

INFORMATION ON THE PROCESSING OF PERSONAL DATA PURSUANT TO ARTICLES 13 AND 14 OF REGULATION (EU) 2016/679 IN RELATION TO “WHISTLEBLOWING” REPORTS

This information is provided by the company Nimax S.p.a. with respect to the processing of personal data of interested parties (intended as interested parties are the reporting party, the reported party and any other natural person involved in the report) in the context of the management of reports of alleged illicit conduct of which it has become aware by virtue of its employment, service or supply/consultancy relationship with the Data Controller (so-called whistleblowing reports, hereinafter only “Reports”), received through the channels provided for by the Whistleblowing Procedure adopted by the Company (“Procedure”).

1. Data Controller and Data Protection Officer

Nimax S.p.a., Via dell’Arcoveggio 59/2, Bologna (hereinafter “Nimax” or the “Data Controller”), reachable at the email address: privacy@nimax.it.

The Data Controller is available for all matters relating to the processing of your personal data and the exercise of the rights deriving from the data protection legislation and can be contacted, in addition to the physical address at the registered office, also by email at the address: privacy@nimax.it

2. Type of data processed

The personal data collected and processed by the Data Controller in the context of receiving and managing the Reports received through the channels provided for by the Whistleblowing Procedure adopted by the Company are those contained in the Report as well as those acquired during the related investigative activities. Such data may belong to the following categories:

- common personal data (e.g. the personal details of the person making the report, with an indication of their qualification or professional position; a clear and complete description of the facts being reported and the ways in which they were discovered; the date and place where the fact occurred; the name and role – qualification, professional position or service in which the activity is carried out – which allow the identification of the person/persons who carried out the reported facts; the indication of the names and roles of any other persons who may report on the facts being reported; information relating to any documents which may confirm the validity of the reported facts; the progress of your report and any other information contained in the reports relating to the reporting person, the persons reported and any other third parties involved in accordance with the company procedure (hereinafter, collectively, “interested parties”).
- personal data belonging to the so-called “special” categories pursuant to art. 9, par. 1 of the Regulation (“racial and ethnic origin, religious, philosophical or other beliefs, political opinions, membership of parties, trade unions, associations or organizations of a religious, philosophical, political or trade union nature, as well as personal data disclosing the state of health and sexual life”) attributable to the interested parties possibly provided by the reporting party.
- data relating to criminal convictions and crimes or related security measures contained and/or emerging in the context of the report pursuant to art. 10 of the Regulation.

All the personal data indicated above will be jointly defined hereinafter as “personal data”.

It is also specified that, in compliance with applicable laws, the Data Controller may process personal data, including data attributable to third parties, which are already available to the Data Controller.

3. Purpose of processing, legal basis and nature of the provision

The personal data provided to report alleged unlawful conduct of which you have become aware by virtue of your employment, service or supply/consultancy relationship with the Data Controller, in accordance with the provisions of the Procedure adopted, will be collected and processed by the Data Controller to allow the Company's Report Manager to carry out its functions in accordance with the Procedure and carry out the necessary investigative and instrumental activities to verify the validity of the fact that is the subject of the Report and, if applicable, the adoption of the consequent corrective measures and take appropriate disciplinary and/or judicial action against those responsible for the unlawful conduct (“Purpose of managing the Report”).

The legal basis for the processing of the above data is to be identified:

- for common personal data, processing for the above purpose is necessary to fulfill a legal obligation to which the Data Controller is subject, pursuant to art. 6, par. 1, lett. c) of the Regulation, taking into account Legislative Decree no. 24 of 10 March 2023, implementing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting breaches of Union law and laying down provisions on the protection of persons reporting breaches of national legislation;
- for personal data belonging to the so-called “special” categories, such processing is legitimate pursuant to art. 9, paragraph 2, letter b) of the Regulation. In any case, the reporting person is invited not to provide personal data belonging to the so-called “special” categories pursuant to art. 9, paragraph 1 of the Regulation where this is not strictly necessary.

Any processing of personal data relating to potential crimes or convictions that are the subject of the report is carried out in accordance with the provisions of art. 10 of the GDPR as authorized by specific regulations on whistleblowing, as well as for the protection or defense of rights in court [see art. 2-octies co. 3 lett. e) of Legislative Decree no. 196/2003 – so-called “Privacy Code”].

The provision of personal data for this purpose – with the exception of references to the name and surname, since the possibility of making anonymous reports is provided where adequately detailed and based on precise and consistent factual elements (and not of generic or confusing content), so as to allow for the evaluation and investigation of the case – is mandatory, therefore in the event of failure to provide the same, it will not be possible to take charge of and manage the Report. In the event that the reporter still wishes to proceed with an anonymous report, the latter will be managed exclusively.

Once provided, your personal data may also be processed to:

- fulfill any other obligations established by law, regulations and European legislation as well as by provisions issued by judicial authorities in the exercise of their functions on the basis of art. 6, par. 1, letter c) of the Regulation and, with regard to personal data belonging to special categories, 9, par. 2, letter g) of the Regulation (“Compliance purposes”);
- to satisfy any defensive needs on the basis of art. 6, par. 1, letter f) and 9, par. 2, letter f) of the Regulation (“Defensive purposes”).

4. Recipients of personal data

The personal data contained in the Reports received by the Data Controller will not be communicated to third parties or disseminated, except within the limits of what is provided for by national and European Union law

and in accordance with the procedure adopted by the Data Controller; in particular, your data may be shared, in compliance with the provisions of the legislation on the processing of personal data, with the following subjects:

- specifically identified personnel, authorized to process personal data and duly trained pursuant to Articles 29 of the Regulation and 2-quaterdecies of Legislative Decree 196/2003 (“Privacy Code”) as well as the Code of Ethics;
- subjects external to the Data Controller’s corporate reality who act as data controllers pursuant to Article 28 of the Regulation;
- public and/or private bodies and authorities, acting as independent controllers, to whom it is mandatory to communicate personal data pursuant to provisions of law or orders of the authorities, in particular in relation to investigative activities relating to reported facts on which the existence of ongoing investigations by public authorities is known.

The complete and updated list of data recipients may be requested from the Data Controller, at the contact details indicated above.

In any case, the utmost confidentiality of your identity, as the reporting party, will be guaranteed, in accordance with company procedures. In particular, in the event of transmission of the report to other structures/bodies/third parties for the performance of investigative activities, priority will be given to forwarding only the content of the report, removing all references from which it is possible to trace, even indirectly, the identity of the reporting party. If, for investigative purposes, it is necessary to disclose the identity of the reporting party to parties other than those authorised to receive and follow up on reports, the consent of the reporting party to reveal his/her identity will be expressly requested.

In the context of disciplinary proceedings, the identity of the whistleblower will not be revealed in all cases in which the challenge of the disciplinary charge is based on investigations that are separate and additional to the report, even if consequent to the same, while it may be revealed where three conditions concur, namely (a) that the challenge is based, in whole or in part, on the report, (b) that knowledge of the identity of the whistleblower is essential for the defense of the accused and that (c) the whistleblower has given specific consent to the disclosure of his or her identity.

5. Methods of processing

The data will be processed mainly with computerized tools, with organizational and processing logics strictly related to the purposes indicated above and in any case in such a way as to guarantee the security, integrity and confidentiality of the data in compliance with the organizational, physical and logical measures provided for by the provisions in force. The channels dedicated and used for sending Reports pursuant to the internal procedure adopted by the Data Controller offer a high guarantee of confidentiality of the information through the use of encryption technologies of the data that transit on the servers. The Data Controller implements appropriate measures to ensure that the data provided is processed adequately and in accordance with the purposes for which it is managed; the Data Controller uses appropriate security, organizational, technical and physical measures to protect the information from alteration, destruction, loss, theft or improper or illegitimate use. Personal data that are clearly not useful for processing a specific Report are not collected or, if collected accidentally, are promptly deleted.

6. Period of retention of personal data

Personal data will be retained only for the time strictly necessary for the purposes for which they are collected, respecting the principle of minimization and the principle of limitation of storage pursuant to art. 5, par. 1, letters c) and e) of the Regulation.

In particular, the personal data contained in the Report and in the related accompanying documentation are retained in a form that allows the identification of the interested parties for the time necessary for the processing of the specific Report and in any case no longer than five (5) years from the date of communication of the final outcome of the reporting procedure. The Data Controller reserves the right, however, to retain the aforementioned personal data also for the entire time necessary for the fulfillment of regulatory obligations and to satisfy any defensive needs. It is understood that in the event that a judgment is instituted, the terms indicated above may be extended until the conclusion of the judgment itself and the consequent limitation periods of rights. After the times indicated above, the reports and any accompanying documentation will be deleted and/or anonymized.

Further information is available from the Owner at the contact details above.

7. Transfer of personal data outside the EU

We also inform you that your personal data will be processed by the Data Controller within the territory of the European Union. If for technical and/or operational reasons it becomes necessary to use entities located outside the European Union or it becomes necessary to transfer some of the data collected to technical systems and services managed in the cloud and located outside the European Union area, the processing will be regulated in accordance with the provisions of Chapter V of the Regulation and authorized on the basis of specific decisions of the European Union. The Data Controller ensures that the processing of your personal data by these recipients takes place in compliance with the GDPR. In particular, the transfers will be based on an adequacy decision of the European Commission, or on the adherence of the recipient of the data to certification mechanisms for the transfer of data (e.g. Data Privacy Framework) or on the Standard Contractual Clauses approved by the European Commission or on another suitable legal basis, in compliance with the recommendations 01/2020 adopted on 10 November 2020 by the European Data Protection Board.

It is possible to have more information, upon request, from the Data Controller at the contacts indicated above.

8. Your privacy rights

You have the right to access the data concerning you at any time, pursuant to Articles 15-22 of the Regulation. In particular, you may request rectification, erasure, limitation of data processing in the cases provided for by Article 18 of the Regulation, revocation of consent given pursuant to Article 7 of the Regulation, and to obtain data portability in the cases provided for by Article 20 of the Regulation.

You may submit a request to object to the processing of your data pursuant to Article 21 of the Regulation, in which you must highlight the reasons justifying the objection: the Data Controller reserves the right to evaluate your request, which would not be accepted in the event of the existence of compelling legitimate reasons to proceed with the processing that prevail over your interests, rights and freedoms.

You also have the right to lodge a complaint with the competent supervisory authority pursuant to Article 77 of the Regulation (Data Protection Authority) or to take legal action pursuant to Article 79 of the Regulation.

Requests must be addressed in writing to the Data Controller at the contact details indicated above.

Please note that, in order to protect the confidentiality of the identity of the person making the report, the possibility of exercising the rights provided for in Articles 15 to 22 of the Regulation may be precluded, if the exercise of such rights could result in actual and concrete damage to the confidentiality of the identity of the reporting person, pursuant to Article 23, paragraph 1, letter i) of the Regulation and Article 2-undecies, paragraph 1, letter f) of the Privacy Code.

We also inform you that the reported person may exercise his/her rights under Articles 15 to 22 of the Regulation through the Guarantor Authority, in the manner set out in Article 160 of the Privacy Code. In this case, the Guarantor Authority will inform the interested party that it has carried out all the necessary checks or that it has carried out a review, as well as the interested party's right to appeal to the courts.