

PRIVACY POLICY - WHISTLEBLOWING Legislative Decree 24/2023

Information document pursuant to Article 13 GDPR for the reported subject and any data subject potentially referred to in a report

1. DATA CONTROLLER

The Data Controller, pursuant to articles 4 and 24 of EU Reg. 2016/679 pursuant to articles 4 and 24 of EU Reg. 2016/679, is Tecno-Gaz spa in the person of its pro-tempore legal representative Strada Cavalli, 4 - 43038 Sala Baganza (PR) Italy tel+39 0521 83.80 mail: privacy@tecnogaz.com

2. DATA PROTECTION OFFICER. The figure of the Data Protection Officer (DPO) has not been identified as a mandatory condition provided for by Article 37 c.1 of EU Reg. 2016/679

3. TYPE OF DATA THAT CAN BE PROCESSED

"Personal data" means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological or physical identity of that natural person, genetic, mental, economic, cultural or social.

"Processing" means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, comparison or interconnection, limitation, erasure or destruction.

With reference to the processing covered by this policy, the personal data processed will be those relating to reports made by whistleblowers, including the contents relating to the reports themselves, which may include personal data relating to third parties.

The following information is **provided for the purpose of transparency towards the reported** person and any interested party potentially referred to in a report (hereinafter jointly referred to as "reported"), first of all to make him aware of the limits to the exercise of certain rights provided for by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (GDPR):

- **Right to information** – the right to be informed about the processing of one's personal data pursuant to Articles 12 and 14 of the GDPR is limited in light of the secrecy and confidentiality obligations imposed by Legislative Decree 231/2001, as amended by Law no. 179/2017, as well as the risk of making impossible or seriously jeopardizing the achievement of the purposes of the processing related to reports within the whistleblowing system (see art. 14, par. 5 (b) and (d) of the GDPR).
- **Other rights of the data subject** – the rights referred to in Articles 15 to 22 of the GDPR are not precluded in absolute terms to the data subject but cannot be exercised (with a request to the Data Controller or with a complaint pursuant to Article 77 of the GDPR) also with regard to knowledge of the source of the data, if this may result in an actual and concrete prejudice to the confidentiality of the identity of the whistleblower (see Article 2-undecies of the Privacy Code and Article 23 of the GDPR). Art. Article 2-undecies of the Code, in fact, establishes in its paragraph 3, in relation to the specific limitations to the rights of the data subject provided for by it in paragraph 1 precisely with reference to the institution of whistleblowing, that in this case the rights in question may be exercised through the Guarantor in the manner referred to in art. 160 of the Code.

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**In particular, we inform the reported that the exercise of these rights:**

- it will be carried out in accordance with the provisions of law or regulations governing the sector (including Legislative Decree 231/2001 as amended by Law no. 179/2017);
- may be delayed, limited or excluded by reasoned communication made without delay to the data subject, unless the communication would jeopardise the purpose of the limitation, for the time and to the extent that this constitutes a necessary and proportionate measure, taking into account the fundamental rights and legitimate interests of the data subject, in order to safeguard the confidentiality of the identity of the whistleblower and in order to safeguard certain interests such as the performance of the defensive investigations or the exercise of the right of defence;
- in such cases, the rights of the data subject may also be exercised through the Guarantor in the manner set out in Article 160 of the Privacy Code, in which case the Guarantor informs the data subject that it has carried out all the necessary checks or has carried out a review, as well as of the right of the data subject to seek judicial appeal.

The exercise of the rights by the reported person (including the right of access) may therefore be exercised to the extent that the applicable law allows it and, in particular, it should be noted that the request will be analysed by the bodies in charge in order to reconcile the need to protect the rights of individuals with the need to combat and prevent violations of the rules of good corporate management or of the applicable regulations.

Categories of personal data and source of collection

The personal data relating to the reported person are collected through the report and related documentation provided by the whistleblower. The personal data relating to the reported person will be included in the following categories:

- ✓ Name, title, title, gender;
- ✓ Business contact information: e.g., telephone (mobile) number, email address, work address, fax number.
- ✓ Employment relationship (e.g., type of contract and place of work);
- ✓ Method and time of reporting (including the site of origin);
- ✓ Any other information related to the reported person that the whistleblower decides to share with the Data Controller in order to better substantiate their report, in relation to: relevant unlawful conduct pursuant to Legislative Decree 231/2001 or violations of the entity's organization and management model;
- ✓ irregularities and/or unlawful conduct, commissive or omissive, which constitute or may constitute a violation of the principles enshrined in the Code of Ethics (where implemented) in the Company Regulations and/or which may result in fraud or damage, even potential, to colleagues, shareholders and stakeholders in general or that constitute acts of an illicit nature or detrimental to the interests and reputation of the company;
- ✓ improper or suspicious activities and payments, other than the expenses or contributions expressly provided for in the contracts stipulated by **Tecno-Gaz spa** with suppliers or even donations made to public officials or donation requests that such public officials or private entities could make.

The processing related to the report is handled exclusively by personnel in charge/authorized and instructed in the correct processing of personal data which, under no circumstances, will be disseminated.

Purpose of the processing

The processing is carried out for the following purposes:

- 1) to initiate the necessary investigative activities aimed at verifying the validity of the fact reported, learned in the execution of the employment relationship, relating to illegal or fraudulent activities, relevant pursuant to Decree 231/2001 and subsequent amendments. and based on precise and consistent facts, or violations of the organisational and management model, of which they have become aware by reason of the functions performed;
- 2) Enforce the prohibition of committing retaliatory or discriminatory acts, direct or indirect, against the reporting party for reasons related, directly or indirectly, to the report, also by means of communication to INPS;
- 3) Adopt disciplinary sanctions prepared by the Employer in accordance with the organizational model referred to in Law 231/2001 in the event of adoption of the same, both against those who violate the protection measures of the reporting party and against those who make reports with intent or gross negligence that prove to be unfounded.

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**The legal basis of the processing must be identified in the legitimate interest of the data controller, (pursuant to Article 6 letter f) GDPR).**

With reference to the "special" data referred to in art. 9 of the GDPR (e.g. data on health, race, ethnicity, sex life, religious, political and trade union beliefs, genetic data, biometric data, etc.) must be considered that the legal basis is that provided for by art. 9(2)(f), i.e. the establishment, exercise or defence of a right in court, it being understood that, for certain aspects related to the employment relationship, the legal basis may be found in letter b) of the same provision.

On the other hand, with regard to judicial data, the collection can be carried out if it is preordained to the prevention of the criminal liability of the company in accordance with the rationale of Law 231/2001 where carried out in compliance with the provision of art. 10 of the GDPR.

The personal data of the reported may also be used for the fulfilment of legal obligations in the case of reports made in relation to the performance of activities for the provision of services in favour of public bodies.

Methods of data processing and storage

Personal data are processed with automated tools (e.g. using electronic procedures and supports) and/or manually (e.g. on paper) for the time strictly necessary to achieve the purposes for which they are collected and, in any case, in compliance with the relevant regulatory provisions. Specific security measures are observed to prevent data loss, illicit or incorrect use and unauthorized access.

No automated decision-making and no form of profiling will be applied to the data collected.

After this period, the data will be deleted or transformed into anonymous form, unless their further storage is necessary to comply with legal obligations or to comply with orders given by Public Authorities.

Disclosure of data

The recipients of the data collected following the report, where appropriate, are the Supervisory Body, the Judicial Authority, the Court of Auditors (for reports made with reference to the activities of the entities in favour of which the Group companies provide public services) and ANAC.

In particular, the transmission may take place to:

- external consultants (e.g. law firms) who may be involved in the preliminary phase of the report;
- corporate functions involved in receiving, examining and evaluating reports;
- person in charge of the function(s) concerned by the report (e.g. Internal Audit Function, Legal Function, or other reference function with respect to the reported entity);
- organizational positions in charge of carrying out investigations on the report in cases where their knowledge is essential for the understanding of the reported facts and/or for the conduct of the related investigation and/or processing activities;
- institutions and/or Public Authorities, Judicial Authorities, Police Bodies, Investigative Agencies;
- Head of Corruption Prevention and Transparency (RPCT) where appointed;
- INPS where retaliatory acts against the whistleblower have been ascertained

The personal data collected are also processed by the Data Controller's staff, who act on the basis of specific instructions provided regarding the purposes and methods of the processing itself. The personal data collected will not be disseminated and will not be transferred to third countries (non-EU).

Last updated: 20/11/2023

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