

# IVS GROUP WHISTLEBLOWING POLICY

**Information on the processing of personal data of individuals who report breaches of Union and national law.**

**Document drafted pursuant to Articles 13 and 14 of the EU Regulation 2016/679 and current legislation on the processing of personal data -**

## **1. Scope of application**

This policy, drafted pursuant to Art. 13 and 14 of the EU Regulation 2016/679 (hereinafter the "Regulation") and of the current legislation on the processing and free circulation of personal data, applies in all cases of processing of personal data ("**the Data**") existing as a result of using reporting channels relating to cases of breach of national or European Union regulatory provisions that harm the public interest or the integrity of the public administration or private entity by whistleblower data subjects, of which the whistleblowers themselves have become aware in a public or private employment context.

## **2. Origin and type of data collected**

As a consequence of using the reporting channel referred to in point 1, personal data is collected and processed by external, autonomous and specifically trained personnel. This external party is appointed as Data Processor pursuant to Article 28 GDPR.

The data collected, by way of example, refer to identification data of the whistleblower or other parties, including data belonging to special categories of personal data (Art. 9 GDPR)

Such data (the '**Data**') will be collected and processed directly at the aforementioned third party in a manner that ensures, also by the use of encryption tools, the confidentiality of the identity of the whistleblower, of the party involved and of the party mentioned in the report, as well as of the content of the report and of the relevant documentation.

## **3. Legal basis and methods of data processing**

The Company processes the Data on the basis of the following legal bases:

- a) compliance with mandatory legal requirements;
- (b) the prior and informed consent of the whistleblower.

Data shall be processed by means of the operations or set of operations indicated in Article 4(1)(2) of the Regulation: collection, recording (including audio, if the reporting channel so provides), organisation, structuring, storage, adaptation or modification, consultation, processing, modification, selection, extraction, comparison, use, interconnection, blocking, communication by transmission, dissemination or any other form of provision, restriction, deletion and destruction of the Data.

These operations are carried out both with the aid of electronic or otherwise automated tools and manually and by means of hard copy files.

Data is processed in accordance with the principles of correctness, lawfulness, transparency and protection of the confidentiality and rights of the data subjects, as well as in accordance with the provisions of Articles 9 and 10 of the Regulation, the relevant provisions in force and by adopting appropriate security measures pursuant to Article 32 of the Regulation.

Data processing is carried out by third parties expressly appointed as Data Processors by the Data Controller. If data is processed by third parties acting as autonomous data controllers, they undertake to comply with the provisions of the current data protection provisions and to comply, as far as possible, with this policy.

## **4. Purpose of data processing**

The purpose of data processing is to manage the content of the report as defined by European legislation, i.e:

- a) issue the whistleblower with an acknowledgement of receipt of the report within seven days of its receipt;
- b) maintain communications with the whistleblower and may request additions from the latter if necessary;
- c) diligently follow up on reports received;

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- d) provide acknowledgement of the report within three months of the date of the acknowledgement of receipt or, in the absence of such notice, within three months of the expiry of the seven-day period from the submission of the report;
- e) provide clear information on the reporting channel and its procedures,

### 5. Provision of Data

The provision of the whistleblower's data is compulsory in 'personal reports'. Any refusal to provide data in the 'personal report' means that the data controller cannot follow up the report submitted by the whistleblower. The provision of the whistleblower's data is optional in 'anonymous reports'.

Any refusal to provide Data that are insufficient to meet the purposes set out in point 3 will make it impossible for the Data Controller to meet the aforementioned purposes and to fulfil its legal obligations.

### 6. Data Communication

Collected personal data is mainly communicated to third parties and/or recipients whose activities are necessary to complete activities related to the managing the report, as well as to comply with certain legal obligations.

In particular, transmission may take place to:

- a) Ethics Committee identified by the Data Controller;
- b) the company entrusted with the management of the reporting channel, in its capacity as External Manager pursuant to and for the purposes of Article 28 GDPR;
- c) external consultants (e.g. law firms) that may be involved in the investigation phase of the report;
- d) corporate departments involved in the investigation activity;
- e) person(s) responsible for the department(s) concerned by the report;
- f) organisational positions in charge of investigating the report in cases where their knowledge is indispensable for understanding the facts reported and/or for conducting the relevant investigation and/or processing activities;
- g) institutions and/or Public Authorities, Judicial Authorities, Police Agencies, Investigation Agencies;
- h) supervisory board.

Data will be communicated in a manner that ensures confidentiality obligations, as far as possible.

### 7. Data Transfer

Data, unless necessary for the assessment and investigation phase, will not be transferred to countries outside the European Union, and always in compliance with the provisions of the Regulation.

### 8. Data Dissemination

Data will not be disseminated.

### 9. Rights of the data subject

In accordance with the Regulation, the rights granted to the data subject in relation to the Data are as follows:

- **access:** the data subject shall have the right to obtain confirmation from the data controller as to whether or not personal data relating to him/her are being processed, to obtain access to them and to all the information referred to in Article 15, para. 1, lett. a)-h) and paras. 2 of the Regulation and to request a copy of them;
- **rectification:** if it is believed that the Data is inaccurate or incomplete, the data subject may request that the Data be rectified or amended in accordance with his/her instructions;
- **deletion:** without prejudice to the cases provided for by the applicable legislation, the data subject has the right to request the deletion of data when: (i) the Data are no longer necessary for the purposes for which they were collected and processed; (ii) s/he withdraws consent to the processing; (iii) the

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data subject objects to the processing or to the processing being carried out for other purposes and there are no overriding legitimate grounds for continuing with the processing; (iv) the Data is processed unlawfully; (v) deletion is required by law;

- **restriction:** The data subject may request the restriction of data processing in the cases referred to in Article 18 of the Regulation;
- **opposition:** the data subject has the right to object to the processing of Data in the cases referred to in Article 21 of the Regulation;
- **revocation of consent:** where personal data processing is based on consent, the data subject has the right to withdraw it at any time. Such revocation will prevent the continuation of processing carried out on the legal basis of consent, without affecting the lawfulness of processing carried out up to that point;
- **data portability:** where processing is based on consent, the data subject has the right to receive the Personal Data provided in an organised, commonly used and machine-readable format and, where technically feasible, to the secure transmission of the Data to another data controller.

In order to protect their rights and their Data, data subjects may, at any time, decide to lodge a complaint with the pertinent supervisory authority, i.e. the Privacy Officer, or to file suit at the pertinent national courts.

### 10. Period of Data Retention

The personal data collected shall be retained for a period not exceeding two years, starting from the date of receipt of the Report, as well as for as long as necessary to conduct any proceedings arising from the handling of the Report (disciplinary, criminal, accounting).

### 11. Data controller

The Data Controller is IVS Group with registered office in Via dell'Artigianato 25, 24068 Seriate (BG) VAT no. 03840650166, email: dpo@ivsgroup.it

Best Regards

**IVS Group**