

## INFORMATION ON THE PROCESSING OF PERSONAL DATA WITH REFERENCE TO REPORTS MADE UNDER THE WHISTLEBLOWING MECHANISM

*(Art. 13 EU Regulation n. 679 dated 27 April 2016, on personal data protection, also known as the "GDPR")*

I.C.F. & WELKO S.P.A. provides this notice to explain the methods employed to process the data collected and the rights available to the data subject pursuant to (EU) Regulation 2016/679 on the protection of natural persons with regards to the processing of their personal data and Italian Legislative Decree n. 196/2003 on the protection of personal data, as amended by Italian Legislative Decree n. 101/2018.

The data will be processed in compliance with the principles of lawfulness, fairness, and transparency.

### **Data Controller**

The Data Controller is I.C.F. & WELKO S.P.A. based at via Sicilia n. 10 - 41053 Maranello (MO) - [icf-welko@icf-welko.it](mailto:icf-welko@icf-welko.it)

### **Data Processor**

The Data Processor is the company that provides the whistleblowing IT platform:: Smart Compliance Solutions for you s.r.l., telephone: +39 059 8030759, Email [info@scs4u.it](mailto:info@scs4u.it) since I.C.F. & WELKO S.P.A. has decided to use an IT platform to allow reporting parties to send reports.

### **Type of data processed**

The reception and management of reports leads to processing activities concerning a type of personal data known as "common" (first name(s), surname, job position, etc.), and may also lead - depending on the content of the report and the attachments - to the processing of personal data known as "special" (data relating to health conditions, sexual orientation, or trade union membership, pursuant to art. 9 of the GDPR) and personal data relating to criminal convictions and offences (pursuant to art. 10 of the GDPR).

### **Processing purposes**

Personal data is collected to fulfil the legal obligations established by Italian Legislative Decree n. 24/2023, the Italian legislative decree for the "*Transposition of Directive (EU) 2019/1937 of the European Parliament and the Council, dated 23 October 2019, concerning the protection of people who report concerns about breaches of Union law and provides for the protection of people who report concerns about breaches of national legislative provisions*".

The data is provided to report, in the interest of the integrity of I.C.F. & WELKO S.P.A., alleged misconduct which has come to the reporting party's attention in a work-related context (i.e. as part of an employment, service, or supply relationship with the Company) and which will be processed by the Company when managing these situations.

Personal data is acquired as it is contained in the report and/or in the attachments to it. This data may concern the reporting party but may also concern the reported person(s) stated as possible responsible for the misconduct, as well as any other people involved in the matter reported in various capacities.

More specifically, your data is processed to carry out the necessary investigations to establish the validity of the report you have made, as well as, if necessary, to take appropriate corrective measures and appropriate disciplinary and/or legal action against those responsible for the misconduct.

### **Lawful basis for processing**

Taking into account applicable legislation and, in particular, art. 54-*bis* of Italian Legislative Decree n. 165/2001, it must be noted that:

- common data is processed to fulfil a legal obligation imposed on the Data Controller (art. 6.1.c) of the GDPR)
- special data is processed to fulfil obligations and to exercise specific rights of the Data Controller and the Data Subject arising from labour law (art. 9.2.b) of the GDPR)
- data relating to criminal convictions and offences is processed (taking into account the provisions of art. 10 GDPR) to fulfil a legal obligation imposed on the Data Controller (art. 6.1.c), GDPR).

It must furthermore be noted that, in accordance with the provisions of art. 54-*bis* of Italian Legislative Decree n. 165/2001, in the event that the report leads to disciplinary proceedings against the person responsible for the misconduct, the identity of the reporting person will not be revealed. If knowledge of the identity of the reporting person is indispensable for the defence of the party subject to disciplinary action, the reporting party will be asked whether they intend to give specific consent to reveal their identity, which must be given freely.

### **Nature of the provision of data and consequences of failure to do so**

Provision of the data is compulsory in nature. Indeed, in order to classify as whistleblowing, the report must include the reporting party's identity details (first name(s), surname) must be provided, since anonymous reports - by express legislative intention - do not fall directly within the scope of art. 54 bis of Italian Legislative Decree n. 165/2001.

In the event that the reporting party still wishes to proceed with an anonymous report, the latter will be managed as an ordinary report and will be taken into consideration only if sufficiently detailed and explained, and reveals events and situations relating to specific contexts.

It is up to each reporting party to decide which further personal data to provide. The more details in the report, the more tools the party tasked with managing the report will have to investigate the matter reported.

### **Processing methods**

Personal data will be processed, which may also include the use of automated systems, for strictly as long as is necessary to achieve the purposes for which it was collected. I.C.F. & WELKO S.P.A. takes suitable measures, and guarantees suitable measures are taken, to ensure the data provided is processed appropriately and in accordance with the purposes for which it is managed. The company providing the whistleblowing IT platform employs suitable organisational, technical, and physical security measures (e.g. file encryption) to protect the information from alteration, destruction, loss, or theft and from misuse or unlawful use.

### **Parties authorised to process the data**

I.C.F. & WELKO S.P.A. has prepared a written document specifying the parties authorised to process the data. The parties tasked with managing reports have been expressly authorised and trained in this area. If, during report management and investigation activities, other parties either inside or outside I.C.F. & WELKO S.P.A. need to be allowed to access the contents of the report or of the attachments to the report, the identity of the reporting party will never be revealed,

nor will any information be disclosed that could, even indirectly, reveal the reporting party's identity. These parties, however, may still come into possession of other personal data. For this reason, they are all formally authorised to process the data and are specifically instructed and trained to do so; likewise, they are required to keep whatever information they obtain through their duties confidential, without prejudice to the reporting obligations envisaged in art. 331 of the Italian Code of Criminal Procedure.

#### **Categories of recipients of personal data**

The personal data concerning the reporting party and the person(s) stated as possible responsible for the misconduct, as well as any other people involved in the matter reported in various capacities, will not be disclosed, except as specified below.

In disciplinary proceedings, the identity of the reporting person will not be revealed if the disciplinary action is based on investigations which are separate from and further to the report, even if they are a consequence of the report. This information can only be revealed if the following three conditions are met: (i) the action is based, in whole or in part, on the report; (ii) knowledge of the identity of the reporting party is essential for the defence of the party subject to the disciplinary action; (iii) the reporting party has expressed specific consent to the disclosure of their identity.

In criminal proceedings initiated as a result of a complaint filed by the governing body to follow up a report deemed valid, the identity of the reporting person will be subject to the duty of confidentiality in the manner and within the limits established by art. 329 of the Italian Code of Criminal Procedure, i.e. until the end of preliminary investigations. If the judicial authority requests the name of the reporting party, the Company is required to provide it.

#### **Categories of recipients of personal data, dissemination of data, and transfer of data abroad**

The aforesaid personal data will not be disclosed outside I.C.F. & WELKO S.P.A. and will not be transferred to any country outside the EU or to any international organisation, with the exception of the following categories of recipients:

- the company providing the whistleblowing IT platform used;
- personnel authorised to access the said data, IT system administrators;
- Supervisory Body;
- company departments and/or third parties expressly involved in the report investigations;
- Authorities to which disclosure of the reporting party's identity is compulsory.

#### **Data retention period**

The party tasked with managing the report carries out the necessary investigations into the report. If the investigations reveal that any information in the report is clearly unfounded, the party tasked with managing the reports will close the case. If, however, the said party deems the substance of the report to be founded, they will send it, without the reporting person's data, to the Company's Governing Body, so that the latter can take the action within its remit against the perpetrator of the breach.

Personal data is retained for a maximum of five years and, in any case, until the proceedings initiated with the reports are brought to an end.

#### **Data subjects' rights and complaints**

Under the conditions established by EU Regulation 2016/679, the reporting party may exercise the following rights:

- art. 15 Right of access by the data subject;
- art. 16 Right to rectification;
- art. 17 Right to erasure;
- art. 18 Right to restriction of processing;
- art. 20 Right to data portability;
- art. 21 and art. 22: Right to object and automated decision-making concerning natural persons.

To establish whether the conditions exist to exercise these rights and how to do so, please refer to the complete wording of the aforementioned articles, which are available at: [www.garanteprivacy.it](http://www.garanteprivacy.it).

These rights can be exercised by sending a request addressed to: I.C.F. & WELKO S.P.A., based at via Sicilia n. 10 - 41053 Maranello (MO) - [icf-welko@icf-welko.it](mailto:icf-welko@icf-welko.it)

If the reporting party believes that the data has been processed in a manner which breaches the aforesaid Regulation and Italian Legislative Decree n. 196/2003, they may contact the Italian data protection authority (known, in Italy, as the *Garante per la Protezione dei dati Personali*) pursuant to art. 77 of the said Regulation. Further information regarding your personal data protection rights can be found on the website of the aforesaid Italian data protection authority at [www.garanteprivacy.it](http://www.garanteprivacy.it).