



## WHISTLEBLOWING PRIVACY POLICY (As per Italian Legislative Decree 24/2023) "Implementation of Directive EU 2019/1937", pursuant to Art. 13 of Reg. EU 679/2016 (GDPR)

Dear Sir, Dear Madam,

Regulation EU 2016/679 "on the protection of natural persons with regard to the processing of personal data" (hereinafter "GDPR" or "Regulation") protects the processing of personal data of individuals, defined by the legislation as "Data Subjects". Pursuant to Article 13 of the GDPR, Novatex Italia S.p.A. (hereinafter "Novatex"), in its capacity as "Data Controller", is required to provide you with information regarding the processing of data collected through the communication channels adopted to comply to Italian Legislative Decree 24/2023 so-called "Whistleblowing", as described in the "Whistleblowing Procedure" available on our corporate website [www.novatexitalia.it](http://www.novatexitalia.it).

Such processing must be based on the principles of fairness, lawfulness and transparency, as well as protection of the confidentiality and rights of the data subject.

We therefore provide you with the following information:

### 1. Identity and contacts of the Data Controller

The Data Controller, who is responsible for determining the purposes and methods of processing your personal data, is Novatex Italia S.p.A, in the person of its pro-tempore legal representative, with registered office in via per Dolzago n. 37 in Oggiono (LC).

### 2. Purpose of processing

Above-mentioned personal data will be processed by Data Controller for the following purposes:

- 2.1. Receiving and handling of the whistleblowing report in accordance with legal obligations, to which the Data Controller is subject pursuant to the Whistleblowing Decree;
- 2.2. Defense or ascertainment of one's own rights in civil, administrative or criminal litigation.

### 3. Legal Basis

3.1. Legal basis for the processing of **common data** is as follows for the purposes set out in paragraph

2.1:

- 3.1.1. fulfilment of a legal obligation to which the Data Controller is subject (article 6, paragraph 1, letter c) of the Regulation);
- 3.1.2. performance of a task carried out in public interest set out by law (article 6, paragraph 1, letter e) of the Regulation).

3.2. The legal basis for the processing of **common data** is as follows for the purposes set out in paragraph 2.2:

3.2.1. legitimate interest of the Data Controller (article 6, paragraph 1, letter f) of the Regulation);

3.3. The legal basis for the processing of **special categories data** is as follows for the purposes set out in paragraph 2.1:

- 3.3.1. fulfilment of a legal obligation, to which the Data Controller is subject (article 9, paragraph 2, letter b) of the Regulation);
- 3.3.2. performance of a task in the public interest provided for by the law (article 9, paragraph 2, letter g) of the Regulation).

3.4. The legal basis for the processing of **special categories data** is as follows for the purposes set out in paragraph 2.2:



- 3.4.1. need to establish, exercise or defend a right in court or whenever the courts exercise their judicial functions (article 9, paragraph 2, letter f) of the Regulation).
- 3.5. The legal basis for the processing of **judicial data** is as follows in all cases:
  - 3.5.1. processing permitted only under the control of the public authority or if authorized by Union or Member State law which shall provide for appropriate safeguards for the rights and freedoms of the data subjects (article 10 of the Regulation).

What set above is without prejudice to the right of the whistleblower to request anonymity at the time of filing an internal report, as indicated in the Whistleblowing Procedure, however in such cases identification data of the whistleblower may be necessary at a later time during the management of the report or any subsequent investigation.

It should be noted that the identity of the whistleblower will never be revealed when the report leads to the establishment of a disciplinary procedure against the person responsible for unlawful conduct. When knowledge of the identity of the whistleblower is essential for the defense of the accused person, the whistleblower will be asked if he/she accepts to express an on-purpose and free consent for the disclosure of his/her identity.

With the exception of anonymous reports, the provision of personal data is necessary for the achievement of the above-mentioned purposes; failure to provide those data, as well as their partial or incorrect provision, could result in the impossibility for the Data Controller to receive and/or manage the Whistleblowing report and therefore to comply with a legal obligation.

#### 4. Optional provision of data

The provision of personal data is done on a voluntary basis by the reporting party (data subject), and the nature of the data may include special categories of personal data.

In compliance with Italian Legislative Decree 24/2023 and to fulfil report management procedures, further data may be requested from the concerned person.

Failure to provide such data may prevent the appropriate management of the report, implying that it will be archived.

#### 5. Categories of processed data

Data controller processes the following personal data:

- 5.1. common personal data, pursuant to article 4, paragraph 1 of the Regulation, of the whistleblower (in the case of non-anonymous Reports), of the persons involved or mentioned in the report, of the so-called facilitators, as well as possibly of usual work colleagues and of those who, within the same work context, are within fourth-degree relatives of the whistleblower or persons who have a stable emotional relationship with the whistleblower, as defined by the Whistleblowing Procedure (hereinafter "Data Subjects") such as by way of example personal and/or identification data and contact details;
- 5.2. special categories of data as defined in article 9) of the Regulation ("personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership [...] data relating to the health or sexual habits or sexual orientation of the person"), if included in the report or in the related documentation;
- 5.3. judicial data pursuant to article 10 of the Regulation (i.e. data relating to criminal convictions and offences) if included in the Report or in the related documentation.

Data Controller invites all data subjects not to provide the special categories of data, unless that is strictly necessary for the purposes of managing the report.



Any processing of personal data falling within the categories of special data or judicial data, where provided, may be processed by the Data Controller in compliance with obligations regarding occupational safety and social security.

As later specified in this Policy, personal data that are manifestly not useful for the processing of a specific report are not collected or, if accidentally collected, are promptly deleted.

## 6. Data processing methods: dissemination and profiling

Personal data are processed by manual, computerized and telematic means, applying criteria and algorithms strictly related to the mentioned purposes and, in any case, in such a way as to guarantee data security and confidentiality, in compliance with the principles of necessity and relevance set by the law. Your personal data will be processed by individuals expressly authorized and trained in the protection of personal data. Data may also be accessed by computer technicians and external IT staff supervising the operation and maintenance of our computer system, within the limits of the functions assigned to them and always in compliance with the already indicated principles of necessity and relevance.

Processed data will not be subject to dissemination or profiling.

## 7. Retention period

Retention period is defined in paragraph 1 of article 14 of Italian Legislative Decree 10 March 2023 no. 24: "Reports, both internal and external, and the related documentation shall be kept for the time necessary for the processing of the report and in any case no longer than five years from the date of the communication of the final outcome of the reporting procedure, in compliance with the confidentiality obligations set out in Article 12 of this decree and the principles set by article 5, paragraph 1. Letter e) of Regulation (EU) 679/2016 and article 3, paragraph 1, letter e) of Italian Legislative Decree 51/2018, without prejudice to the possibility of retention for longer periods (and in any case no longer than 10 years) for specific reasons of public interest (e.g. to execute an order of the Authority), or in case of any disputes that might arise at the final outcome of the procedure.

## 8. Categories of subjects to whom Data may be disclosed

Reports management is the responsibility of subjects who guarantee their impartiality, integrity, independence and confidentiality and assume the role of "Managers" of the report, having been authorized to process them and having received specific instructions not only on compliance with the Whistleblowing Decree, but also on the current legislation on the protection of personal data. Data may be communicated to subjects within the organization or to external parties if the transfer is necessary for the actions resulting from the report. In any case, the confidentiality of the data itself will be guaranteed, except for the lapse of this obligation, specifically for cases in which: after reporting (internally/externally) no appropriate action has been taken or there are reasonable grounds to believe that the violation constitutes a danger to the public interest / emergency situation / irreversible damage / risk of retaliation, etc.

Whistleblowing managers have access to processed personal data as subjects authorized to the processing. It is understood that, in line with the principle of protection of confidentiality, sharing of personal data relating to the whistleblower, to the persons involved and to the content of the report is limited to the extent strictly necessary to allow the forwarding and management of the report itself.

Some processing may be carried out by other third parties for the purposes set for in this Policy and these parties will operate as autonomous Data Controllers and are essentially included in the following categories:

- a) consultants (Organization, Litigation, Law Firms, etc.);
- b) companies in charge of personnel administration and management;
- c) investigative agencies;



d) public institutions and/or authorities (including the Italian National Anti-Corruption Authority or "ANAC"), judicial authorities, law enforcement agencies.

Personal data will not be disseminated in any way.

## 9. Processing location and transfer of personal data to third countries (outside the EU):

Management and storage of Personal Data takes place on servers located within the European Union.

## 10. Rights of the Data Subject

The Data Subject has the right to access at any time all personal data concerning him/her and to exercise the rights set for in articles from 15 to 22 of the Regulation (right of access to personal data, right of rectification, right to obtain their erasure or "right to oblivion", right of limitation of their processing, right of portability of personal data and right to object to processing, where applicable), by sending an e-mail to the e-mail address [privacy@novatexitalia.it](mailto:privacy@novatexitalia.it).

In addition, the Data Subject has the right to file a complaint with the Italian Data Protection Authority, with office in Piazza Venezia n. 11 - 00187 Rome (<http://www.garanteprivacy.it/>).

If you have given your consent to the disclosure of your identity in the context of disciplinary procedures, you have the right to revoke this consent at any time, but this does not affect the lawfulness of the processing, based on your consent, carried out before the revocation.

The aforementioned rights cannot be exercised by the person involved or by the person mentioned in the report for the time and to the extent that this constitutes a necessary and proportionate measure, pursuant to art. 2-undecies of the Code, as the exercise of these rights could result in an actual and concrete prejudice to the protection of the confidentiality of the identity of the reporting person.

Oggiono, 15 Maggio 2024