more sceptical of secrecy, with 62% overall saying that the level of secrecy in public and private institutions was too high, compared with 52% of men.

While a majority in favour of greater transparency held nationwide, the sentiment was notably strong in some autonomous communities, with La Rioja (86%), Cantabria (72%) and the Community of Murcia (69%) registering particularly high scores.

Nationwide, only about a fifth of Spaniards survey (21%) felt that an appropriate amount of information was kept secret.

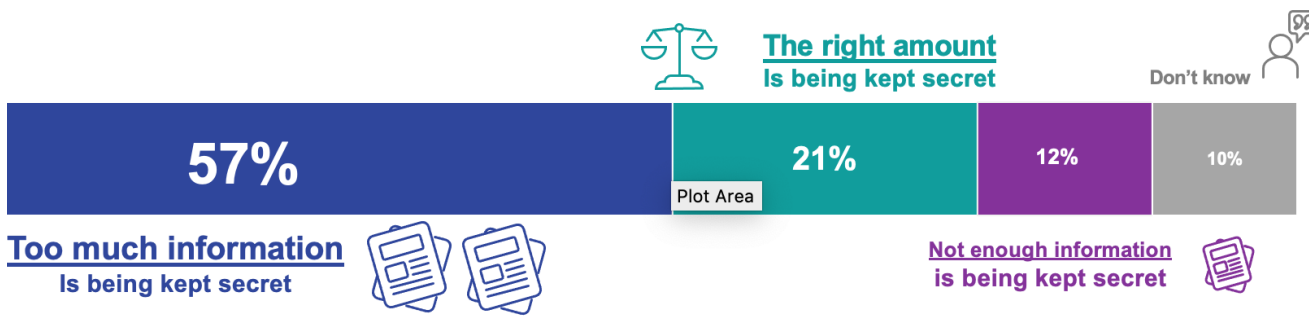


Figure 1. Nearly 6 out of 10 Spaniards believe too much information is kept secret in institutions

The different autonomous communities overwhelmingly share the majority of Spaniards' view on there being too much secrecy surrounding information in companies and other organisations.

	Too much secret information	The right amount of secret information
Galicia	60%	23%
Asturias	54%	25%
Cantabria	72%	13%
País Vasco	54%	18%
Navarra	56%	30%
La Rioja	86%	8%
Aragón	60%	12%
Madrid	56%	21%

Castilla y León	52%	26%
Castilla La Mancha	64%	24%
Extremadura	59%	22%
Cataluña	54%	19%
Valencia	53%	24%
Baleares	55%	20%
Andalucía	58%	21%
Murcia	69%	17%

Table 1. Is too much information kept secret in organisations in Spain?

In **all** regions of Spain listed, according to the survey, more than half of the population considers that there is a too much information that is not disclosed.

DISCLOSURE

Less than half of Spaniards believe it is currently generally acceptable in their society for people to speak up about serious wrongdoing (irregularities) are at stake (46%)

By contrast, a much larger percentage of the population – a strong majority at 71% – want people who make disclosures to be protected.

This illustrates a large gap between what the population sees happening in its society, and what it believes should exist in its society.

The younger generation is most sceptical about Spanish society accepting whistleblowing. Of those surveyed who are aged 18-34, 41% believed that, in Spanish society, it was generally unacceptable to speak up about a serious wrongdoing. This compared to the Spanish average for this question, which is 35%.

However, when describing what they want to be the case, all age groups wanted whistleblowers protected (18-24-year-olds at 67% rising to 73% in 35 -54-year-olds).

“Proclaim the truth and do not be silent through fear”

-St. Catherine of Siena²

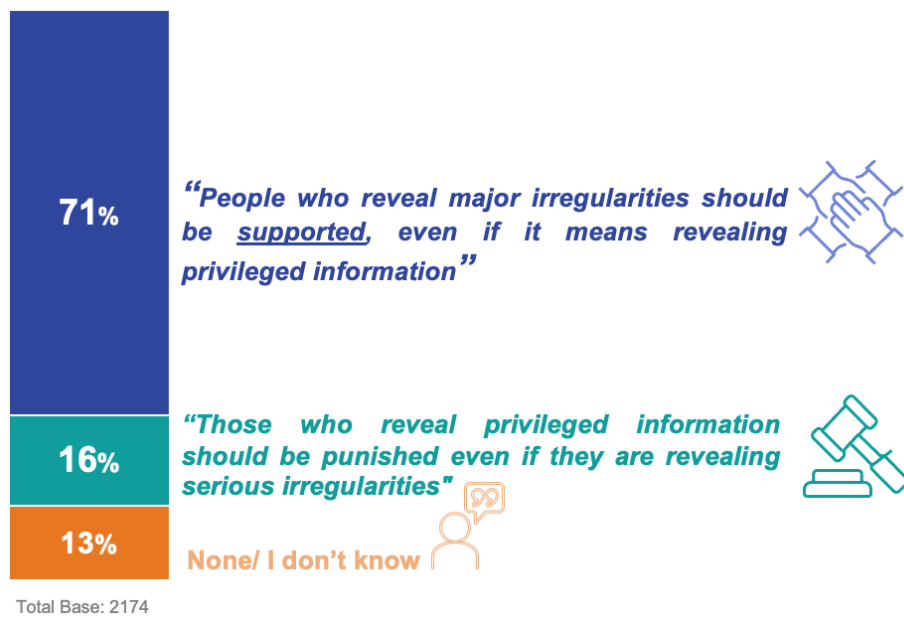


Figure 2. Spaniards support people who reveal serious irregularities, even if this means revealing privileged or confidential information inside companies or government.

THE MOST EFFECTIVE WAY TO GET ACTION ON WRONGDOING AND GOING TO THE MEDIA

Spaniards were split on the most effective routes for reporting wrongdoing. Just under half (48%) thought that using official channels, by going to people in authority, was the more effective recourse in daily practice.

12% thought that going straight to the media would be most effective.

10% thought that reporting to the general public (via the internet or social media) would be most effective.

Overall 16% of those surveyed had a lack of faith in all reporting mechanisms. This rose to 21% of those aged 35 to 45.

Strikingly, a full quarter of under 25s felt that social media, blogs and other online media was the most effective way of getting action on reporting wrongdoing.

There was overwhelming public support (86%) for whistleblowers being able to safely turn to the media, a journalist or the internet, be it as a first option (21%), a last resort (30%) or for specific reasons (35%).

There is a large gap between the relatively low percentage of Spaniards who would actually go to a journalist (12%), or social media/the internet (10%) compared to the enormous public support for protecting whistleblowers when they did 'go public' (86%).

The results suggest that while only a relatively small percent of the public might choose to go to the media with disclosures if the purpose was to get action on serious wrongdoing, those who do end up 'going public' should be protected.

The most used social networks in Spain are WhatsApp (used by 88% of Spain's 25 million internet users), Facebook (87%) and YouTube (68%). YouTube has the highest concentration of young followers; 76% of its Spanish users are between 16 and 30 years old). Instagram (used by 54%) and Twitter (50%) were in fourth and fifth place.

Source: [Annual Study of Social Networks 2019](#)

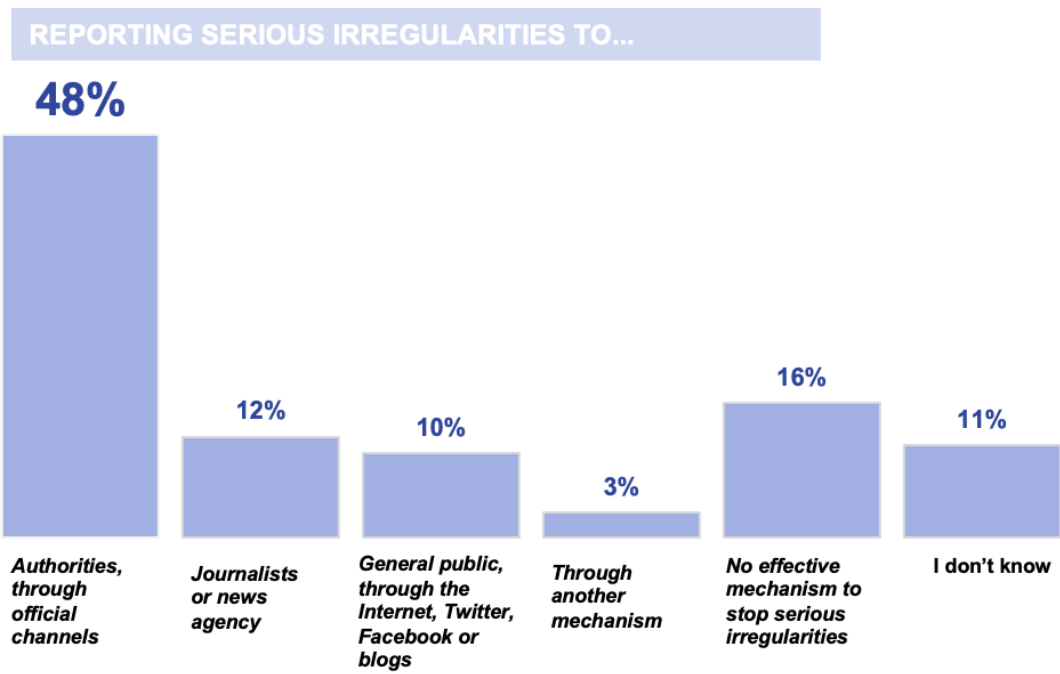


Figure 3. What is the most effective way to get action to stop irregularities?

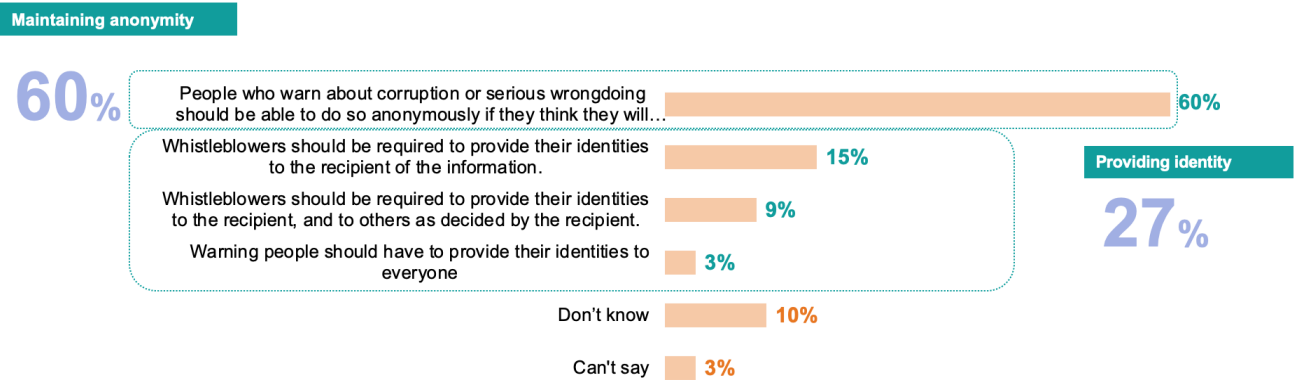
ANONYMITY IN MAKING DISCLOSURES

Our survey showed strong support for anonymous reporting. 60% of those surveyed felt whistleblowers should be able to do so anonymously if they feared reprisal.

When asked how they would personally blow the whistle, a clear majority of 55% said they would choose to do so anonymously online.

Support for anonymous reporting was higher among those with a degree (58%) [check] and the self-employed (60%).

The fact that a majority both want to make a disclosure anonymously and also want anonymity should be a protected as a matter of policy suggests that Spaniards are concerned about the risk of retaliation if they whistleblow.



Total Base: 2174

Figure 4. More than half of the respondents support being able to whistleblow anonymously

"Despite politicians' fine words about fighting corruption, some people who have actively exposed corruption in Spain have been sidelined, prosecuted and left unemployed."

Raphael Minder in Ethic.es

Applying the regional analysis to Spanish attitudes to anonymity for whistleblowers, La Rioja (73%) and Navarre (71%) are the regions most in favour of anonymity. The rest are above 50% on this issue, with the exception of the Balearic Islands, where alerting without exposing one's identity is supported by 37% of respondents.

Spanish regions' views in favour of the option of anonymous whistleblowing	
Galicia	60%
Asturias	62%
Cantabria	51%
País Vasco	57%
Navarra	71%
La Rioja	73%
Aragón	61%
Madrid	57%
Cast. y León	58%
Cast. La Mancha	65%
Extremadura	63%
Cataluña	62%
Valencia	62%
Baleares	37%
Andalucía	58%
Murcia	64%

Fifty-five per cent of respondents would even report the irregularity on a website where they could do so anonymously. There are hardly any differences between men and women, or between age groups, but there are differences between people with primary education (42% would also report anonymously on a website) and those with higher education, 58% would opt for this form of reporting.

CONCLUSION

Less than half of Spaniards surveyed believed their society was accepting of whistleblowing, yet they wanted this situation to be different with strong support for whistleblowers.

Public support for the view that whistleblowers should be supported, not punished, even if they reveal confidential information from inside organisations is strong in Spain. This is further underlined by majority support for giving whistleblowers the option of remaining anonymous when they make disclosures.

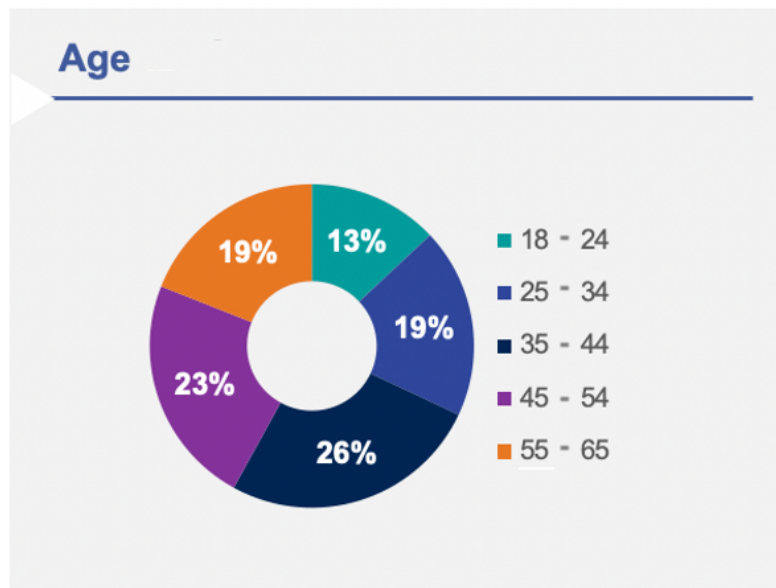
The majority of Spaniards surveyed want more transparency from their institutions, which they see as keeping too much information secret.

The media and the internet are important and valued channels for whistleblowers. They should be protected as such, with very high support for such from the Spanish population surveyed. Not protecting the whistleblower's choice to use these channels would be going against the views of an overwhelming majority of the Spanish population, as reflected in this representative sample survey.

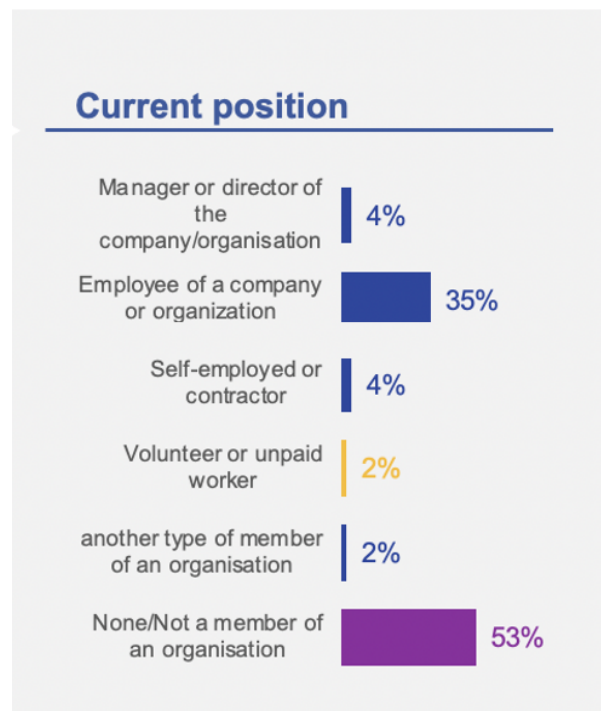
ABOUT THE SURVEY DATA USED FOR THIS REPORT

The results of the national survey of 2174 Spaniards conducted by interviews to a representative population nationwide from October 13-20, 2020, conducted by Ipsos. Participants identified as 50% male and 50% female.

Age breakdown was as follows:



Current Position was represented as follows:



Endnotes:

1. See https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809e33a3
2. St Catherine of Siena was born in 1347 in Italy. Her best-known spiritual writing is The Dialogue

APPENDIX: SURVEY RESULTS BY QUESTION

Q1

Inside information' is information that someone has because of their role in an organisation – for example, as an employee of a government department or a business, or as a member of an education, religious or community organisation. Often inside information is secret or confidential, for good reason. However, often it is also about important things going on within the organisation. Which one of the following comes closest to your view? (Select one answer)

		SPAIN
1	In Spain, too much information is kept secret in organisations	57%
2	In Spain, about the right amount of information is kept secret in organisations	21%
3	In Spain, not enough information is kept secret in organisations	12%
4	Can't say	10%

Q2

Sometimes, inside information can be about serious wrongdoing. This is when a person or organisation does things that are unlawful, unjust, dangerous or dishonest enough to harm the interests of individuals, the organisation or wider society. Which of the following comes closest to your view? (Select one answer)

		SPAIN
1	In Spanish society it is generally unacceptable for people to speak up about serious wrongdoing, if inside information would have to be revealed	35%
2	In Spanish society it is generally acceptable for people to speak up about serious wrongdoing, even if means revealing inside information	46%
3	Neither \ can't say	19%

Q3

Which of the following best describes what you think should happen in Spanish society? (Select one answer)

		SPAIN
1	People should be supported for revealing serious wrongdoing, even if it means revealing inside information	71%
2	People who reveal inside information should be punished , even if they are revealing serious wrongdoing	16%
3	Neither \ can't say	13%

APPENDIX: SURVEY RESULTS BY QUESTION

Q4

In different societies, there are different views on the most effective way to get action to stop serious wrongdoing. Which one of these do you think is the most effective way in Spanish society? (Select one answer)

		SPAIN
1	By reporting the serious wrongdoing to people in authority , via official channels	48%
2	By reporting the serious wrongdoing to journalists or news organisations	12%
3	By reporting the serious wrongdoing directly to the general public, via the internet, Twitter, Facebook or on online blogs	10%
4	Some other way	3%
5	None of the above – in Australian/Spanish society, there is no effective way to get action to stop serious wrongdoing	16%
5	Can't say	11%

Q5

If someone in an organisation has inside information about serious wrongdoing, when do you think they should be able to use a journalist, the media, or the internet to draw attention to it? (Select one answer)

	SPAIN	Allowed to go to the media or internet?	When reason to / last resort?	Full details
1	As a first option , in any situation	86%	56%	21%
2	Whenever there become specific reasons to do so			35%
3	Only as a last resort , if all else fails			30%
4	Never	3 %	3%	3%
5	Can't say	11 %	11%	11%

APPENDIX: SURVEY RESULTS BY QUESTION

Q6

Some people think that whistleblowers should be able to reveal illegal facts anonymously because they may suffer reprisals at work or in their community. Other people believe that disclosing these facts should be identified so that they can be held accountable.

With this in mind, which of the following statements best expresses your opinion? (Select one answer)

	SPAIN	
1	People who warn about corruption or serious wrongdoing should be able to do so anonymously if they think they will face reprisals	60%
2	Whistleblowers should be required to provide their identities to the recipient of the information.	15%
3	Whistleblowers should be required to provide their identities to the recipient, and to others as decided by the recipient.	9%
4	Warning people should have to provide their identities to everyone	3%
5	Don't know	10%
6	Can't say	3%