

Whistleblowing

Directive (EU) 2019/1937

(It.) Legislative Decree no. 24
of 10/03/2023

**Privacy information notice with regard to
whistleblowing**

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Introduction

This document sets out the privacy information notice that the E2Pack S.r.l. organisation (hereinafter “E2Pack”) delivers to all subjects to whom the institution of whistleblowing refers, as per Directive (EU) 2019/1937 and (It.) Legislative Decree no. 24 of 10/03/2023.

Privacy information notice with regard to whistleblowing

This information notice defines the policy adopted by E2Pack with regard to the processing of the personal data of individuals referred to by the institution of whistleblowing, pursuant to (It.) Legislative Decree no. 24 of 10/30/2023 (implementing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23/10/2019 on the protection of persons who report breaches of national provisions of Union law).

This information notice is provided in application of Art. 13 and 14 of Regulation (EU) 2016/679 (also known as GDPR or General Data Protection Regulation) and is designed to provide clear and explicit information on the purposes of processing and the technical and organisational choices made to ensure the security of the data.

Foreword

First, it is necessary to clarify the meaning of certain words mentioned in this information notice.

The words “we/our” refer to the Data Controller. The words of “**you/your**” refer to the **natural person you represent**, whose personal data are processed by us and are therefore of interest to the regulatory framework on privacy.

As you can guess, the term “personal data” means all information that belongs to you as an individual and that allows you to be identified directly or indirectly (even through a combination of data that apparently does not explicitly concern you as an individual). The term “processing” means the operations that the Data Controller puts in place to transform your data into information and knowledge necessary for the business purposes or regulatory compliance it intends to pursue.

Once you have read the contents of this information notice, which we invite you to read carefully and in full, you will be able to express your consent to processing in an informed manner and you will learn why some processing can also take place in the absence of your consent, but, above all, you will know what are your rights under the law and how to exercise them.

Addressees of the information notice

This information notice is of interest to you if you are a natural person who falls within the category of persons entitled to submit whistleblowing reports and, in particular:

- **employees** (including those with atypical, part-time, and fixed-term contracts, as well as those with a contract or employment relationship with an employment agency, trainees and volunteers, whether paid or unpaid);
- **collaborators, self-employed workers, freelancers, and consultants** working for the organisation;
- **shareholders, members of management bodies, members of control or supervisory bodies or representatives of the organisation**, even if these functions are exercised on a de facto basis.

This information notice is also 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 Controller who is in charge of making decisions on your data (how, where, when and why to process them) is E2Pack S.r.l. (tax code 04102520048 with registered office in Via Genova 82, 12100 Cuneo, Italy).

Subject of the information notice

With this information notice, the Data Controller provides you with information on the processing of personal data, carried out in the context of reports of violations of national or European Union law that harm the interest or integrity of the Data Controller's organisation (so-called whistleblowing), pursuant to Directive (EU) 2019/1937 and (It.) Legislative Decree no. 24 of 10/03/2023 (with particular reference to Art. 12 "Duty of confidentiality").

Purpose of the processing operations

Your personal data are processed for purposes related to enabling the Data Controller to acquire reports of breaches of provisions of national or Union law, to verify and ascertain the identity of the reporting person, while protecting the confidentiality of the reporting person, to verify and ascertain the merits of the report, to take and undertake the consequent measures and actions following the report, and to provide the feedback envisaged by Art. 5, paragraph 1, letter a) and d) of (It.) Legislative Decree no. 24/2023, in the interest of the integrity of the Controller, as envisaged by articles 4 and 13 of (It.) Legislative Decree no. 24/2023.

No further processing of your personal data is envisaged, other than that indicated (and for purposes other than those for which the data were originally collected).

Type of personal data processed

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

With regard to whistleblowing, your personal data may be processed differently, depending on which category you belong to:

- **identification data** (Art. 6 of the GDPR):
which allow the direct or indirect identification of your person, such as information in your documents, information relating to the electronic tools and services you use, digital information used on the Internet or information making it possible to find your geo-location;
- **special or sensitive data** (Art. 9 of the GDPR):
which reveal specific personal characteristics, such as ethnic origin, religious and political beliefs, membership of parties, trade unions or associations and health status;
- **Judicial data** (Art. 10 of the GDPR):
revealing the existence of certain judicial measures subject to entry in the specific criminal record, such as offences or criminal convictions.

The personal data that you provide with a report or that are present in any acts and documents attached to it may refer to:

- the **natural person** making the report;
- the natural persons reported, i.e. involved in the report, to whom the reporting person ascribes the violation or wrongful conduct;
- natural persons mentioned in the report or whose identity can be inferred;
- other actors such as the "facilitator", i.e. the natural person, operating within the same work context, who assists the reporting person.

Legal bases and criteria for the lawfulness of processing

We process your data on the basis of principles laid down in the relevant Italian and European regulatory framework: Regulation (EU) 679/2016 on the protection of personal data, (It.) Leg. Decree no. 196/2003 “Personal data protection code”, as subsequently amended and supplemented, (It.) Leg. Decree no. 101/2018, as well as the measures of the (It.) Data Protection Authority. The aforementioned regulations provide “criteria” that legitimise our processing.

- The processing of **identification data (Art. 6 of the GDPR)** is based on the criterion of the necessity to fulfil a legal obligation to which the data controller is subject (Art. 6, para. 1, letter c) of the GDPR).
- The processing of **special or sensitive data (Art. 9 of the GDPR)** is based on the criterion of the need to fulfil obligations related to labour law and occupational medicine (Art. 9, para. 2, letter b) of the GDPR) and on the criterion of the necessity to establish, exercise or defend a right in court (Art. 9, para. 2, letter f) of the GDPR).
- The processing of judicial data (Art. 10 of the GDPR) is based on the criterion of the necessity to fulfil a legal obligation to which the data controller is subject (Art. 6, para. 1, letter c) of the GDPR).

You must also take into account the legitimate interests pursued by the Data Controller that relate, for example, to the management and organisation of the company and its processes, including the management of the information system and the secure storage of reports in encrypted digital format.

Criteria and means of collection and processing

The way the data are collected and processed varies depending on the internal reporting channel used by the whistleblower.

The personal data may be processed in electronic and/or paper form, as well as by means of communication, transmission and storage procedures, in compliance with the GDPR principles of lawfulness, fairness, transparency, minimisation, accuracy, integrity, appropriateness, relevance and limitation of purposes and storage, with respect to what is necessary to achieve the processing purposes (Art. 5, para. 1, letter a) and c) of the GDPR) and protecting your rights and freedoms.

All internal reporting channels, set up 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.

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

Some processing operations involve the performance of automated processes. However, automated processes of “profiling” or “prediction” of your behaviour are excluded (Art. 22, paragraphs 1 and 4 of the GDPR).

The processing operations are never subject to the use of artificial intelligence systems.

Retention times

We retain your personal data for the time necessary to **pursue the purposes for which they were collected** (Art. 5 of the GDPR), i.e. for the time strictly necessary to process the report, including the collection and follow-up stages, which include the time of any preliminary investigation undertaken to assess the existence of the facts reported, in terms of circumstances and conduct, the conduct of investigations and assessments within the scope 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.**

To these timeframes may be added **the time required to settle any disciplinary measures resulting from the report** and/or any civil and criminal litigation arising from the report, as well as the **time required to dispose of or discard the electronic and paper documentation** relating to the report.

The personal data collected in the context of whistleblowing reports are stored in encrypted form by the Data Controller, by the managers of the reports and internal reporting channels, appointed by the Data Controller as the sole holders of the decryption keys for the report files), as well as by any offices of the reporting Entities.

This is without prejudice to further retention obligations established by applicable legislation or for the protection of the legitimate interests of the Data Controller or of the person to whom the report refers.

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

Consent of the data subject

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

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 may express your assent (or dissent) to the processing of your personal data, making sure that the manifestation of your will is always unequivocal (i.e. clear and never tacit), free (i.e. in the absence of intimidation, deception, or negative consequences as a result of 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.

In circumstances where your consent is required, you are under no obligation to provide us with your personal data or to allow us to process them, but if you fail to do so it may not be possible to process your report correctly and completely, providing you with the required notices and feedback and guaranteeing you the protections afforded by law. Similarly, partial failure to provide your data or the provision of inaccurate data may constitute, depending on the case, a legitimate and justified reason to consider your report unreliable, unfounded or inadmissible.

In such cases, your report may be archived, unless the Controller's overriding interest in the emergence of the reported breach prevails, in accordance with the purposes of the regulatory framework.

However, the provision of data remains optional, with the consequence that you may decide to revoke it at any time, without prejudice to the lawfulness of the processing carried out before the revocation.

Recipients of the data, disclosure and dissemination

We transfer your data to third parties, outside our organisation, in order to fulfil our obligations under the law and to achieve our business purposes.

In particular, your data are acquired and processed, on behalf of the Data Controller, by Managers appointed by the Data Controller, whose role is envisaged by the whistleblowing legislation, in terms of a natural or legal person, also third party with regard to the organisation, specifically trained, whose impartiality and independence is entrusted with the management of the internal whistleblowing channel, in order to ensure the proper handling of the whistleblowing process.

Report Managers meet the requisites of autonomy which, as confirmed by the ANAC guidelines, is to be interpreted as impartiality and independence, they operate within the limits provided for by law and act on the basis of specific instructions provided by the Data Controller regarding the purposes and methods of processing.

The Managers are bound by an obligation of confidentiality and professional secrecy, which is punishable under criminal law, for the purposes of processing the report (including the collection and follow-up

stages, which include any preliminary investigation initiated to assess the existence of the facts reported, in terms of circumstances and conduct, the conduct of investigations and assessments within the scope of the report and the adoption of any measures, as well as any subsequent disciplinary proceedings against the person reported).

Should investigative requirements require other persons to be made aware of the content of the report or of the documents annexed thereto, the identity of the reporting person will not be disclosed, nor will any elements that might, even indirectly, enable the identification of the reporting person be revealed.

Your data may be disclosed, where necessary for processing within their independent competence, to the Judicial Authority, the Court of Auditors and the ANAC within the scope and limits provided for by (It.) Legislative Decree no. 24/2023.

The disclosure of the data to the above-mentioned parties takes place in the following cases:

- in criminal proceedings, the identity of the reporting person is covered in the manner and to the extent provided for in Art. 329 of the (It.) Code of Criminal Procedure;
- in proceedings before the Court of Auditors, the identity of the reporting cannot be disclosed until the investigation stage is closed;
- within the framework of disciplinary proceedings, the identity of the whistleblower may not be disclosed, where the disciplinary charge is based on investigations that are separate from and additional to the report, even if consequent to it. If the charge is based, in whole or in part, on the report and knowledge of the whistleblower's identity is indispensable for the defence of the person concerned, the report will be usable for the purposes of disciplinary proceedings only if the reporting person gives his or her consent.

The circulation of your data may concern other public Bodies involved by the whistleblower.

All the subjects listed above are autonomous data controllers, whereas the Managers of the reports are data processors appointed on the basis of an agreement specifically concluded with the Data Controller.

Your data is not used for marketing purposes and is not passed on or disclosed to third parties for this purpose.

Transfer of the data

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

Physical processing sites

The physical locations where we process and store your data are as follows: 1) the operational headquarters of the Data Controller; 2) the operational headquarters of the Managers of the internal reporting channel.

Rights of the data subject

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 are being processed in connection with 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 jeopardise the confidentiality of the whistleblower's identity). If this is the case, you will have access to your personal data and information on their collection and processing. You can also request a copy of your personal data, but please note that, in the event of repeated requests, we are entitled to charge you a 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 of rectification**
You have the right to have your data updated and corrected if you believe them to be inaccurate and if you are able to prove their incorrectness, including by providing a supplementary declaration.
- **Right to erasure or “right to be forgotten”**
You have the right to have your personal data erased under certain circumstances. Should your right conflict with legal obligations with which the Controller is obliged to comply, we may still have to retain the data in question.
- **Right of restriction**
You have the right to obtain, under certain circumstances, the restriction of the processing of your personal data. Should your right conflict with legal obligations with which the Controller is obliged to comply, we may still have to retain the data in question.
- **Right to data portability**
You have the right to obtain, in certain circumstances, which do not infringe the rights and freedoms of others, a copy of your personal data in a structured, commonly used and machine-readable format, for transmission to a new controller, without hindrance from us. Or, if authorised and technically feasible, we can take steps to execute the transfer. It should be noted that, in the area of whistleblowing, the prerequisites set out in Art. 20, para. 1 of the GDPR are not met and that, consequently, this right cannot be exercised.
- **Right of objection**
You have the right to object to the manner and purpose of the processing of your personal data at any time. In certain circumstances, such as the Controller’s need to establish, exercise or defend a right in court or the overriding interests of the Controller, 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 your consent to one or more processing operations at any time, without affecting the lawfulness of the processing based on the consent given before revocation. In the case the whistleblower’s consent to disclose his or her identity in disciplinary proceedings has been obtained, the reporting person also has the right to revoke such consent at any time, without prejudice to the lawfulness of the processing, based on consent, carried out prior to the revocation.
- **Rights on automated decision-making processes, including profiling**
You have the right to obtain confirmation that you are not subject to decisions based solely on automated processing and, if so, you have the right to obtain information on the logic used and on the significance and consequences of the processing.

Lastly, you have the right to lodge a complaint with the Data Protection Authority of the country where you live or work, or with the supervisory authority of the place where you believe a problem relating to your data has arisen (Art. 77 of the GDPR). The Italian Data Protection Authority can be reached at www.garanteprivacy.it, at the e-mail address garante@gpdp.it or at Piazza Venezia 11 - 00186 Rome.

Limitations to the exercise of the data subject’s rights

Pursuant to Article 2-undecies of (It.) Legislative Decree no. 196/2003 as amended and supplemented (hereinafter the “New Privacy Code”) and in implementation of Article 23 of the Regulation, notice is hereby given that the rights of data subjects to the processing of personal data may not be exercised - for as long and to the extent that this constitutes a necessary and proportionate measure - by request to the Controller by the persons directly involved in the report (reported or mentioned), if the exercise of such rights could actually and concretely prejudice the confidentiality of the whistleblower’s identity.

In such cases, the data subject may nevertheless refer the matter to the Supervisory Authority, so that the latter may assess whether the prerequisites are met to act in the manner provided for in Article 160 of (It.) Legislative Decree no. 196/2003.

In particular, 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 such notice would undermine the purpose of the restriction, for such time and to the extent that this constitutes a necessary and proportionate measure, having regard to 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 the rights

In order to exercise your rights, to find answers to any questions you may have, to receive further information on how we protect your personal data or to submit suggestions or provide feedback on this Information Notice, you may send a communication to the Controller:

- By writing to:
E2Pack S.r.l.
Via Genova, 82 12100 Cuneo (Italy)
- By sending an e-mail to:
dpo@E2Pack.com

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

Update

We welcome questions and comments on our privacy management policy.

We reserve the right to amend the privacy documentation from time to time, continuously improving and finetuning the contents of this information notice.

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

You can also find additional information on whistleblowing on the website of the Controller's organisation, which is useful for exercising your rights and the measures adopted by the legislation to protect you.

We thank you for your attention in reading this information notice.