

## PRIVACY STATEMENT PURSUANT TO ARTICLE 13 OF EU REGULATION 2016/679

### For "reporting persons" and possible "facilitators" within the meaning of Legislative Decree no. 24 of 2023 (implementing the so-called "Whistleblowing Directive")

*'Concerning the protection of persons who report breaches of Union law and on provisions concerning the protection of persons who report breaches of national laws'.*

Data protection is a very serious matter for us, so we hereby wish to inform you about the way in which your data is processed and the rights you can exercise under the current data protection legislation, in particular EU Regulation 2016/679 (hereinafter also: "GDPR").

#### 1. Data controller

**DEMM srl** (hereinafter also the 'Holder' or the 'Company')

Head Office: Alto Reno Terme (Bo) Via Mazzini 230

Telephone contact details: (+39) 0534 20111

E-mail contact details: [info@demm.it](mailto:info@demm.it)

#### 2. The categories of data that are processed

The categories of 'personal data' (ex. Art. 4.1 of the GDPR) processed by the Data Controller may include, but are not limited to:

- personal and identifying data (name, date of birth, place of birth, nationality, tax code, VAT number, occupation/occupation, etc.);
- contact details (address, e-mail address, telephone number and similar data);
- image and/or audio data resulting from the manner in which the alert was made;
- information acquired as a result of the report, including, by way of example but not limited to, information on the work and/or professional activity carried out, work or professional relationships, even indirect, with the reported person or the persons involved, circumstances and reasons why the Data Subject has become aware of the suspected breaches of regulatory obligations;
- any special data relating to the reporting of certain types of offences or violations, if the data subject suffers such offences or is a victim of such offences (by way of example but not limited to: data relating to health in the case of reporting offences and other offences related to accidents at work, if the data subject is the victim of the accident);
- with reference to the 'facilitator', the processing will concern exclusively identification, personal and contact data, as well as data relating to the relations with the reporter, with reference to working relations, and data relating to the assistance provided to the latter.

#### 3. Lawfulness and purpose of processing

Personal data is processed in accordance with the provisions of the General Data Protection Regulation (GDPR) and any other applicable data protection legislation. Details are provided below:

##### 3.1 Purposes aimed at fulfilling a legal obligation (ex Art. 6(1)(c) GDPR)

- a. fulfilment of obligations provided for by Laws, Regulations and Community Legislation, with particular reference to those provided for by Legislative Decree no. 24 of 2023 and, more generally, on the protection of persons, who report violations of Union law and national regulations (so-called "Whistleblowing" legislation).

The retention period of personal data for the purposes of this section is:

For the purpose: a., for as long as necessary to process the alert and in any case no longer than 5 years from the date of the communication of the final outcome of the alert procedure.

These time periods may be extended in the event of litigation, investigations by public or judicial authorities, and any special legal provisions.

#### 4. Recipients or categories of recipients of personal data (pursuant to Article 13(1)(e) of the GDPR) \*

Within the scope of the above-mentioned purposes, the data controller may communicate your data to:

- offices and internal functions of the Data Controller itself, specifically entrusted with the management of the report, as well as, in relation to and limited to the reporting person, any offices involved for the purpose of taking appropriate disciplinary measures against the reporting person, subject to the prior and free consent of the reporting person;
- any external parties entrusted with the management of the reporting channel;
- companies and professionals providing IT services, including, for instance, software and cloud management;
- in relation to the Whistleblower, any law firm, if the follow-up to the report involves legal proceedings, in the context of which it would be necessary to disclose the identity of the Whistleblower;
- with regard to the Whistleblower, the persons involved, within the framework of disciplinary or reporting proceedings, should it be indispensable, respectively, for the defence of the accused or of the person involved, subject, in the latter case, to the express and free consent of the Data Subject;
- judicial authorities and/or public supervisory authorities;

- other public administrations and public authorities.

*\* More information on the Recipients (ex art. 4.9 of the GDPR) is available from the Data Controller at the above-mentioned addresses.*

## **5. Recipients or categories of recipients of personal data (ex art. 13 paragraph 1 (f) GDPR) \* and transfer of data to non-EU countries**

The Data Controller informs you that it has no intention of transferring your data to countries outside the EU and the EEA for the above-mentioned purposes.

## **6. Rights of the Data Subject (pursuant to Art. 13(2)(b) of the GDPR)**

The data subject may assert the following rights:

- the data subject's right of access [Art. 15 of the EU Regulation] (the possibility to be informed about the processing operations carried out on one's Personal Data and, if necessary, to receive a copy thereof), within the limits provided for by the EU Regulation, including those set out below;
- Right to rectification of one's Personal Data [Art. 16 of the EU Regulation] (the Data Subject has the right to rectification of inaccurate personal data concerning him/her);
- the right to the deletion of one's own Personal Data without undue delay ('right to be forgotten') [Art. 17 of the EU Regulation] (the Data Subject has, as he or she will have, the right to the deletion of his or her own data);
- the right to limitation of the processing of one's Personal Data in the cases provided for in Article 18 of the EU Regulation, including in the case of unlawful processing or contestation of the accuracy of Personal Data by the Data Subject [Article 18 of the EU Regulation];
- right to data portability [Art. 20 of the EU Regulation], the Data Subject may request his or her Personal Data in a structured format in order to transmit it to another data controller, in the cases provided for in that Article;
- the right to object to the processing of one's own Personal Data [Art. 21 of the EU Regulation] (the Data Subject has, as he or she will have, the right to object to the processing of his or her own Personal Data);
- right not to be subjected to automated decision-making processes, [Art. 22 of the EU Regulation] (the Data Subject has, as will have, the right not to be subjected to a decision based solely on automated processing).

Further information on the rights of the data subject may be obtained by requesting the full extract of the above-mentioned articles from the Controller.

Regarding the purposes for which consent is required, the data subject may revoke his or her consent at any time and the effects shall run from the time of revocation, subject to the time limits provided for by law. In general terms, revocation of consent has effect only for the future.

The above-mentioned rights may be exercised in accordance with the Regulation by sending, also, an e-mail to the following address: [info@demm.it](mailto:info@demm.it), specifying that the data subject may exercise the right of access, as provided for in Article 15, limited to his/her own personal data and excluding, therefore, personal data relating to the reported persons or the persons involved, without prejudice to the provisions on the obligation to reply to the report, pursuant to the above-mentioned legislative decree, containing the communication on the follow-up to the report.

In accordance with Article 19 of the EU Regulation, the Controller shall inform the recipients to whom the personal data have been disclosed of any rectification, erasure or restriction of processing required, where possible.

In order to allow a quicker response to your requests made in the exercise of the aforementioned rights, they may be addressed to the Data Controller by addressing them to the addresses indicated in point 1.

## **7. Right to lodge a complaint (ex Art. 13(2)(d) GDPR)**

If the data subject considers that his or her rights have been compromised, he or she has the right to lodge a complaint with the Italian Data Protection Authority, in accordance with the procedures indicated by the Authority itself at the following address: <http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/4535524> or by sending written notice to the Italian Data Protection Authority.

## **8. Possible consequence of non-disclosure of data and nature of the provision of data (pursuant to Article 13(2)(e) of the GDPR)**

### **8.1 When fulfilling legal or contractual obligations**

Please note that if the processing purposes have a legal or contractual (or even pre-contractual) obligation as a legal basis, the data subject must necessarily provide the requested data. Failure to do so will make it impossible for the Controller to pursue the specific processing purposes.

When the data are no longer needed, they are routinely deleted; if deletion is impossible or only possible with disproportionate effort due to a particular storage method, the data may not be processed and must be stored in inaccessible areas.

**9. Existence of automated decision-making (including profiling)**

The use of purely automated decision-making processes as detailed in Article 22 of the GDPR is currently excluded. If, in the future, it is decided to establish such processes for individual cases, the Data Subject will be notified separately if this is required by law or updated in this Policy.

**10. Treatment modalities**

Personal data will be processed in paper, computerised and telematic form and entered in the relevant databases (customers, users, etc.). The personal data will be processed in paper, computer and telematic form and included in the relevant databases (customers, users, etc.), which may be accessed, and therefore become known, by the employees expressly designated by the Data Controller as Persons in charge of and authorised to process personal data, who may carry out consultation, use, processing, comparison and any other appropriate operation, including automated operations, in compliance with the provisions of the law necessary to guarantee, among other things, the confidentiality and security of the data as well as their accuracy, updating and relevance to the stated purposes.

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