



TITLE: Anticorruption Policy

Department: International Compliance (Team Quest)

Teammates must promptly report all potential violations of DaVita's Code of Conduct, Compliance Policies and Procedures and/or applicable laws or regulations. Reports should be made to the Compliance Department (Team Quest), or through the Compliance Hotline (<https://DaVitalInternational.Alertline.com> or dedicated phone numbers in each country). In accordance with DaVita's Non-Retaliation policy, DaVita will not tolerate any form of retaliation against anyone who files a compliance report in good faith. Questions regarding any Compliance Policy may be directed to Team Quest.

1. PURPOSE: To prohibit corrupt activities, and to require accurate books and records, in accordance with the *Code of Conduct* and the U.S. Foreign Corrupt Practices Act as well as other anti-corruption and anti-bribery laws, including laws prohibiting commercial bribery.

2. SCOPE AND DEFINITIONS: Please refer to Document COMP-INTL-002-EMEA-Compliance Policies: Introduction, Applicability and Shared Glossary. All terms that are defined in the Glossary are in ***bold italics***.

3. POLICY:

3.1. General Policy regarding Anti-Corruption

3.1.1. **DaVita** will not, directly or indirectly:

- Give, offer, promise, authorize the giving of, solicit, or accept ***Anything of Value*** to, or from, any ***Government Official or Employee, Referral Source, Healthcare Vendor***, or other party whether affiliated with a ***Government or Government Entity***, or private entity, with the corrupt intent to obtain or retain business, or secure an unfair business advantage; or
- Use or authorize any third party to perform activities that are inconsistent with this Policy or any other **DaVita** policy or procedure, the Code of Conduct, or applicable laws and regulations.

3.2. General Policy regarding Accurate Books and Records and Internal Controls

3.2.1. **DaVita** will:

- Make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect all DaVita transactions and dispositions of assets;

- Devise and maintain a system of internal controls sufficient to provide reasonable assurances that:
- All transactions are executed with management's general or specific authorization; and
- Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements and to maintain accountability for assets; and
- Maintain policies and procedures to ensure proper internal authorization and approvals for all expenditures, **Business Courtesies**, and any other payments.

3.2.2. **DaVita** will not:

- Falsify or improperly alter information in any record, report or other document; or
- Fail to disclose or record payments, funds, or accounts.

3.3. Solicitation for Bribes or Extortion Attempts

3.3.1. **DaVita** will refuse all solicitations or requests for **Anything of Value** that are inconsistent with this Policy, including those solicitations or requests involving the use of actual or threatened force, violence or fear, unless agreeing to the solicitation or request is:

- Necessary to prevent an imminent threat to the health, safety or welfare of a **Teammate, Family Member** or other third party;
- Reported to the Regional Compliance Lead as soon as possible; and
- Accurately recorded and reported in accordance with **DaVita's** accounting policies.

3.4. Facilitation Payments

3.4.1. A "facilitation payment" is a facilitating or expediting payment made to a **Government Official or Employee** the purpose of which is to expedite or to secure the performance of a routine governmental action by that **Government Official or Employee**. A routine governmental action is an action related to services that **DaVita** is otherwise entitled to receive, such as processing visas or providing utilities such as power or water supply.

3.4.2. Such facilitation payments are prohibited except in the very rare cases where:

- (1) they are specifically allowed by the written law of the country in which they are

made; (2) they are approved in advance by Team Quest; and (3) they are accurately and transparently recorded in our books and records. Note that facilitation payments are **not** allowed in the following countries: Germany, the Netherlands, Poland, Portugal, Saudi Arabia; China, India, Malaysia, Singapore, Taiwan; Brazil, Colombia.

- 3.4.3. The following is **not** a facilitation payment and is allowed without prior Team Quest approval: A payment that is (a) made to an agency or governmental entity and not to one or more individuals, (b) pursuant to a formal, published process for accelerating a routine governmental action (e.g., a published “rush” fee for a visa), and (3) for which an official receipt is issued.

4. ACCOUNTABILITY

- 4.1. Senior management overseeing **DaVita’s** international business operations will confirm annually, that to the best of their knowledge:

- 4.1.1. **DaVita** has not directly or indirectly:

- Given, offered, promised, authorized to be given, solicited or accepted **Anything of Value** to, or from, any **Government Official or Employee, Referral Source, Healthcare Vendor** or any other party, whether affiliated with a **Government or Government Entity**, or private entity, with the corrupt intent to obtain or retain business, or secure an unfair business advantage; or
- Used or authorized any third party to perform activities that are inconsistent with this policy or any other **DaVita** policy or procedure, the *Code of Conduct*, or applicable laws and regulations.

- 4.1.2. All transactions have been accurately recorded and reported; and

- 4.1.3. They are not aware of any unreported suspected or actual violation of this Policy, the *Code of Conduct* or any other **International Compliance Policy or Procedure**.

- 4.2. **Teammates, Third Party Intermediaries**, and **Contractors** are responsible for:

- 4.2.1. Monitoring for, and reviewing with their Regional Compliance Lead, any indicators of potential *corruption* risk or situations that warrant additional anti-corruption scrutiny, including, but not limited to:

- Contract terms with vague deliverables or no description of the work that will be performed;
- Insufficiently justified requests for amended contract terms;

- Requests for fees, bonuses, and other payments tied to the success of particular transactions;
 - Requests for payments to be made to a different entity or in a different country;
 - Requests by a **Government Official or Employee** to use a particular **Third Party Intermediary, Contractor, Family Member**, or other third party; or
 - Invoices that do not appear genuine: e.g., backdated, duplicate, or consecutively numbered invoices or round-dollar transactions.
- 4.2.2. Cooperating with any compliance inquiry, audit, investigation, or other activity related to this or other **International Compliance Manual** Policies, including, but not limited to, reviews of and interviews concerning payments to third parties, expense vouchers and reports, and sample transactions.

Updated on: January 5, 2018