

Information regarding the processing of personal data -whistleblowing

REGULATORY REFERENCES

- > Article 3 of EU Regulation no. 2016/679 of 27 April 2016 - General Data Protection Regulation ("**GDPR**")
- > Legislative Decree no. 24/2023 - Implementation of EU Directive 2019/1937 of 23 October 2019 relating to the protection of persons who report breaches of EU law and containing provisions for the protection of persons who report breaches of national laws ("**Whistleblowing Decree**")

DATA CONTROLLER

Legance – *Avvocati Associati*, with offices in Via San Nicola da Tolentino no. 67, 00187 Rome, Via Broletto no. 20, 20121 Milan and Aldermary House, 10 -15 Queen Street, EC4N 1TX London, fiscal code and VAT number IT09730271005, e-mail: info@legance.it (jointly, the "**Controller**")

PURPOSE AND LEGAL BASIS OF DATA PROCESSING

The personal data you provide shall only be processed for the following purposes:

- a) receipt, processing and management of reports sent to the Controller in accordance with the Whistleblowing Decree;
- b) to fulfil the obligations set out in the Whistleblowing Decree, in further applicable regulatory provisions and in provisions issued by competent authorities and regulatory and supervisory bodies.

The processing of personal data for the above purposes does not require the specific consent of the data subjects; the legal basis for the processing is in fact the obligation of the Controller to fulfil specific legal requirements (Article 6.1.c of the GDPR).

COMPULSORY OR OPTIONAL DISCLOSURE OF DATA AND CONSEQUENCES OF A REFUSAL TO PROVIDE PERSONAL DATA

The report may be anonymous. However, in this case, it may not be possible for the Controller to take further action on the report or on the related investigation.

Alternatively, if the reporting party provides his or her identification and contact details in the report, this data shall be used by the Controller, or by persons authorised by the latter, for the further handling of the report and only for the purposes specified above.

The Controller shall also process the personal data of the persons reported, i.e. any additional persons mentioned in the report, facilitators and/or other persons involved within the company in the handling of the report.

DATA PROCESSING METHODS

The personal data shall be processed on both paper and digital means, with the use of electronic or automated tools, for the purposes set out above and in compliance with the regulations in force, in particular, with regard to confidentiality and security, and in accordance with the principles related to fairness, lawfulness and transparency set out in the GDPR and reinforced, in this case, by the Whistleblowing Decree.

The data processing shall be carried out by the Controller or by the data processors and/or authorised persons specifically designated in writing; the list of data processors and/or authorised persons may be requested by the data subjects to the Controller.

COMMUNICATION AND DISCLOSURE

The personal data of the data subjects could be communicated to the following recipients, within the limits strictly relevant to the obligations, tasks and purposes referred to above and in compliance with the relevant legislation in force:

1. persons to whom such communication must be made in order to fulfil or to ensure the fulfilment of specific obligations provided for by laws, regulations and/or EU legislation;
2. natural and/or legal persons providing services instrumental to the Controller's activities for the purposes specified above (e.g. consultants, supervisory bodies, board of auditors, auditing companies, lawyers, legal consultants, etc.).
3. the police force, competent authorities (e.g. National Anti-Corruption Authority) and other public administrations, which act as independent data controllers.

Personal data shall not be divulged in any way.

DURATION OF DATA RETENTION

The personal data shall be stored for the entire duration of the handling of the report and for a maximum of 5 years from the closing date of the report. After the expiry of this period, the data shall be deleted or made anonymous.

TRANSFER OF DATA

The personal data shall be stored on servers located within the European Union. However, it is understood that if necessary, the Controller may also move the servers or the data outside the European Union. In this case, the Controller declares as of now the transfer of data outside the EU shall take place in compliance with the applicable legal provisions.

RIGHTS OF THE DATA SUBJECT

The data subjects may exercise their rights in accordance with Article 15 of the GDPR:

1. to obtain confirmation of the existence or otherwise of personal data concerning them, even if not yet recorded, and its communication in a comprehensible form;
2. to obtain information regarding: **a)** the origin of the personal data; **b)** the purposes and methods of its processing; **c)** the logic applied in the case of processing carried out with the aid of electronic means; **d)** the identity of the controller and data processors; **e)** the subjects or categories of subjects to whom the personal data may be communicated or who may become aware of it in their capacity as appointed representative in the State's territory, data processors or persons in charge of processing;
3. to obtain: **a)** the updating, rectification or, when necessary, integration of the data; **b)** the cancellation, transformation into anonymous form or blocking of data processed in breach of the law, including data whose retention is unnecessary for the purposes for which the data were collected or subsequently processed; **c)** certification to the effect that the actions referred to in points a) and b) have been made known, including their content, of those to whom the data has been disclosed, except where this proves impossible or involves a clearly disproportionate effort compared to the right being protected;

4. to object, on legitimate grounds, in whole or in part, to the processing of personal data concerning them, even though they are relevant to the collection purposes. Where applicable, data subjects may also exercise their rights in accordance with Articles 16-21 of the GDPR (right to rectification, right to be forgotten, right to restriction of processing, right to data portability, right to object), as well as the right to complain to the Supervisory Authority (<https://www.garanteprivacy.it/>).

Pursuant to the provisions of paragraph 1, letters e and f, of Article 2-*undecies* of Legislative Decree no. 196/2003 (the "**Privacy Code**"), the data subjects are hereby informed that their rights as defined in Articles 15 to 22 of the GDPR and, in particular the right of access, shall not be exercised by making a request to the Controller, or by lodging a complaint with the Supervisory Authority pursuant to Article 77 of the GDPR, where the exercise of such rights may result in actual and tangible harm to the confidentiality of the individuals concerned making a report, and/or to the carrying out of investigations or the exercise of a right in a court of law. Pursuant to Section 2-*undecies* (3) of the Privacy Code, the exercise of these rights may also be delayed, limited or excluded for as long as this constitutes a necessary and proportionate measure, taking into account the fundamental rights and legitimate interests of the individuals concerned, in order to safeguard the defence interests of the Controller and the confidentiality of the data subjects. In such instances:

- (i) the data subjects shall be informed without delay of this by notification stating the reasons, unless such notification would jeopardise the purpose of the limitation of the exercise of rights;
- (ii) data subjects may exercise their rights through the Supervisory Authority, in the manner set forth in Section 160 of the Privacy Code. In this case, the Guarantor for the Protection of Personal Data shall inform the data subjects that it has carried out all the necessary checks or has conducted a review.

This is without prejudice to the right of the data subjects to lodge a judicial appeal.

In order to exercise the rights specified above, or for questions or information regarding the processing of data and the security measures adopted, data subjects may in any case submit a request to the Controller.