



## **PRIVACY STATEMENT PURSUANT TO REGULATION (EU) 2016/679 - GENERAL DATA PROTECTION REGULATION ("GDPR") – PRIVACY STATEMENT FOR REPORTED PERSONS AND THIRD PARTIES**

Pursuant to Regulation (EU) 2016/679 ("**GDPR**"), Fandis S.p.A. (hereinafter, jointly referred to as the "**Company**" or the "**Data Controller**") provides this statement concerning the processing of your personal data collected in the scope of the management of the misconduct disclosure (*Whistleblowing*) involving you as a reported person or as a third party. "**Disclosure**" means any communication received by Fandis concerning the Internal Auditing and Risk Management System and concerning behaviour referable to Fandis personnel breaching of the Company Code of Ethics, laws, regulations, provisions of the Authorities and internal regulations capable of causing damage or harm to the Company, including to its image, in compliance with Italian Legislative Decree 24/2023 transposing Directive (EU) 2019/1937 on the protection of persons who disclose breaches of Union law and laying down provisions concerning the protection of persons who disclosure breaches of national laws ("**Whistleblowing Decree**").

For clarifications concerning this policy and/or the processing of your personal data, you may contact the data controller and/or the data protection officer, where designated, at the addresses indicated below at any time.

### **1. Identity and contact details of the data controller**

The data controller is Fandis S.p.A. Communications on this manner must be sent to [privacy@fandis.it](mailto:privacy@fandis.it).

### **2. Source of the data, purpose of the processing and legal basis of the processing**

The data controller will process (i) your personal identification data, as well as (ii) information concerning the disclosed behaviour and any other data that may be provided by the reporting person in the disclosure according to the type of disclosure made and the disclosed behaviour or which are relevant to the disclosed event; (iii) information that may be acquired during the investigation for verifying and settling the disclosure (by way of example, public sources, third parties interviews, etc.); (iii) information that you provided during the disclosure management process for the following purposes:

#### *a. Management of the disclosure based on a complaint by the reporting subject.*

The data controller will process the data for purposes strictly and objectively necessary for applying and managing the whistleblowing procedure, including checking the reported facts, settling the disclosure, preparing the response, adopting any relief or support measures for the reporting persons, including the institution of proceedings, also disciplinary to the extent required by the applicable regulations.

#### *b. Fulfilment of regulatory obligations, legal obligations and provisions of authorities legitimated by law.*

The data controller will process the data for the purpose of fulfilling obligations provided for by law, regulations or national and/or EU legislation, including the provisions of the Whistleblowing Decree, to effectively prevent and combat fraudulent behaviour, misconduct or irregular behaviour and to support the effective application and operation of the Organisation, Management and Control Model pursuant to Legislative Decree 231/2001 ("Model 231"), to the extent required by the applicable law.

In addition, personal data may be processed to comply with requests by the competent administrative or judicial authorities and, more generally, by public bodies in compliance with legal formalities.

For the purposes described above, personal data may be processed for the fulfilment of legal obligations to which



the data controller is subject. With regard to any information you provide, the provision of personal data is not mandatory.

*a. Further processing based on the legitimate interest of the data controller or a third party*

The data controller will also process personal data for:

- data controller's internal auditing and business risk monitoring needs, and for optimising and streamlining the internal business and administrative processes, which imply and require a longer retention of the disclosures than that required for the sole management and settlement of the concerned disclosure;
- ascertaining, exercising or defending a right or legitimate interest of the data controller or a third party in any competent court of law.

The **legal basis** of the processing is the pursuit of the legitimate interest of the data controller or of third parties, represented by the right of defence and the interest in guaranteeing the effectiveness and efficiency of the company's Internal Auditing and Risk Management System, also to effectively prevent and fight fraudulent and illegal or irregular behaviour. This legitimate interest has been duly assessed by the data controller. Processing for purposes based on data controller's legitimate interest is not mandatory and you may object to such processing using the methods illustrated in this statement but should you object, your personal data may not be used for the purposes unless the data controller demonstrates the presence of compelling legitimate grounds or the exercise or defence of a right pursuant to Art. 21 of the GDPR.

In addition to the above, and exclusively where necessary to ascertain the reported behaviour and follow up on the received disclosure, the data controller may also process special categories of personal data pursuant to Art. 9 of the GDPR or data relating to criminal convictions and offences pursuant to Art. 10 of the GDPR for reasons of relevant public interest as set out in the Whistleblowing Decree and in any event within the limits of that permitted by the relevant law, including Art. 9 and 10 of the GDPR.

In any case, only the personal data strictly and objectively necessary to verify the merits of the disclosure and work towards settling are processed. Should personal data which are manifestly not necessary for the handling of the disclosure be collected, even accidentally, such personal data will be deleted immediately.

**a. Processing methods**

Personal data will also be processed electronically, recorded in special databases, and used strictly and exclusively for the indicated purposes. These instruments are suitable to guarantee the security of the processing and confidentiality of the personal data collected, as well as to prevent unauthorised access, dissemination, modification and removal of the data, by adopting appropriate technical and organisational security measures, in compliance with the aforementioned legislation and the related confidentiality obligations and, in any case, in accordance with the purposes and methods set out in this statement. Where appropriate in relation to the purposes illustrated, processing will in aggregate/anonymous form.

**3. Recipients of personal data**

For the pursuit of the purposes indicated in clause 2 your personal data may be disclosed to the data controller's personnel, by persons authorised by the data controller to process the data who are in charge of managing the disclosure, from the management software portal FaceUp Technology sro, as well as by any persons responsible for processing pursuant to Art. 28 of the GDPR. The latter will be specifically identified by the data controller, who will also provide specific instructions on the methods and purposes of processing and ensure that they are subject to appropriate obligations of confidentiality and privacy.

The data controller may also disclosure the personal data collected to third parties belonging to the following

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categories provided that the disclosure is necessary for the pursuit of the purposes of the processing and on the ground of the same prerequisites of lawfulness stated in clause 3:

- the police, competent authorities and other public administrations. These entities will act as autonomous data controllers;
- to the extent permitted by applicable law, companies, bodies or associations, or parent companies, subsidiaries or associated companies within the meaning of Art. 2359 of the Italian Civil Code, or among these companies, companies subject to joint control, as well as consortia, networks of companies and temporary associations of companies and their members, limited to the aspects falling within their sphere of competence (e.g., where the disclosure also concerns their employees). Unless otherwise indicated, these entities will act as autonomous data controllers;
- auditing/review firms and other companies contractually bound to the data controller which perform, by way of example, consultancy activities, support for the provision of services, etc., which will act, as appropriate, as autonomous data controllers, or as data processors on the basis of a specific agreement on the processing of personal data signed pursuant to Art. 28 GDPR.

In any case, the data controller only discloses to the aforementioned recipients the data necessary to achieve the specific purposes for which they are intended.

Your personal data will not be otherwise disseminated.

#### **4. Transfer of your personal data outside the European Economic Area**

As part of the management of Reports, your personal data may, for some of the purposes indicated in point 2, be transferred to countries outside the European Union. Such transfers may occur, for example, through databases shared with or managed by third-party companies involved in the operation of the platform.

These transfers will be carried out exclusively in compliance with Articles 44 et seq. of Regulation (EU) 2016/679 (GDPR), based on adequacy decisions of the European Commission or through the adoption of standard contractual clauses and other appropriate safeguards that ensure the protection of your personal data.

#### **5. Period for which personal data are retained**

The data will be processed in the data controller's archives on paper and in electronic form and will be protected by appropriate security measures for a time no longer than is necessary to achieve the purposes for which they are collected and for the longer time possibly necessary to comply with legal provisions and/or for legal protection purposes, in compliance with ordinary terms. In detail, in line with the provisions of the "*Data Retention*" regulation, your personal data will be retained for 2 years in the event of a negative outcome of the admissibility assessment of the communication, i.e., if the communication is not classified as a disclosure, and 5 years if the communication is classified as a disclosure, starting from the communication of the final outcome of the whistleblowing procedure, except for the cases in which retention for a later period is required for litigation, requests by competent authorities or under applicable law. At the end of the retention period, your personal data will be erased or rendered anonymous.

#### **6. Rights of the data subject**

As a data subject, you are recognised the following rights to personal data collected and processed by the data controller, where applicable and within the limits identified by law and, in particular, by Art. 2(11) of Legislative Decree 196 of 30 June 2003, most recent amendment ("*Privacy Code*").

##### *a. Right of access*



You have the right to obtain from the data controller confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to your personal data and the following information: (i) the purposes of the processing; (ii) the categories of personal data concerned; (iii) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; (iv) where possible, the envisaged period for which the personal data will be stored, or, if not possible,

the criteria used to determine that period; (v) the right to lodge a complaint with a supervisory authority; (vi) where the personal data are not collected from you, any available information as to their source.

It is understood that the confidentiality of the reporting person will be protected to the fullest extent permitted, and that the identity of the reporting person will not be disclosed to you or to third parties (e.g. to the judicial authorities), except where necessary for the purposes of judicial protection, to comply with legal obligations, and always within the limits provided for by the applicable law. It is understood that the confidentiality of the identity of the reporting person cannot be guaranteed in the event of an unlawful disclosure (i.e. a disclosure that the results of the investigation phase reveal to be unfounded on the basis of objective elements, and in respect of which the concrete circumstances ascertained during the investigation lead to believe that it was made in bad faith or with serious negligence).

#### *b. Right of rectification and erasure*

In cases provided for by the applicable legal provisions, you may exercise your right to obtain rectification of inaccurate personal data concerning you without undue delay as well as, taking into account the purposes of the processing, the right to obtain the integration of incomplete personal data, including by providing a supplementary declaration.

You also have the right to obtain the deletion of personal data concerning you if one of the following reasons applies: (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; (ii) the data were unlawfully processed; (iii) you withdrew the consent on which the processing by the data controller is based and where there is no other legal ground for the processing; (iv) you objected to the processing and there are no overriding legitimate grounds for the processing; (v) the personal data need to be cancelled to fulfil a legal obligation.

However, the data controller has the right to reject the request for deletion if the right to freedom of expression and information prevails or for the exercise of a legal obligation, to defend its own right in court or for the legitimate interest of the data controller.

#### *c. Right to limitation of processing*

You have the right to obtain from the Company the limitation of processing in the following cases: (i) for the time necessary for the data controller to verify the accuracy of the data disputed by the data subject; (ii) in case of unlawful processing of personal data; (iii) even if your personal data are not necessary for the purposes of the processing, you need them for the establishment, exercise or defence of a legal claim; (iv) for the time necessary for the verification as to whether the data controller's legitimate reasons prevail over your request to object to the processing.

#### *d. Right to object*

You have the right to object at any time, on grounds relating to your particular situation, to the processing of your personal data in accordance with Art. 6(1)(f) GDPR. This is without prejudice to the possibility for the data controller to continue the processing by demonstrating the existence of compelling legitimate reasons that override your interests, rights and freedoms.

#### *e. Right to lodge a complaint and/or appeal*

You have the right to lodge a complaint with the Data Protection Authority and/or appeal in a court of law. Pursuant



to Art. 2(13) of the Privacy Code, in the event of your death, the aforementioned rights with regard to your personal data may be exercised by the person who has an interest in them or is acting in their capacity as your representative, or for family reasons worthy of protection. You may expressly prohibit the exercise of some of the rights listed above by your successors in title by sending a written declaration to the data controller or to the e-mail address of the Data Protection Officer, where designated. The declaration may be revoked or modified later in the same manner.

The data controller reserves the right to restrict or delay the exercise of these rights, within the limits of the applicable legal provisions, in particular where there is a risk of actual, concrete and not otherwise justified prejudice to the confidentiality of the identity of the reporting person, and where the ability to effectively verify the merits of the disclosure or to gather the necessary evidence may be compromised (see Art. 2(11) and 2(13) of the Privacy Code and Art. 23 of the GDPR).

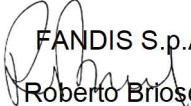
In particular, you can exercise these rights:

- in accordance with the provisions of the law or regulations governing the sector (including Legislative Decree 231/2001 as amended by Law 179/2017, as well as the Whistleblowing Decree);
- may be delayed, limited or excluded by reasoned communication made without delay to the data subject, unless such communication would jeopardise the purpose of the limitation, for such time and to the extent to which this constitutes a necessary and proportionate measure, having regard to the fundamental rights and legitimate interests of the data subject to safeguard the confidentiality of the identity of the reporting person.

You may exercise the rights listed above by writing to the data controller at the e-mail address [privacy@fandis.it](mailto:privacy@fandis.it).

Borgo Ticino, the 11<sup>th</sup> December 2023

The Data Controller

  
FANDIS S.p.A.  
Roberto Brioschi