



## **DATA PROTECTION NOTICE PURSUANT TO ARTICLE 13 OF REGULATION (EU) 2016/679 (GDPR) FOR WHISTLEBLOWERS AND PERSONS INVOLVED IN WHISTLEBLOWING**

*This notice describes the processing of personal data pursuant to and for the purposes of Legislative Decree 24/2023 and, for the parts not repealed, by Law 179/2017, concerning the protection of authors of reports of violations of national or European Union regulatory provisions that harm the public interest or the integrity of the Authority, as well as violations of the Organisational Model 231, (so-called "whistleblowing").*

### **1. DATA CONTROLLER**

*The Data Controller is MB FIX SRL in the person of its Legal Representative, with registered office in (36061) Bassano del Grappa (VI), Via Beata Giovanna n. 63. The updated list of Data Processors and Persons in charge of the processing is kept at the registered office of the Data Controller.*

*MB FIX SRL for the receipt of reports has appointed the company Holdings Shake di Pisaroni Alberto as Data Processor for the same purposes, with the right to appoint any sub-processors exclusively for the same purposes.*

*MB FIX SRL has appointed Ms Sandra Fattore as Manager for the management of reports, appointing her as Data Processor for the same purposes, with the right to appoint any sub-managers exclusively for the same purposes.*

### **2. TYPE OF PERSONAL DATA PROCESSED**

*If a report is made, through the IT platform adopted, the company Holdings Shake di Pisaroni Alberto, in its capacity as the designated subject for receiving reports, and Ms Lara Mazzaro, in her capacity as the designated subject for handling reports, shall collect and process the information contained in the report, in particular*

- the name and/or contact and personal identification data of the reporter (if provided);*
- if applicable, the names and other personal data of the people named and/or involved in the report.*

*The report must not contain facts that are irrelevant for the purposes of the report, nor special categories of personal data, as referred to in Article 9 of the GDPR (hereinafter also referred to as 'special categories of data'), i.e. those from which, inter alia, racial and ethnic origin, philosophical and religious beliefs, party or trade union membership, as well as state of health, sex life or sexual orientation may be inferred, except where unavoidable and necessary for the purposes of the report itself.*

*The above-mentioned Personal Data may be supplemented and/or updated on the basis of information that is publicly available, collected by third parties and/or directly by the*

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#### **MB FIX SRL SB**

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Fiscal code, VAT number and Vicenza Company Register entry number 02072300243  
Share capital fully paid Euro 1,000,000*



reporting party and/or already available to the Data Controller, also for the purpose of verifying the merits of the report.

### **3. PURPOSE AND LEGAL BASIS OF**

The personal data provided and made available through the IT platform, pursuant to Legislative Decree 24/2023 (the so-called "Whistleblowing Report"), and/or contained in the documentation attached to the report itself or in that which will be collected in the course of the proceedings for its management, shall be processed by Holdings Shake di Pisaroni Alberto, as well as by the Whistleblowing Manager designated by the Company for:

- A. Purposes related to the receipt, handling and verification of whistleblowing and to ensure proper enforcement of the related whistleblowing procedure adopted.

A prerequisite for the processing is the fulfilment of a legal obligation to which the Data Controller is subject pursuant to ex Article 6, par. 1, lett. c of the GDPR as set out in the aforementioned Decree, which requires the Data Controller to have an internal channel for receiving reports.

Providing the whistleblower's personal data is optional: on the basis of the whistleblowing procedure adopted by the Company, the whistleblower is granted the right to remain anonymous, provided that expressly requested to do so in the report.

- B. Purposes connected with the need to defend one's rights in the course of judicial, administrative or extrajudicial proceedings and in the context of disputes arising in relation to the report made. Moreover, subject to the acquisition of specific consent, the personal data of the person making the report may be processed by MB FIX SRL to take legal action or make claims against the persons involved in the report or other third parties.

A prerequisite for the processing is the legitimate interest of MB FIX SRL pursuant to ex Art. 6, part 1, lett. f of the GDPR in the protection of its rights. In this case, the data subject is not required to provide new and specific data, as MB FIX SRL will pursue this further purpose, where necessary, by processing the personal data collected for the same purposes, deemed compatible with this privacy policy (also in view of the context in which the personal data were collected, the relationship between the data subject and MB FIX SRL, the nature of the data themselves and the appropriate guarantees for their processing).

As stated in the previous paragraph, the report must not contain special categories of personal data, except where unavoidable and necessary for the purposes of the report itself. In this case, the lawfulness of the processing of such data is based on Article 9, II paragraph, lett. B of the GDPR, i.e. when the processing is necessary for the purposes of carrying out the obligations and exercising the specific rights of the data controller or the data subject in the field of labour law and social security and social protection, and on Article 9, II paragraph, lett. f of the GDPR or when the processing

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*is necessary for the establishment, exercise or defence of legal claims or whenever judicial authorities exercise their relevant functions.*

*The provision of data via the platform is optional, but without it the Manager may not be able to receive and handle the report.*

*The whistleblower is expressly requested to provide only the data necessary to describe the facts being reported, avoiding any personal data that are not necessary for this purpose.*

#### **4. COMMUNICATION OF DATA**

*Except for the completion of any investigations initiated as a result of the report, as well as fulfilment of obligations arising from the law, the personal data provided by the reporter will not be disseminated.*

*For the purposes described in paragraph 3 above, within the limits of their respective competences and as described in this notice for the handling of reports of breaches (whistleblowing) and in the whistleblower protection procedure, with particular reference to the limits on the knowability of the whistleblower's identity, the personal data relating to the whistleblower will be processed within the company by the following persons, designated and authorised to process them pursuant to Article 29 of the GDPR:*

- 1) Contact person for the IT whistleblowing platform designated to receive reports;*
- 2) Company's designated reporting manager;*
- 3) Responsible for any disciplinary proceedings opened against the reported person*
- 4) Where present, members of the Supervisory Body ex Legislative Decree 231/01 of MB FIX SRL, if any, as well as, again within the limits indicated above, suppliers of management and maintenance services of the IT systems for the operation of the IT platform adopted, in their capacity as Data Processors pursuant to Article 28 of the GDPR or sub-processors.*

*Moreover, the report and personal data may be transmitted, for the profiles of their respective competences according to the provisions of the law, to ANAC (the National Anti-Corruption Authority), to the Judicial Authority, to the Court of Auditors and to any other public authorities involved, who will process the data as autonomous Holders.*

*Data will not be transferred to a third country or international organisation.*

#### **5. MODALITIES OF DATA PROCESSING**

*Personal data will be processed in accordance with the principles of fairness, lawfulness and transparency and will be processed by computer (platform) or telematic means, in such a way as to guarantee their security and confidentiality, in compliance with the applicable legal provisions and with the provisions contained in A.N.A.C. Resolution No. 311 of 12 July 2023 "Guidelines on the protection of persons who report breaches of Union law and the protection of persons who report breaches of national laws. Procedures for the submission and management of external reports" (so-called whistleblowing), with the adoption of the*

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*necessary security, technical and organisational measures, aimed, inter alia, at avoiding the risk of loss, unauthorised access, unlawful use and dissemination and at preventing unauthorised persons from tracing the identity of the whistleblower.*

## **6. DATA RETENTION PERIOD**

*The personal data of the whistleblower and of the persons involved in the report will be processed for the time strictly necessary to handle the report in all its phases, to take the consequent measures and to fulfil the related legal obligations, after which the same data will be destroyed or rendered anonymous. In any case, the data will be stored for no longer than five years from the date of communication of the final outcome of the reporting procedure.*

*After the retention periods indicated above, reports may only be kept in anonymised form. Personal data that are clearly not useful for the processing of a specific report accidentally provided by the reporter will be deleted immediately.*

## **7. RIGHTS OF THE PARTIES (Interested parties involved in the report)**

### **7.1. RIGHTS OF THE REPORTER**

*The reporter may exercise the rights under Articles 15 to 22 of the GDPR, including, in summary, those of:*

- obtain confirmation as to whether or not personal data concerning him/her are being processed;*
- obtain access to your personal data and the information indicated in Article 15 of the GDPR;*
- obtain the rectification of inaccurate personal data concerning him/her without undue delay or the integration of incomplete personal data;*
- obtain the deletion of personal data concerning him/her without undue delay;*
- obtain the restriction of the processing of personal data concerning him/her;*
- be informed of any rectification or erasure or restriction of processing carried out in relation to personal data concerning him/her;*
- receive or transmit to another data controller in a structured, commonly used and machine-readable format the personal data concerning him/her.*

*The full list of these rights is available on the website of the Data Protection Authority at [https://www.garanteprivacy.it/web/garante-privacy-en/home\\_en](https://www.garanteprivacy.it/web/garante-privacy-en/home_en)*

*The reporter may exercise these rights at any time by sending:*

- a registered letter with return receipt to MB FIX SRL, with registered office in (36061) Bassano del Grappa (VI), Via Beata Giovanna no. 63*

*Or*

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- an e-mail to [.marketing@mb-fix.it](mailto:marketing@mb-fix.it)

## **7.2. RIGHTS OF THE PERSON INVOLVED OR MENTIONED IN THE NOTIFICATION (Right of the person concerned)**

*Pursuant to and for the purposes of Article 2-undecies, paragraph 1, letter f) of Legislative Decree 196/2003 updated to Legislative Decree 101/2018 (Limitations to the rights of the data subject), as amended by Article 24, paragraph 4, of Legislative Decree. 24/2023, for the purposes of protecting the confidentiality of the identity of the reporter, the **reported person or the person involved in the report** cannot exercise the rights that the GDPR normally grants to data subjects, i.e. those indicated in Articles 15 to 22, as listed in Section 7.1 above for the reporter. In this case, when the exercise of those rights could result in actual and concrete prejudice to the protection of the confidentiality of the identity of the person making the report. Therefore, the reported person or the person concerned by the report **is also precluded**, where they consider that the processing that concerns them violates the aforementioned rights, from approaching the data controller and, in the absence of a reply from the latter, from lodging a complaint with the Data Protection Authority.*

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