

INFORMATION ON THE PROCESSING OF PERSONAL DATA UNDER THE ALERT PROCEDURE – WHISTLEBLOWING

REPORTING

The information shall be provided as part of the reporting procedure and shall be acquired by means of the IT tools and/or by the other means indicated in the specific documentation.

Contact details of the Data Controller

The data controller is CERACARTA, in the person of the legal representative, with registered office in Via Secondo Casadei 14, FORLÌ, e-mail info@ceracarta.it

Purpose and legal basis

personal data are collected and processed for the purposes strictly related and instrumental to the verification of the validity of the reports received and for the management of the same, relating to activities and/ or behaviors different from the procedures implemented by CERACARTA, such as the violation of rules of professional conduct and/or principles of ethics referred to by the current legislation - internal and external - and/or illegal or fraudulent behavior referring to employees, members of the corporate bodies, or third parties (suppliers, consultants, collaborators), which may cause - directly or indirectly - economic, patrimonial and/or image damage.

Therefore, **the legal basis of the processing is the need to comply with a legal obligation** to which the Data Controller is subject, with reference to the provisions contained in Law November 30, 2017, n. 179 ("Provisions for the protection of authors of reports of crimes or irregularities that have come to know in the context of a public or private employment relationship") and in Legislative Decree no. 231 of 8 June 2001 ("Rules governing the administrative liability of legal persons, companies and associations, even if they do not have legal personality, pursuant to Article 11 of Law No. 300 of 29 September 2000).

Confidentiality and protection of the complainant

Please note that the Data Controller also adopts the application of art. 6 of Legislative Decree. 231/2001 as amended by art. 2 of L. n. 179/2017, rubric "Protection of the employee or collaborator who reports wrongdoing in the private sector", which prescribes the protection of the confidentiality of the identity of the reporting agent in the activities of management of the alert and prohibits acts of retaliation or discrimination, direct or indirect, against the reporting agent for reasons directly or indirectly related to the reporting.

Therefore, except in cases where there is a liability for slander and defamation pursuant to the provisions of the Criminal Code or art. 2043 of the Civil Code and cases where anonymity is not opposable by law, (e.g. criminal, tax or administrative investigations, inspections of control bodies) the identity of the reporting agent will be protected from the moment the report is received and at any later stage, in accordance with the current provisions of the Privacy Policy.

Therefore, the identity of the alerter can be disclosed to the disciplinary authority and to the person reported only in cases where a) there is the explicit consent of the alerter; b) the challenge of the disciplinary charge is well founded, in whole or in part, on the alert and the knowledge of the identity of the signaller is absolutely indispensable to the defense of the reported.

All those who will receive and/or will be involved in the management of reports are required to protect the confidentiality of this information.

The violation of the obligation of confidentiality is a source of disciplinary liability, without prejudice to other forms of liability provided by law.

Methods of processing, storage times and recipients

The Data Controller undertakes to process, in a lawful, correct and transparent manner, only and for the strictly necessary time those data necessary for the achievement of the essential purposes for the performance of the activities subject to the report. The processing is carried out by the Data Controller also with the help of electronic means, including automated tools.

The processing will be excluded and/ or limited in cases where the purposes pursued can be achieved by anonymization or by means that allow the identification of the data subject only in case of need.

The storage of personal data will be guaranteed in a form that allows the identification of data subjects for a period of time not exceeding the achievement of the intended purposes. It represents that personal data can be stored for longer periods, pursuant to art. 89 of the GDPR, but which will be kept exclusively for archiving purposes in the public interest, scientific or historical research or for statistical purposes, without prejudice to the implementation by the Data Controller of appropriate technical and organisational measures to protect the rights and freedoms of the parties involved in the reporting procedure.

Personal data will be processed, pursuant to art. 29 of the GDPR, by persons authorised to process data to whom appropriate instructions have been expressly given by the Data Controller regarding the need to ensure the protection of the personal data of the parties involved in the reports.

The personal data may also be processed for the activation of legal and/ or disciplinary protection related to the report, or communicated to the competent authorities in the presence of violations of applicable regulations.

rights of the person concerned

Pursuant to Arts. 15 and following of the GDPR, subject to any limitations arising from the mandatory provisions of L. n. 179/2017, you are granted some significant rights against the Data Controller, namely:

- ***Right of access*** - the right to obtain without undue delay information relating to: (i) the purposes of the processing; (ii) the categories of personal data processed; (iii) the recipients or categories to whom the data may be disclosed, in particular if located outside the EU, and the means to exercise its rights to such persons; (iv) where possible the retention period or criteria for determining it; (v) updating, rectification or, if it has an interest, the integration of personal data and the origin of data collected from third parties
- ***right of rectification*** - right to obtain without undue delay the correction of inaccurate personal data and, taking into account the purposes of the processing, to obtain the integration of incomplete personal data, including by providing a supplementary statement;
- ***right of portability*** - the right to receive in a structured, commonly used and machine-readable format the personal data concerning you provided to the Data Controller, as well as the right to transmit such data to another data controller without hindrance by the Data Controller, without prejudice to the right of cancellation (see below) and the fact that the right to portability must not affect the rights and freedoms of others. *diritto di cancellazione*
- the right to obtain, without undue delay, the erasure of personal data where one of the reasons listed in Article 17 para. 1 of the GDPR - as if the personal data are no longer necessary for the purposes for which they were collected or otherwise processed - unless the processing is necessary according to the provisions of paragraph 3 of the same article, including (a) the fulfilment of a legal obligation requiring the processing provided for by Union or Member State law to which the Data Controller is subject, or (b) the performance of a task performed in the public interest or in the exercise of public powers vested in the Data Controller, or (c) the establishment, exercise or defence of a right in court;
- ***right of limitation*** - right to obtain the restriction of processing where one of the situations referred to in Article 18, par. 1 of the GDPR: if the processing is limited, the personal data will be processed -

except for the storage - only with the consent of the data subject or for the investigation, the exercise or defence of a right in court or to protect the rights of another natural or legal person or on grounds of a major public interest of the Union or a Member State

.Please note that the exercise of the aforementioned rights by the interested party can be done by sending the relevant requests to the email address info@ceracarta.it. Requests will be addressed and analyzed by the company, which will process the request without undue delay by providing an appropriate response.

*If the data subject considers that the processing concerning him or her infringes the Privacy Policy, he or she will have the right to lodge a complaint with the Data Protection Authority pursuant to art. 77 of the GDPR, following the instructions at <https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/4535524>. * * **

Pursuant to article 2-undecies of the Privacy Code (pursuant to article 23 of the GDPR), we inform you that the aforementioned rights cannot be exercised by interested parties (with a request to the Data Controller or with a complaint pursuant to article 77 of the GDPR) where the exercise of those rights could result in an effective and material prejudice to the confidentiality of the identity of the person issuing the alert.

In particular, the exercise of those rights shall:

will be carried out in accordance with the provisions of law or regulations governing the sector (including D.lgs. 231/2001 as amended by L. n. 179/2017);

☒ it may be delayed, limited or excluded by reasoned communication and returned to the data subject without delay, unless the communication could jeopardise the purpose of the restriction, 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 reporting agent;

☒ in such cases, the data subject's rights may also be exercised through the Guarantor in the manner referred to 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 carried out a review, and the right of the person concerned to bring legal proceedings.

Reported and other stakeholders

The following information shall be provided for the purpose of transparency with respect to the alertman and any interested person potentially reported in an alert (hereinafter jointly "reported"), first of all to inform him 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 your personal data pursuant to Articles 12 and 14 of the GDPR receives a limitation in the light of the obligations of secrecy and confidentiality imposed by Legislative Decree No. 231/2001, as amended by L. n. 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 (v. 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 cannot be exercised (with a request to the Data Controller or with a complaint pursuant to article 77 of the GDPR) if it could result in an effective and concrete prejudice to the confidentiality of the identity of the reporting agent (see article 2-undecies of the Privacy Code and article 23 of the GDPR). In particolare, si informa il segnalato che l'esercizio di tali diritti*

- o *it will be carried out in accordance with the provisions of law or regulations governing the sector (including D.lgs. 231/2001 as amended by L. n. 179/2017);*
- o *it may be delayed, limited or excluded by reasoned communication and returned to the data subject without delay, unless the communication could jeopardise the purpose of the restriction, 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 reporting agent;*
- o *in such cases, the data subject's rights may also be exercised through the Guarantor in the manner referred to 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 carried out a review, and the right of the person concerned to bring legal proceedings.*

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

Categories of personal data and source of collection

The personal data relating to the reported person shall be collected by means of the report and related documentation provided by the reporting person. The personal data related to the reported will be included in the following categories:

- *personal data (e.g. name, surname, place and date of birth);*
- *contact details (e.g. e-mail address, telephone number, postal address);*
- *professional data (e.g. hierarchical level, company area of belonging, company role, type of relationship maintained in CERACARTA or other third parties, profession);*
- *any other information related to the alert that the signaller decides to share with the Data Controller in order to better substantiate his report, in relation to:*
 - a. *unlawful conduct relevant pursuant to D.lgs. 231/2001 or violations of the organisation and management model of the institution;*
 - b. *irregularities and/or unlawful conduct, commission or omission, which constitute or may constitute a violation of the principles enshrined in the Code of Ethics, company policies and rules and/or which may result in fraud or damage, even potential, against colleagues, shareholders and stakeholders in general or which constitute acts of an unlawful nature or detrimental to the interests and reputation of the company;*
 - c. *improper or suspect activities and payments, other than expenses or contributions made in accordance with the Anti-Corruption Guidelines, or requests, direct or indirect, made by public officials, private entities or other entities, relating to donations, as well as any suspected violation of the Anti-Corruption Guidelines and related documents.*

Postponement

Without prejudice to the previous paragraphs, please refer to the corresponding paragraphs of the "Reporting" section for further information on the processing of personal data concerning:

- *identity and contact details of the Data Controller and its representative;*
- *purpose of the processing for which the personal data are intended;*
- *legal basis of processing;*
- *categories of recipients of personal data;*
- *personal data retention period;*
- *significant information on the logic used, as well as the importance and expected consequences of such processing for the data subject.*