

## Information note on the processing of personal data - Whistleblowing pursuant to art. 13 of EU Reg. 2016/679 GDPR

In compliance with the provisions of EU Reg. 2016/679 (European Regulation for the protection of personal data) and of Leg. Decree 196/2003, as modified by Leg. Decree 101/2018, by means of this information note, **CMSA Società Cooperativa Muratori Sterratori ed Affini**. – in the capacity as Data Controller – wishes to inform you that the data collected within the scope of the so-called whistleblowing report made by users who visit the CMSA website, shall be processed by the Data Controller according to the following modes and purposes:

### 1. DATA CONTROLLER

According to art. 4 and art. 24 of EU Reg. 2016/679, the Data Controller is **CMSA Società Cooperativa Muratori Sterratori ed Affini**. with registered office in Via Ludovico Ariosto, 3, 51016 Montecatini Terme (PT), Tax Code/Vat No. 00091740472.

The Data Controller can be contacted at the following email address: [privacy@cmsa.it](mailto:privacy@cmsa.it).

The Data Controller has also appointed a Data Protection Officer (DPO) who can be contacted at the following e-mail address [dpo@cmsa.it](mailto:dpo@cmsa.it) for any issue arising out of the processing of your personal data.

The list of appointed persons and those authorized to process personal data is kept at the Data Controller's headquarters, where the system administrator is present.

### 2. TYPE OF DATA PROCESSED AND COLLECTED

The Data Controller processes the following personal data (hereafter: "Data" or "Personal Data") provided by you through the online communication platform (hereafter: "Platform") managed by **EQS Group Srl (based in Corso Vercelli 40, 20145 Milan, Italy)** as a user of said Platform when filling out the guided reporting procedure (hereafter: "Data Subjects"):

- Identification data: personal data including, for example, name, surname, e-mail address and telephone number, as well as any additional personal data (possibly stated in the reports) provided by you when filling out the "**Data**" section.
- Personal data in the detailed description section: personal data such as, for example, name, surname, e-mail address and telephone number, as well as any additional personal data (possibly stated in the reports) provided by you in the "**Detailed description**" section.

### 3. LEGAL BASIS, LEGALITY AND PURPOSE OF DATA PROCESSING

We hereby inform you that the personal data acquired shall be processed in compliance with the principles of lawfulness - pursuant to art. 6 EU Reg. 2016/679 - within the limits and to the extent strictly necessary to fulfil the following purposes:

- a) fulfilment of the obligations pursuant to art. 6, par. 2-bis of Leg. Decree 231/01
- b) management of the whistleblower report made pursuant to Leg. Decree n. 24/2023 and adoption of necessary measures, of so required;
- c) repression or prevention of illicit behaviour as well as protection of the Data Controller's rights and legitimate interests, including in court.
- The legal basis of data processing consists:
  - for the purposes referred to in letters a) and b), in the fulfilment of a legal obligation to which the Data Controller is subject, pursuant to art. 6, 1st par. letter. c) of EU Reg. 2016/679;
  - for the purposes referred to in point b), with specific reference to the disclosure of the whistleblower's identity and the conservation - for documentation purposes - of whistleblower reports recorded by telephone or via voice messaging systems or in any case, via oral communication, in the whistleblower's consent, pursuant to art. 6, 1st par. letter a) of EU Reg. 2016/679;

- - for the purposes referred to in letter c), in the legitimate interest of the Data Controller, pursuant to art. 6, 1st par. letter f) of EU Reg. 2016/679

#### **4. PERSONAL DATA RECIPIENTS OR CATEGORIES OF RECIPIENTS**

Personal Data may also be disclosed, at their request and for the aforementioned purposes, to consultants, lawyers and professional firms that provide legal assistance to the Data Controller, as well as to competent public authorities (e.g. ANAC - National Anti-Corruption Authority - and judicial authorities) who process said data in the capacity as independent data controllers.

Pursuant to the applicable legislation, the identity of the whistleblower will be disclosed only when this represents a legal obligation, for example, within the scope of the investigations carried out by the competent authorities or in the event of legal proceedings, also for the purpose of safeguarding the reported person's rights of defence.

#### **5. TRANSFER OF PERSONAL DATA TO A THIRD COUNTRY AND/OR AN INTERNATIONAL ORGANIZATION**

The collected data shall not be transferred to a third country and/or an international organization.

Personal data shall be stored for the aforementioned at data centres located in Germany.

#### **6. DATA RETENTION PERIOD OR CRITERIA USED TO DETERMINE SUCH PERIOD**

Data processing shall be carried out using IT or manual methods and tools aimed at ensuring the utmost security and confidentiality of personal data, by persons specifically authorized for such purpose. In compliance with the provisions of art. 5 of EU Reg. 2016/679 and the principle of data minimization, and pursuant to art. 14 of Leg. Decree 24/2023, data collected through whistleblower reports and the relative documentation shall be kept for the time necessary to process said report and in any case no later than five years from the date of communication of the final outcome of the whistleblowing procedure, in compliance with the confidentiality obligations required by law.

#### **7. DATA SUBJECT'S RIGHTS AND MODES FOR EXERCISING SUCH RIGHTS**

In your capacity as data subject, if the limitations provided by law do not apply, you may assert your rights pursuant to Chapter III (articles 15-22) of EU Reg. 2016/679 by contacting the Data Controller at the following e-mail address: [privacy@cmsa.it](mailto:privacy@cmsa.it) or by registered letter with acknowledgment of receipt - c/o the address of the company's registered office - or by printed documentation.

More specifically, pursuant to EU Reg. 2016/679, you have the right to:

- access;
- rectify;
- cancel;
- revoke consent;
- limit data processing;
- object to data processing;
- data portability.

You are entitled to the aforementioned rights without any particular charges or formalities for the exercise of the same, which is essentially understood to be free of charge.

Without prejudice to any other administrative or judicial action, the data subject may submit a complaint to the Supervisory Authority in accordance with the provisions of EU Regulation 2016/679 and the Privacy Code, as amended by Leg. Decree 101/2018.

It is specified that, pursuant to article 13, 3<sup>rd</sup> par. of Leg. Decree 24/2023 and art. 2-undecies of Leg. Decree n. 196/2003 and subsequent amendments, the aforementioned rights cannot be exercised by some interested parties involved in the report (reported persons and/or other persons involved in the report), if the exercise of such rights could result in the actual and concrete prejudice to the confidentiality of the whistleblower's identity.

## **8. DATA PROCESSING MODES**

Personal data is processed both in paper and computerized form according to the logics related to the purposes stated above and, in any case, in such a way as to guarantee the security and confidentiality of personal data, by means of the following activities: collection, registration, organization, preservation, consultation, processing, modification, selection, extraction, comparison, use, interconnection, communication block, erasure and destruction of data. The Data Controller has also put in place adequate technical and organizational security measures to minimize both the risk of destruction and loss (even accidental) of Personal data and any unauthorized access/use or uses that are incompatible with the initial purpose of data collection.

The personal data provided by you will be recorded, processed, managed, and archived in paper form and/or with the aid of electronic IT tools and in any case, in such a way as to guarantee their security and confidentiality.

The whistleblowing management system ensures, at every stage, the confidentiality of the identity of the whistleblower as well as that of the people involved and/or otherwise mentioned in the Report, and the content of the Report itself (and relative documentation), without prejudice to the provisions of art. 12 of Leg. Decree n. 24/2023.

## **9. PROVISION OF PERSONAL DATA**

The provision of Personal data for the above purposes is free and optional. Failing that, no consequences other than the impossibility of following up on the report shall arise therefrom. In any case, unless you opt to provide your personal data to the Data Controller, you can make the so-called whistleblowing report anonymously.

## **10. ACCESS TO PERSONAL DATA**

Personal Data may be accessed for the aforementioned purposes by personnel of the Data Controller duly authorized to process personal data and in charge of managing the report, that is, the Compliance Function, the members of the Supervisory Body and the Compliance Manager.

The supplier of the Integrity Platform, responsible for the maintenance activities carried out on said Platform, does not access Personal Data.

## **11. DISSEMINATION OF PERSONAL DATA**

In no case and on no account shall the personal data collected be disseminated to third parties lacking authorization by the Data Controller and may only be disclosed at the request of Judicial or Financial authorities, ANAC (National Anti-Corruption Authority) or Data Protection Authority, as well as to any other subject to whom disclosure thereof is mandatory by law for the fulfilment of the aforementioned purposes.