











PRIVACY - WHISTLEBLOWER (WHISTLEBLOWING - Italian Legislative Decree 24/2023)





Information document pursuant to and in accordance with Article 13 of Regulation (EU) 2016/679 (GDPR)


	<p>WHY THIS INFORMATION?</p> <p>1. WHO IS THE DATA CONTROLLER? CONTACT INFORMATION</p> <p>The Data Controller is FONDITAL S.p.A. with registered office in Via Cerreto 40, 25079 - Vobarno (BS), Italy, in the person of its pro-tempore Legal Representative, who may be contacted for any information by e-mail privacy@fondital.it.</p>
	<p>2. TYPE OF DATA THAT CAN BE PROCESSED AND DATA SUBJECTS</p> <p>Personal data: any information relating to an identified or identifiable natural person ("data subject"); an identifiable person is someone who can be identified, directly or indirectly, by specifically referring to an identifier such as name, identification number, location data, online identifier or to one or more factors specific to his/her physical, physiological, genetic, mental, economic, cultural or social identity (C26, C27, C30).</p> <p>The data processed will be those relating to reports made by Whistleblowers, which may include data relating to third parties, i.e. the persons reported, and will be processed in full compliance with and in the manner defined in the Whistleblowing Procedure adopted by the Data Controller.</p> <p>Data relating to Whistleblowers, which may be provided by the latter: i) First name, surname; ii) Company function; iii) The voice of the Whistleblower, in the event of a request for a direct meeting and prior consent to recording; iv) other information provided by the Whistleblower; v) Any special data (see art. 9 of the GDPR): personal data capable of revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, as well as genetic data, biometric data intended to uniquely identify a natural person, data relating to a person's health or sex life or sexual orientation; vi) Any Data relating to criminal convictions and offences or related security measures (see Art. 10 of the GDPR): personal data disclosing measures as referred to in Art. 3, para. 1, letters from a) to o) and from r) to u) of Italian Presidential Decree No. 313 of 14 November 2002 on criminal records, the register of offence-related administrative sanctions and related cases pending, or the status of defendant or suspect pursuant to Articles 60 and 61 of the Italian Code of Criminal Procedure.</p> <p>The persons concerned by this processing are: i) employees of private sector entities; ii) self-employed workers; iii) workers or collaborators supplying goods or services or carrying out works for third parties; iv) freelancers and consultants; viii) volunteers and trainees; v) shareholders and persons with administrative, management, control, supervisory or representative functions; vi) candidates for employment; xi) former workers.</p>

3. PURPOSES OF THE PROCESSING, LEGAL BASIS, DATA RETENTION PERIOD AND NATURE OF THE PROVISION

 PURPOSES OF THE PROCESSING	 LEGAL BASIS	 DATA RETENTION PERIOD	 NATURE OF THE PROVISION
<p>A) Whistleblowing report management. In particular, collection of data for sending reports, which have become known in the course of a legal relationship, pursuant to Art. 3 of Italian Legislative Decree 24/2023.</p>	<p>The processing is necessary to fulfil a legal obligation (pursuant to Italian Legislative Decree 24/2023) to which the data controller is subject (C45).</p> <p>Art. 6 para. 1 letter c), GDPR. Art. 6 para. 1 letter c), GDPR.</p> <p>The processing of "special" data is based on the fulfilment of obligations and the exercise of specific rights of the Data Controller and the Data Subject in the field of</p>	<p>For the time strictly necessary to process the report and, in any case, no longer than 5 years from the date of the communication of the final outcome of the reporting procedure (Art. 14 of Italian Legislative Decree 24/2023).</p> <p>In the event of a lawsuit, the above-mentioned time limit is extended until the exhaustion of all levels of proceedings.</p> <p>Personal data that are clearly not useful for processing a specific report are not collected or, if accidentally collected, are deleted immediately.</p>	<p>The provision of the whistleblower's personal data is necessary, without prejudice to the right to report anonymously.</p>

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	<p>labour law (Art. 9, para. 2, letter b) of the GDPR.</p> <p>The processing of data relating to criminal convictions and offences, taking into account the provisions of Art. 10 of the GDPR, is based on the legal obligation to which the data controller is subject (Art. 6, para. 1, letter c).</p>		
<p>B) Disclosure of the whistleblower's identity and/or of any other information from which such identity may be inferred, directly or indirectly, to persons other than those competent to receive and act on the report, pursuant to Article 12, para. 2 of Italian Legislative Decree 24/2023.</p>	<p>The processing is based on the data subject's explicit consent to the processing of their personal data (C42, C43).</p> <p>Art. 6 para. 1 letter a), GDPR.</p>	<p>Until consent is revoked and unless the identity has already been disclosed to a third party</p>	<p>The provision of the Whistleblower's personal data is optional.</p> <p>In the event of failure to provide such information, the Data Controller may not disclose the identity of the whistleblower and/or any other information from which such identity may be inferred to persons other than those competent to receive and follow up on the reports, except for the situations expressly provided for by Italian Legislative Decree 24/2023 and subject to prior written notification of the reasons for such disclosure.</p>

	<p>4. WHOM WILL PERSONAL DATA BE COMMUNICATED TO? RECIPIENTS OF DATA</p> <p>Personal data will be communicated to entities that will process the data as autonomous Data Controllers, or Data Processors (Art. 28 GDPR) and processed by natural persons (Art. 29 GDPR and/or Art. 2-quaterdecies Italian Legislative Decree 196/2003) acting under the authority of the Data Controller and Data Processors on the basis of specific instructions given regarding the purposes and methods of processing. Data will be communicated to recipients belonging to the following categories:</p> <ul style="list-style-type: none"> - the person or internal office or external party (including the Supervisory Body) entrusted with the management of the internal whistleblowing channel; - third parties for the provision of the whistleblowing platform adopted by the Data Controller; - any judicial authorities and public authorities (including ANAC);
	<p>5. IS THERE A DATA TRANSFER TO A NON-EEA COUNTRY?</p> <p>The personal data will not be transferred to countries outside the EEA.</p>
	<p>6. IS THERE AN AUTOMATED PROCESS?</p> <p>Personal data will be subject to traditional manual, electronic and automated processing. Please note that no fully automated decision-making processes are carried out.</p>
	<p>7. THE RIGHTS OF THE DATA SUBJECTS</p> <p>You may exercise your rights as expressed in Articles 15 <i>et seq.</i> of the GDPR by contacting the Data Controller using the contact details indicated above. You have the right, at any time, to obtain access to your personal data (Art. 15), to rectify (Art. 16), erase (Art. 17) them or to restrict their processing (Art. 18). The data controller shall communicate (Art. 19) to each of the recipients to whom the personal data have been transmitted any rectification or erasure or restriction of processing carried out. The data controller shall inform the data subject of such recipients if the data</p>

	<p>subject so requests. In the cases provided for, you have the right to the portability of your data (Art. 20) and in this case you will receive them in a structured format, commonly used and readable by an automated device. In the cases where the legal basis is consent, the data subject shall have the right to withdraw the consent given without prejudice to the lawfulness of the processing based on consent before the withdrawal.</p> <p>If the processing of personal data by the Data Controller is believed to be in violation of the provisions of Regulation (EU) 2016/679, the data subject has the right to lodge a complaint with the Supervisory Authority, in particular in the Member State in which he/she usually resides or works or where the alleged infringement of the Regulation occurred (Italian Data Protection Authority https://www.garanteprivacy.it/) or to bring an action before the appropriate courts.</p> <p>It should be noted that, pursuant to Italian Legislative Decree 24/2023, the Data Controller is required to guarantee the confidentiality of the Whistleblower: the identity of the Whistleblower and any other information from which such identity may be directly or indirectly inferred will not be disclosed, without the express consent of the Whistleblower, to persons other than those competent to receive or follow up the report, without prejudice to the right of defence of the reported person and where prescribed by law.</p>
	<p>8. CHANGES TO THE POLICY</p> <p>The Data Controller may change, add or remove any part of this Privacy Policy. In order to facilitate the verification of any changes, the information notice will contain an indication of the date on which the privacy policy was updated.</p>

Updated on: 29/05/2024

The Data Controller
Fondital S.p.A.