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Whistleblowing Directive
1937/2019 Italian
Legislative Decree no. 24
of 10 March 2023

2024 Update

Whistleblowing privacy policy

LEDERPLAST SPA

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Introduction

This document sets out the privacy policy that the LEDERPLAST SPA organisation provides to all persons affected by whistleblowing, as per EU Directive 2019/1937 and Italian Legislative Decree no. 24 of 10 March 2023

Whistleblowing privacy policy

This policy defines the policies adopted by LEDERPLAST SPA regarding the processing of personal data of natural persons affected by whistleblowing, pursuant to Italian Legislative Decree no. 24 of 10 March 2023 (implementing EU Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Italian and Union law).

This policy is made pursuant to Article 13 and 14 of EU Regulation 2016/679 (also referred to as GDPR or General Data Protection Regulation) and is designed to provide clear and explicit information about the purposes of processing and the technical and organisational choices made to ensure its security.

Introduction

First, the terms used in this policy will be defined.

References to “**we/our**” refer to the **Data Controller**. References to “**you/your**” refer to the **natural person you represent**, whose personal data is processed by us and therefore of interest to privacy legislation.

As you may have guessed, personal data is any information that belongs to you as an individual and that allows you to be identified directly or indirectly (including through a combination of data that apparently does not explicitly relate to you as a natural person). Processing means the operations that the Controller puts in place to transform your data into information and knowledge necessary for the business purposes or legal compliance it intends to pursue.

After you have read the contents of this policy, which we encourage you to read carefully and in full, you will be able to express your consent to the data processing in an informed manner and learn why some data processing may take place even without your consent but, most importantly, you will know what rights you are granted by law and how to exercise them.

Persons to whom the policy is addressed

This policy is of interest to you if you are a natural person who falls under the category of persons eligible to file whistleblowing reports and, specifically:

- **workers** (including those who have atypical, part-time and fixed-term contracts, as well as those who have an agreement or employment relationship with a temporary agency, trainees and volunteers, paid and unpaid);
- **contractors, self-employed workers, freelancers and consultants** performing work at the organisation;
- **shareholders, members of governing bodies, members of supervisory or control bodies, or representatives of the organisation**, even if these functions are exercised on a de facto basis.

This policy is equally of interest to you if you are a natural person who is reported (as a person involved or mentioned) as part of a report made by a third-party natural person (reporting person).

Data Controller

The company LEDERPLAST SPA shall act as the Controller who is responsible for making determinative decisions about your data (how, where, when and why to process it) (Tax Identification No. 00836100016) with **registered and operational office in via Roma 1, 10070 Pessinetto (Turin)**. Mailbox (for privacy matters) privacy@lederplast.com, mailbox (for whistleblowing matters) whistleblowing@lederplast.com.

Policy's purpose

With this policy, the Data Controller provides you with information on the processing of personal data, put in place in the context of reports of breaches of Italian or Union law that harm the interest or integrity of the Data Controller's organisation (known as whistleblowing), pursuant to EU Directive 2019/1937 and to Italian Legislative Decree no. 24 of 10 March 2023 (with special reference to Article 12 "Confidentiality obligation").

Processing purposes

Your personal data is processed for **purposes related to enabling the Data Controller to acquire reports of breaches of Italian and of Union law**, check and ascertain the identity of the reporting person, protecting the confidentiality of the reporting person, verify and ascertain the merits of what is reported, take and undertake the consequent measures and actions to three follow ups on the report, provide the feedback required by Article 5, paragraph 1 (a) to (d) of Italian Legislative Decree no. 24/2023, in the interest of the integrity of the Controller, as provided for in Articles 4 and 13 of Italian Legislative Decree no. 24/2023.

There are no plans to process your personal data any further than those indicated (and for purposes other than those for which the data are originally collected).

Type of personal data subject to processing

As stated above, personal data is any information that identifies or makes you identifiable, and at the same time can provide specific details about your habits, lifestyle, characteristics, health, economic status, interpersonal relationships, and conduct.

On whistleblowing matters, your personal data may be processed differently, depending on the category to which you belong:

- **identifying data** (Article 6 of the GDPR):
that allow you to be directly or indirectly identified, such as information in your documents, information about the electronic tools and services you use, digital information used on the Internet, or information that allows you to be geo-located;
- **special or sensitive data** (Article 9 of the GDPR):
that reveal specific personal characteristics, ethnic origin, political opinions, religious or philosophical beliefs, political party or trade union membership, and health status;
- **legal data** (Article 10 del GDPR):
that reveal the existence of certain judicial measures subject to entry in the specific criminal record, such as criminal convictions and offences.

The personal data you provide with a report or that is present in any instrument and document attached to it may refer to:

- the reporting **natural person**, who submits the report;
- the **natural persons reported, i.e., those involved in the report**, to whom the reporting person ascribes the violation or wrongful conduct;
- the natural persons **however referred to in the report** or whose identity can be inferred;
- the **other persons such as the "facilitator,"** which is a natural person, operating within the same work environment, who assists the reporting person.

Legal bases and criteria for personal data processing to be lawful

We process your data on the basis of principles laid down in the relevant Italian and European law: Regulation (EU)679/2016 on personal data protection, Italian Legislative Decree 196/2003 "Personal Data Protection Code as subsequently amended and supplemented by Italian Legislative Decree no. 101/2018, as well as Italian Data Protection Authority measures. These laws provide "criteria" that render the processing we carry out lawful.

- The processing of **identifying data (Article 6 of the GDPR)**, is based on compliance with a legal obligation to which the controller is subject (Article 6, paragraph 1(c) of the GDPR).
- Processing of **special or sensitive data (Article 9 of the GDPR)** is based on the criterion that there is a need to comply with obligations related to labour law and occupational medicine (Article 9, paragraph 2(b) of the GDPR) and based on the necessity to establish, exercise or defend legal claims in court (Article 9, paragraph 2(f) of the GDPR).
- The processing of **judicial data (Article 10 of the GDPR)** is based on compliance with a legal obligation to which the controller is subject (Art. 6, paragraph 1(c) of the GDPR).

You must also consider the legitimate interests pursued by the Controller that relate, for example, to the management and organisation of business and related processes, including the management of the information system and the secure, digitally encrypted storage of reports.

Criteria and methods of collection and processing

Data collection and processing methods vary depending on the internal reporting channel used by the reporting person.

Personal data may be processed in electronic and/or paper form, as well as through communication, transmission, and archiving procedures, in accordance with the GDPR principles of lawfulness, fairness, transparency, minimisation, accuracy, integrity, adequacy, relevance, and limitation of purposes and storage, with respect to what is necessary to achieve the purposes of processing (Article 5, paragraph 1(a) and (c) of the GDPR) and protecting your rights and freedoms.

All internal reporting channels, established by the controller, ensure the use of appropriate security, organisational and technical measures to protect information from being known, altered, destroyed, lost, stolen or misused or illegitimately used.

Some personal data about you may be acquired from external sources, as a result of investigations carried out to follow up on the report and in response to documentary requests, audits and checks carried out by us, based on the authorisations you give us and, where applicable, the consent you give us.

Some processing operations involve automated means. However, automated processes for "profiling" or "predicting" your behaviour are excluded (Article 22 paragraphs 1 and 4 of the GDPR).

Processing means are never dependent on the use of artificial intelligence systems.

Storage period

We will keep your personal data for the duration necessary to **pursue the purposes for which it was collected (Article 5 of the GDPR), thus for the time strictly necessary for report processing (including the collection and follow-up stages that include the time of any investigation initiated for the assessment of the existence of the reported allegations, in terms of circumstances and conduct, the conduct of investigations and inquiries in the framework of the report and the adoption of any measures) and, in any case, no longer than five years from the date of the communication of the final outcome of the reporting procedure.**

The time required to settle **any disciplinary action resulting from the report and/or any civil and criminal litigation that has arisen as a result of the report may be added to**

these timeframes, as well as the time required to dispose of or discard electronic and paper documentation related to the report.

Personal data collected as part of whistleblowing reports are stored in encrypted form by the Data Controller, the report managers and internal reporting channels appointed by the Data Controller (the sole holders of the decryption keys to the report archives), and any offices of the Entities receiving the report.

This is without prejudice to further storage requirements established by applicable legislation or for the protection of legitimate interests of the Controller, i.e., the person to whom the report refers.

In the event that out-of-scope reports are received (e.g., disputes, claims or requests related to an interest of a personal nature of the reporting person, communications or complaints related to activities of a commercial nature or services to the public), they will be stored for a period not exceeding 12 months after the report is filed.

Data Subject consent

For a large part of the processing activities, falling under the purposes indicated above, it will not be necessary to request your explicit consent, as these are purposes that do not unduly disadvantage your interests, rights or fundamental freedoms and do not produce detrimental effects or significantly affect you.

Should one or more processing activities, falling within the purposes indicated above, require your consent, a specific request will be submitted to you, so that you can express your consent (or lack of consent) to the processing of your personal data, taking care that the manifestation of your will is always unambiguous (i.e., clear and never tacit) free (i.e., in the absence of intimidation, deception, or negative consequences as a result of your failure to consent), specific (i.e., relevant to each purpose pursued), informed (i.e., based on correct and complete knowledge of the premises and consequences), verifiable (i.e., documented and traceable), and revocable at your request.

If your consent is required, there is no obligation to provide us with your personal information or to allow us to process it, but if you fail to do so it may be impossible to process your report correctly and completely, and to provide you with the advice and feedback expected and guarantee you the protections accorded by the law. Likewise, the failure to disclose, or partial or inaccurate disclosure of, your data could constitute, as appropriate, a legitimate and justified reason for considering your report unreliable, unfounded, or inadmissible.

In these cases, your report may be dismissed, unless the Controller's overriding interest in exposing the reported breach prevails, in accordance with the purposes of the law.

However, the provision of data remains optional, with the condition that you may decide to revoke it at any time, without affecting the lawfulness of the processing put in place before the withdrawal.

Data recipients, disclosure and dissemination

We will transfer your data to third parties, outside our organisation, in order to comply with our legal obligations and to achieve our intended business purposes.

Specifically, **your data will be acquired and processed, on behalf of the Controller, by Managers appointed by the Controller**, whose role is envisaged by the whistleblowing laws, who are natural or legal persons, also third parties to the organisation, specifically trained, to whose impartiality and independence the management of the internal reporting channel is entrusted, in order to ensure that the reporting process is properly managed.

The Reporting Managers are persons who meet the autonomy requirements, which, as confirmed by the ANAC guidelines, is to be defined as impartiality and independence, operate within the limits provided for by the law and act on the basis of specific instructions provided by the Data Controller regarding the purposes and methods of Processing.

For report processing needs, Managers are bound by an obligation of confidentiality and professional secrecy that is criminally sanctionable, (including the collection and follow-up stages that include any investigation initiated for the assessment of the existence of the reported facts, in terms of circumstances and conduct, the conduct of investigations and inquiries within the scope of the report and the adoption of any measures, as well as any subsequent disciplinary proceedings against the person reported).

If investigative needs require that other parties should be made aware of the content of the report or the documentation attached to it, the identity of the reporting person will not be disclosed, nor will elements that may, even indirectly, allow the identity of the reporter be revealed.

Where necessary for processing under their autonomous jurisdiction, your data may be communicated to the Judicial Authorities, the Court of Auditors and ANAC within the scope and limits provided for by Legislative Decree no. 24/2023.

Disclosure of data to the parties listed above will take place in the following cases:

- as part of criminal proceedings, the identity of the reporting person is hidden in the manner and to the extent provided for in Article 329 of the Italian Criminal Procedure Code;
- within the framework of proceedings before the Italian Court of Auditors, the identity of the reporting person may not be revealed until the investigation stage is closed;
- within the framework of disciplinary proceedings, the identity of the reporting person may not be disclosed, where the allegation of the disciplinary charge is based on investigations that are separate from and additional to the report, even if they result from it. If the charge is based, in whole or in part, on the report and knowledge of the identity of the reporting person is essential for the defence of the person concerned, the report may be used for disciplinary proceedings only if the reporting person's consent is present.

The circulation of your data may involve additional public entities involved by the reporting person.

All of the persons listed above are autonomous data controllers while the Reporting Managers are designated data controllers on the basis of an agreement specifically entered into with the Data Controller.

Your information will not be used for marketing purposes and is not given or disclosed to third parties for this purpose.

Transfer of data

We do not transfer your data to other third countries outside the European Union or to international organisations, even if they are deemed to have an adequate level of reliability by the European Commission.

Physical processing locations

The physical registered offices where your data is processed and kept are as follows: 1) the Controller's operational registered office; 2) the operational registered office of the Managers in charge of managing the internal reporting channel.

Rights of data subjects

As a data subject, you are granted the following rights:

- **Right of access**

You have the right to obtain confirmation as to whether or not personal data concerning you is being processed with respect to whistleblowing and to know which Managers of the internal whistleblowing channel are processing your data for the purpose of processing a whistleblowing report (unless such information would prejudice the confidentiality of the reporting person's identity). If this is the case, you will be able to have access to your personal data and information regarding collection and processing. You may also request a copy of your personal data, but consider that in case of high repetition of requests, we have the right to

charge you a quantified fee based on our handling costs. You also have the right to know, for specific cases, the legal bases and criteria for lawful processing of your personal data and the possible consequences of non-disclosure.

- **Right to rectification**

You have the right to have your personal data updated and corrected if you believe it is inaccurate and if you are able to prove that it is incorrect, including by providing a supplementary statement.

- **Right to erasure or "right to be forgotten"**

You have the right to have your personal data erased under certain circumstances. If your right were to conflict with legal obligations with which the Controller is required to comply, we may still have to retain the data in question.

- **Right of restriction**

You have the right to have the processing of your personal data restricted under certain circumstances. If your right were to conflict with legal obligations with which the Controller is required to comply, we may still have to retain the data in question.

- **Right to data portability**

You have the right to obtain, under certain circumstances that do not infringe on the rights and freedoms of others, copies of your personal data in a structured, commonly used, machine-readable format for transmission to a new data controller, without hindrance from us. Or, if authorised and technically feasible, we can provide the transfer. **It should be noted that, with regard to whistleblowing, the prerequisites set out in Article 20, paragraph 1 of the GDPR are not present and that, consequently, this right cannot be exercised.**

- **Right to object**

You have the right to object, objecting to the manner and purpose of the processing of personal data about you, at any time. In some circumstances, such as the Controller's need to establish, exercise, or defend a right in court or the overriding interests of the Holder, your request may not be granted. In any case, you always have the right to object to processing for which you have given your explicit consent.

- **Right of revocation**

You have the right to revoke, at any time, your consent to one or more processing operations, without affecting the lawfulness of the processing based on the consent given before revocation. **In the case of acquiring the reporting person's consent to the disclosure of identity in disciplinary proceedings, the reporting person also has the right to revoke that consent at any time, without affecting the lawfulness of the processing, based on the consent, carried out prior to the revocation.**

- **Rights over automated decision-making processes including profiling**

You have the right to obtain confirmation that you are not subjected to decisions based solely on automated processing and, if so, you have the right to obtain information about the logic used and the significance and consequences of the processing.

- Finally, you have the right to **complain to the Privacy Authority** of the country where you live or work or to the supervisory authority of the place where you believe a problem related to your data has arisen (Art. 77 of the GDPR). The Italian Data Protection Supervisor can be reached at the website www.garanteprivacy.it, at the mailbox garante@gpdp.it or at the address [Piazza Venezia 11 - 00186 Rome](https://www.garanteprivacy.it/it/contatti).

Restrictions on the exercise of the data subject's rights

Pursuant to Article 2-undecies of Legislative Decree no. 196/2003 as amended and supplemented (hereinafter referred to as the “New Privacy Code”) and implementing Article 23 of the Regulation, it should be noted that the rights of data subjects to the processing of personal data may not be exercised – for the time and to the extent that this constitutes a necessary and proportionate measure – with a request to the Data Controller by the persons directly involved in the report (reported or mentioned), if the exercise of these rights may result in actual and concrete prejudice to the confidentiality of the identity of the reporting person.

In such cases, the Data Subject is still entitled to appeal to the Data Protection Supervisor, so that the latter may assess whether the conditions for taking action in the manner provided for in Article 160 of Legislative Decree 196/2003.

Specifically, the exercise of the data subject's rights may be delayed, restricted or excluded by reasoned notice given without delay to the data subject, unless the notice would undermine the purpose of the restriction, for such 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 person.

Exercise of rights

To exercise your rights, to find answers to any concerns you may have, to receive further information on how we protect your personal data, or to submit suggestions or provide feedback regarding this Policy, you may send a communication to the Controller:

- **by writing to:**

LEDERPLAST SPA

via Roma 1, 10070 Pessinetto (Turin)

- **By sending an e-mail to:**

whistleblowing@lederplast.com

When you send us a communication to exercise your rights, we need to identify you before proceeding with your request and therefore we may ask you for additional information. In any case, do not send us personal and sensitive information through electronic communication channels unless you are specifically requested to do so.

Updates

We welcome questions and comments about our privacy policy.

We reserve the right to change the privacy documentation from time to time, making continuous improvements and refinements to the contents of this policy.

The contents of this policy, in the most up-to-date version, are published on the website of the Controller's organisation, which we encourage you to consult, especially each time you submit personal data, in order to check whether or not to accept the currently published version.

You will also be able to find additional information on whistleblowing on the Controller's organisation's website that will be useful in exercising your rights and protections under the legislation for your protection and assurance.

We thank you for your attention in reading this policy.