

## **PRIVACY POLICY - WHISTLEBLOWING**

### **pursuant to Article 13 of Regulation (EU) 679/2016 on the processing of personal data in the context of reporting violations pursuant to Legislative Decree 24/23**

Pursuant to Article 13 of Regulation (EU) 2016/679 (*General Data Protection Regulation*, hereinafter "GDPR") and the applicable legislation on the protection of personal data, we inform you that the personal data processed by our Company, in the context of the management of reports of violations of national or European Union regulatory provisions that harm the public interest or the integrity of the private entity, received through the appropriate internal reporting channels made available by the Company pursuant to Legislative Decree 24/2023, will be processed, in compliance with the above-mentioned legislation and in accordance with the principles of correctness, lawfulness and transparency, by personnel authorised by the Company pursuant to Article 29 of the GDPR and Article 2-quaterdecies of the Personal Data Protection Code (Legislative Decree 196/2003).

#### **1. Data Controller**

The Data Controller is Moby S.p.A (hereinafter also the "Company" or "Data Controller") with registered office, Via Larga 26, 20122 Milan, can be contacted at the e-mail address [info@moby.it](mailto:info@moby.it)

The company has appointed a Data Protection Officer who can be contacted at [dpo@moby.it](mailto:dpo@moby.it).

#### **2. Purpose of the processing and legal basis**

Personal data are processed for the management of internal reports of alleged violations, or conduct, acts or omissions that harm the public interest or the integrity of the private entity, as defined by Article 2 paragraph 1 letter a) of Legislative Decree no. 24/23, of which the Reporting Person has become aware due to his/her collaboration relationship with the Data Controller.

The personal data processed are those contained in the internal report, and/or in acts and documents attached to it, and may refer to both the Reporting Person and the Persons involved, indicated as possible responsible for the unlawful conduct, as well as to those who are in various ways involved in the reports.

Personal data may also be processed to carry out the necessary investigative activities aimed at verifying the validity of what has been reported, as well as, if necessary, for the adoption of appropriate corrective measures and the introduction of appropriate disciplinary and/or judicial actions against those responsible for violations. The legal basis that legitimizes the processing of personal data is represented by the fulfilment of a legal obligation to which the Data Controller is subject (Article 6, paragraph 1, letter c) of the GDPR), specifically, provided for by Legislative Decree 231/2001, Law 179/2017 and Legislative Decree 24/2023; the processing may also concern special data and data relating to criminal convictions and offences included in the reports in accordance with the provisions of Articles 9 and 10 of the GDPR.

#### **3. Categories of data recipients**

The personal data provided will be processed by the members of the Whistleblowing Committee, in their capacity as subjects authorised to process by the Data Controller, to follow up and respond to the reports received, in compliance with the provisions of Legislative Decree 24/2023.

In the event that the Company entrusts a third party with the task of managing the reporting channel, the aforementioned personal data will be processed by this subject in its capacity as Data Processor designated by the Data Controller pursuant to Article 28 of the GDPR. These data will be processed exclusively by expressly authorized personnel and in compliance with the provisions of Legislative Decree no. 24/2023.

Personal data will not be disseminated but may, if necessary, be transmitted to the Judicial Authority. None of the data collected will be transferred to third countries, understood as countries not belonging to the European Economic Area (EEA). If the report is external and is submitted, as required by art. 6 and 7 of Legislative Decree no. 24/2023, to the National Anti-Corruption Authority (ANAC), information relating to the processing of personal data will be provided by the Authority itself through the appropriate channels.

#### **4. Retention Time Criteria**

The internal reports and the related documentation will be kept for the time necessary to process the report and in any case no longer than five years from the date of communication of the final outcome of the reporting procedure, in compliance with the confidentiality obligations referred to in Article 12 of this Legislative Decree 24/2023 and the principle referred to in Articles 5, paragraph 1(e) of the GDPR and 3(1)(e) of Legislative Decree No. 51 of 2018. After the maximum period of five years, the information relating to the report may be kept by the Company in order to guarantee and preserve its right of defence and to demonstrate, where required, the correct management of the reports received. In this case, the personal data referring to both the Reporting Person and the Persons involved, indicated as possible responsible for the unlawful conduct, as well as to those who are in various ways involved in the reports will be anonymised.

#### **5. Methods of data processing**

The processing of personal data will be carried out exclusively by expressly authorized personnel, in such a way as to guarantee the confidentiality of the identity of the Reporting Person and of the content of internal reports and related documentation, adopting appropriate technical and organizational measures to protect them from unauthorized or unlawful access, destruction, loss of integrity and confidentiality, even accidental. In order to guarantee the confidentiality of the Reporting Person for the entire duration of the management of the internal report, the identity of the same will be known by the parties expressly authorized to manage the reports. Except in cases where liability for slander and defamation can be established pursuant to the provisions of the Criminal Code or Article 2043 of the Italian Civil Code or, where applicable, in the context of criminal proceedings and in the manner and within the limits of the provisions of Article 329 of the Code of Criminal Procedure., the identity of the Reporting Person is protected in any context after the report. Therefore, subject to the aforementioned exceptions, the identity of the Reporting Person may not be revealed without the Reporting Person's express consent, and all those who receive or are involved in the handling of the report are required to protect the confidentiality of such information.

#### **6. Provision of data**

The provision of the Reporting Person's personal data is optional. Failure to provide them could, however, jeopardize the investigation of the report: anonymous reports, in fact, will be taken into consideration only if they are adequately detailed and made in great detail, so as to bring to light facts and situations related to specific contexts.

## **7. Rights of the data subjects**

The rights referred to in Articles 15-22 of the GDPR may be exercised, within the limits of the provisions of Article 2-undecies, paragraph 3, of Legislative Decree no. 196/2003, by contacting the Data Controller through the contacts indicated above. In particular, the rights identified above cannot be exercised by means of a request to the Data Controller, or by complaint pursuant to Article 77 of the GDPR to the Data Protection Authority, if the exercise of these rights may result in an actual and concrete prejudice to the confidentiality of the identity of the person reporting violations of which he or she has become aware due to his or her employment relationship or the functions performed. The exercise of the aforementioned rights may, in any case, be delayed, limited or excluded by reasoned communication made without delay by the Data Controller, unless the communication could compromise the purpose of the limitation, for the time and to the extent that this constitutes a necessary and proportionate measure, taking into account the fundamental rights and legitimate interests of the Reporting Person, of the Person involved or of the persons involved in various ways in the reports. In such cases, pursuant to art. 2-undecies, par. 3, of Legislative Decree no. 196/2003, the Data Subject has the right to exercise the aforementioned rights through the Guarantor Authority in the manner set out in art. 160 of the aforementioned legislative decree. In cases where you believe that the processing of your personal data is in violation of the provisions of the GDPR, you may lodge a complaint with the Data Protection Authority, as provided for by art. 77 of the GDPR itself (with the exclusion of the limitations on the exercise of the rights set out above and provided for by Article 2-undecies, paragraph 3, of Legislative Decree no. 196/2003), or to take legal action (Article 79 of the GDPR).