

PRIVACY INFORMATION REGARDING THE PROCESSING OF PERSONAL DATA RELATED TO THE APPLICATION OF THE LEGISLATIVE DECREE. 10.03.2023 N. 24 "WHISTLEBLOWING DECREE" FOR THE IMPLEMENTATION OF DIRECTIVE (EU) 2019/1937, PURSUANT TO ARTICLES 13 AND 14 OF EU REGULATION 2016/679 AND THE NATIONAL LEGISLATION IN FORCE REGARDING THE PROTECTION OF PERSONAL DATA

1. Data controller

The data controller is the company: Name: Pometon SpA

Address: Via Circonvallazione, 62 I-30030 Maerne Italy

Contact details: email privacy@pometon.com

This information concerns the processing of personal data carried out by the data controller for the reception and management of reports of violations of national and European regulations (so-called whistleblowing), through its internal channels, in application of Legislative Decree 10 March 2023 n. 24 implementing Directive (EU) 2019/1937 and concern the following interested parties:

- The people who make reports;
- The reported persons to whom, in the report, the regulatory violations are attributed which must be those provided for by Legislative Decree 2023 n. 24 cited;
- The people who are nevertheless mentioned in the report;
- The people interviewed during the investigation aimed at verifying the report and in any case other people who contribute to verifying the facts;
- To subjects who qualify as "facilitators" pursuant to art. 2 paragraph 1 letter. h) of Legislative Decree 2023 n. 24 cited.

This information must be read together with the "Instructions for whistleblowing reports" which are published on the website referred to in the links:

<https://www.pometon.com/it/whistleblowing/>

<https://www.pometon.com/en/whistleblowing/>

and to the "WHISTLEBLOWING" PROCEDURE FOR RECEIVING AND MANAGEMENT OF REPORTS PURSUANT TO THE LEGISLATIVE DECREE. 10.03.2023 N. 24" which is available in a pdf file in the links indicated above.

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2. Purpose and methods of processing

the Data Controller may process personal data for the reception and management of the report, including the investigation phase, the application of corrective measures, the monitoring of their application and the updating of the reporter on the results of the procedure, the defense of his rights and legitimate interests also through judicial proceedings as well as to support the effective application and operation of Model 231, provided for by Legislative Decree 2001 n. 231 and subsequent amendments and additions.

The data processing takes place using manual, IT and telematic tools with logic strictly related to the purposes indicated and, in any case, in such a way as to guarantee the security and confidentiality of the data themselves, in compliance with current legislation on the subject and by applying technical and organizational measures. suitable.

The processing of personal data will be based on the principles of correctness, lawfulness and transparency and will also take place with the support of IT means such as the use of the whistleblowing platform, access to which is available at the link <https://pometon.whistleblowing.it>, in order to guarantee its security and confidentiality, with the adoption of the necessary security, technical and organizational measures, aimed, among other things, at avoiding the risk of loss, unauthorized access, illicit use and dissemination of personal data and to prevent unauthorized parties from tracing the identity of the reporter.

3. Legal basis

The processing activities are carried out for common personal data on the basis of the legal obligation to which the owner is subject (art. 6, par. 1, letter c) GDPR Regulation), pursuant to the applicable legislation on whistleblowing D.lgs 2023 n. 24;

If, in the context of a report, particular categories of data are provided, the Data Controller will process them by virtue of the following exceptions provided for by the art. 9 GDPR Regulation and in relation to the application of Legislative Decree 2023 n. 24:

- in the need to fulfill the obligations and exercise the specific rights of the Data Controller or of the interested party in matters of labor law and social security and social protection (art. 9, par. 2, letter b) GDPR);
- in the need to ascertain, exercise or defend a right in court or whenever the jurisdictional authorities exercise their jurisdictional functions (art. 9, par. 2, letter f) GDPR Regulation) with regard to the processing of personal data necessary in court of litigation or in pre-litigation proceedings, to assert or defend a right, including that of the data controller or a third party, in judicial proceedings, as well as in administrative or arbitration and conciliation proceedings;

Furthermore, regarding the disclosure of the identity of the reporter to subjects other than those competent to receive the report and the usability of the report if the identity of the reporter is necessary for the defense of the reported person, in compliance with the provisions of art. 12 paragraphs 2 and 5 of Legislative Decree 24/2023 the legal basis is represented by consent.



The consent of the whistleblower is necessary for verbalization in the case of an oral report, through a meeting with the internal reporting manager (art. 14 paragraph 4 of Legislative Decree 24/2023).

4. Categories of personal data and sources of data origin

Based on the experience of the data controller, the following personal data of interested parties may be processed:

- identification data;
- contact details;
- data relating to the alleged reported conduct attributed to the person reported;
- common, particular or judicial personal data relating to crimes and criminal convictions contained in the report and/or in the attached documentation;
- data contained in the communications exchanged between the reporting party and whoever manages the report.
- Personal data is collected by the data controller:
 - from a direct source - indicated by the reporting party verbally and/or in writing in the reporting channels;
 - from indirect sources - acquired from the investigation carried out by the internal reporting manager.

5. Data communication:

5.1. Authorized for processing

The personal data will be processed by the internal reporting manager and by the Supervisory Body envisaged by Model 231 adopted by the data controller, to the extent of its competence, on the basis of specific instructions given by the data controller aimed at guaranteeing the obligation of confidentiality under of the articles 29 and 32 § GDPR and 2-quaterdecies Privacy Code.

Therefore, in relation to the reporting management activity, the personal data will be processed only by the subjects specifically authorized by the data controller as they are appointed in the role of members of the Internal Reporting Management Office, as well as to the extent within its competence, by the members of the Supervisory Body and possibly by the subjects involved in the analysis and investigation.

5.2. Confidentiality of the whistleblower's personal data

In any case, the identity of the reporter and any other information from which identification can be made may be revealed to subjects other than the subjects authorized/designated to manage the report or investigation on behalf of the owner, only with the written authorization of the reporter or when mandatory or legitimate under applicable law. In exceptional cases, if revealing the identity is indispensable for the defense of the person reported (as part of disciplinary proceedings) or of the



person involved (as part of internal procedures), the person reporting the report will be notified in writing regarding the reasons for such communication which can only take place with your prior written consent.

5.3. Protection of the personal data of the reported party and other interested parties

The protection of confidentiality is also guaranteed to other interested parties, until the conclusion of the procedure initiated due to the report and in compliance with the same guarantees provided in favor of the whistleblower. However, in the event that the report is the subject of a report or complaint to the competent authorities, the obligation to confidentiality of the identity of the people involved or mentioned in the report could cease in the ways and under the conditions established by the applicable legislation. Furthermore, always in compliance with the confidentiality obligations established by Legislative Decree 2023 n. 24 cited, in the cases provided for by current legislation, the data or part of the data could be shared with the following external parties, depending on the case acting as independent data controllers or data processors:

- lawyers and consultants, who provide consultancy or investigation services;
- judicial, supervisory, independent or police authorities, in the cases provided for by law.

To the extent strictly necessary and, in any case, subject to specific guarantees (including the appointment of data controller pursuant to art. 28 GDPR), personal data may be processed by companies that provide the Data Controller with the platform for reporting, systems information and/or companies that are involved in their maintenance and security.

The data controller has already appointed the provider of the whistleblowing platform as data controller pursuant to art. 28 GDPR.

Personal data are not disclosed; are not transferred outside the EEA or, if they are, the transfer is assisted by the guarantees referred to in Chapter V of the GDPR, furthermore the data will not be subject to fully automated decision-making processes.

6. Storage times

In compliance with the principles of proportionality and necessity, personal data will be stored in a form that allows the identification of the interested parties for the time necessary to process the report and, in any case, no later than five years from the date of communication to the reporting party. final outcome of the reporting procedure. This is without prejudice to any specific regulatory obligations or the arising need of the Data Controller to act or defend himself in court, which make it necessary to process and store the data for longer periods of time.

At the end of the aforementioned period, the personal data will be permanently deleted or they will be anonymized with an irreversible process so that it is not possible, using the reference technical standards, to recover the personal data from the anonymized data.

7. Mandatory provision of data

It is possible to submit a report anonymously or non-anonymously as indicated in the "*Instructions for whistleblowing reports*". In the case of an anonymous report, the owner may not be able to effectively



investigate the report. Therefore, where applicable, the reporter is invited to report any violation by providing all the information requested, so as to allow the report to be analyzed and verified appropriately. In any case, the owner ensures that all personal data processed in the context of the report remain strictly confidential in compliance with current legislation.

8. Rights of interested parties

At any time, without prejudice to the provisions of article 2-undecies of Legislative Decree. 06.30.2023 n. 196 "personal data protection code", if the exercise of these rights could result in an effective and concrete prejudice to the confidentiality of the identity of the reporting party, the interested party may exercise the rights provided for by the Regulation towards the owner and therefore :

- Access (ex art.15 GDPR): allows you to obtain confirmation as to whether or not the data subject's personal data is being processed, to obtain information on the processing in progress and to receive a copy of the data.
- Rectification (ex art.16 GDPR): concerns the right to obtain the rectification of inaccurate personal data and the integration of incomplete data of the interested party.
- Cancellation (ex art.17 GDPR): provides for a series of cases in which the interested party has the right to obtain the cancellation of his personal data (for example if the data are no longer necessary with respect to the purposes for which they were processed and there is no other legal basis for the processing itself).
- Limitation (ex art.18 GDPR): provides for a series of cases in which the interested party has the right to obtain the limitation of the processing of personal data (for example for the period necessary to carry out appropriate checks on the personal data of which the interested party disputed the accuracy).
- Portability (ex art.20 GDPR): in the cases provided, provides for a series of cases in which the interested party has the right to receive the personal data that he has provided to the data controller or which concerns him in a structured, commonly used format and readable by an automatic device. The interested party also has the right to transmit these data to another data controller without impediments on the part of the data controller.
- Opposition (ex art.21 GDPR): allows the interested party to object to the processing of personal data when the conditions established by law apply, for example, in the case of processing carried out to carry out tasks of public interest, to exercise public authority or to pursue a legitimate interest of the data controller or third parties. In these cases the processing will no longer be carried out unless there are reasons that oblige the owner to proceed or it is necessary to ascertain, exercise or defend his rights in court.
- Automated decision-making process including profiling (ex art.22 GDPR): the data controller does not make decisions based solely on the automated processing of personal data.
- Complaint (ex art.77 GDPR): if you believe that the processing of your data is taking place in violation of the legislation on the processing of personal data, you have the right to lodge a



complaint with the competent Guarantor Authority for the protection of personal data. For further information here is the Guarantor's link <https://garanteprivacy.it/>.

9. Limitation of the rights of the interested party in the case of a person involved or mentioned in the report

Pursuant to art. 2-undecies, paragraph 1, letter. f) of Legislative Decree 196/2003 “personal data protection code”, updated to Legislative Decree 101/2018 (Limitations to the rights of the interested party), as amended by art. 24, paragraph 4, of Legislative Decree 24/2023, for the purposes of protecting the confidentiality of the identity of the reporter, the reported subject or the person involved in the report cannot exercise the rights due to the interested parties based on the articles. from 15 to 22 of the GDPR regulation, as listed above. This situation may occur when the exercise of these rights could result in an effective and concrete prejudice to the protection of the confidentiality of the identity of the reporting person. Therefore, the person reported or involved in the report or other interested parties who contact the data controller to exercise the rights in question will have the exercise of the relevant rights refused or limited, and in any case they can always lodge a complaint with the Guarantor. for the Protection of Personal Data as indicated above, for your decision in this regard.

It is highlighted based on art. 2-undecies last paragraph mentioned, in case there is a hypothesis of limitation of the rights of the interested party, they can also exercise their rights pursuant to the art. 160 of Legislative Decree 196/2003. In this case, the Guarantor informs the interested party that it has carried out the necessary checks or has carried out a review as well as the interested party's right to lodge a judicial appeal.

10. We reserve the right to review and update the information

The owner reserves the right to make any changes to this information that he deems useful, also in relation to the evolution of the legislation in force, giving it the widest visibility to interested parties.

Maerne 11.03.24