

 bormioli pharma

INFORMATION ON THE PROCESSING OF PERSONAL DATA



WHISTLEBLOWING INFORMATION ON THE PROCESSING OF PERSONAL DATA PURSUANT TO ART. 13 OF REGULATION (EU) 2016/679 AND ITALIAN PRIVACY CODE AS AMENDED BY ITALIAN LEGISLATIVE DECREE NO. 101/2018

In accordance with legislation currently in force on the subject of personal data protection, Bormioli Pharma S.p.A., in its capacity as Controller, hereby informs you that your personal data, collected exclusively for purposes associated with handling whistleblowing reports, in accordance with the **"Whistleblowing Report Handling Procedure"** adopted by the company with regard to Whistleblowing, and to comply with obligations arising from law, regulations, or EU legislation, will be processed in accordance with the principles applicable to the processing of personal data and in accordance with the obligations of the Controller under Regulation (EU) 2016/679 (hereinafter "GDPR") and Italian Legislative Decree no. 196/2003, as most recently amended by Italian Legislative Decree no. 101/2018 (hereinafter the "Italian Privacy Code"), guaranteeing full protection of your rights and fundamental freedoms.



CONTROLLER

BORMIOLI PHARMA S.P.A. (hereinafter **"CONTROLLER"** OR **"COMPANY"**)

registered office: Corso Magenta 84 - 20123 Milan (MI), Italy
operating/administrative office: Via Giovanni Falcone 48/A-43122 Parma (PR), Italy
E-mail: privacy@bormiolipharma.com
Tel.: +39 0521 362620



SOURCE OF PERSONAL DATA AND CATEGORIES OF PERSONAL DATA PROCESSED

The Controller may process different categories of personal data directly provided by the whistleblower or obtained while handling the Whistleblowing Report.

This information notice concerns the processing of the personal data of the Whistleblower, the Subjects Reported, and all other persons involved in the whistleblowing report provided by the same and/or obtained from third parties in the context of the handling and assessment of the Whistleblowing Report.

The processing in question may involve provision to the Supervisory Body of the Company – by means of a report sent using the dedicated form on the company website - of:

- The name, surname and e-mail address of the Whistleblower;
- Data associated with the misconduct reported, potentially contained in the whistleblowing report and/or any annexes thereto;
- Any special categories of data under art. 9 of the GDPR and criminal record data under art. 10 of the GDPR.



**PURPOSES AND
LEGAL BASES FOR
PROCESSING
YOUR PERSONAL
DATA**

The **purpose** of the processing is:

1. Proper management of whistleblowing reports, in accordance with the "Whistleblowing Report Handling Procedure" adopted by the Company. The data will be processed for purposes instrumental to and/or connected with management of the Whistleblowing Reports, including internal investigation and verification activities aimed at verifying the conduct covered by the Whistleblowing Report, and disciplinary proceedings within the limits provided for by laws applicable to the employment relationship.

The **legal basis** for processing is:

- The legitimate interest of the Controller in the proper handling of the Whistleblowing Report in accordance with the "Whistleblowing Report Handling Procedure" adopted by Bormioli Pharma
- Legal obligations arising from the provisions of art. 6 of Italian Legislative Decree no. 231 of 2001, as amended by Italian Law no. 179 of 2017, containing "Provisions for the protection of whistleblowers who report offences or misconduct of which they become aware in the context of private or public employment"
- Ascertaining, exercising or defending a right in court (9, par. 2, lett. f)
The personal data concerning you, collected in the context of the Whistleblowing Report handling procedure, will be processed without the need for your consent, as the legal basis for processing is compliance with an obligation arising from legal provisions to protect an important public interest.



**CONSEQUENCES
OF THE FAILURE
TO PROVIDE THE
DATA**

Provision of personal data is optional. Failure to provide such data may, however, compromise the investigation into the whistleblowing report.

**CATEGORIES OF
RECIPIENTS**

Whistleblowing reports made are sent to the Company's Supervisory Body, which will verify that they are well-founded and arrange for them to be handled in accordance with the legislative requirements referred to in art. 6 of Italian Legislative Decree 231/2001 and the principles of anonymity and confidentiality. The data you provide may, however, be processed by departments/offices within the Company and external parties only following specific evaluation and/or at the request of the Supervisory Body, particularly if the whistleblowing report does not relate to circumstances relevant to the 231 Model. With the exception of cases of potential liability for slander or defamation under the provisions of the Italian Criminal Code or



art. 2043 of the Italian Civil Code, and situations in which anonymity is not enforceable under law (e.g. criminal, tax or administrative investigations, inspections by control bodies), the identity of the whistleblower is protected in all circumstances following the whistleblowing report. As such, except in the aforementioned exceptional cases, the identity of the whistleblower cannot be revealed without his/her express consent, and all those who receive or are involved in the handling of the whistleblowing report must uphold the confidentiality of that information.

In pursuing the above purposes, the Controller may disclose the personal data to third parties including, for example:

- police forces and other public administration bodies for the purposes of complying with legal obligations;
- any subsidiaries or associated companies under art. 2359 of the Italian Civil Code that have an interest in the handling and assessment of the Whistleblowing Report, limited to the aspects within their remit;
- where necessary, to companies contractually associated with the Controller, necessarily involved in handling the Whistleblowing Report (e.g. consultancy or audit firms).


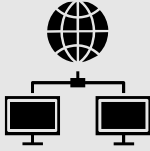



YOUR RIGHTS

For the purposes of exercising your rights, you can contact the Company and/or the Chief Privacy Officer (“CPO”) of the Company at any time by e-mailing privacy@bormiolipharma.com, and submitting a request to the Controller to:

- access the personal data concerning you, obtain information as provided for in art. 15 of the GDPR and receive a copy of your processed personal data (**right of access**);
- obtain rectification of inaccurate personal data concerning you without unjustified delay and, having regard to the purposes of processing, have incomplete personal data completed, including by providing a supplementary statement (**right to rectification**);
- obtain the erasure of personal data concerning you without unjustified delay, where the conditions laid down in art. 17 of the GDPR are met (**right to erasure**);
- obtain the restriction of the processing in the case of one of the assumptions and conditions laid down in art. 18 of the GDPR (**right to restriction of processing**);
- communicate any rectification or erasure of your personal data or restriction of processing carried out in accordance with articles 16, 17(1) and 18 to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Controller is bound to disclose these recipients to you if so requested (**right of notification in the case of rectification or erasure of personal data or restriction of processing**);
- within the limits to which the processing is performed using automated means and based on the employment or collaboration contract, receive the personal data concerning you in a structured, commonly used and machine-readable format and transmit these data to another Controller without impediment by Bormioli Pharma S.p.A. (**right to data portability**);
- object, on grounds relating to your particular situation, at any time to processing of personal data concerning you pursuant to art. 6(1)f of the GDPR (**right to object**). In this case, Bormioli Pharma S.p.A. shall no longer process your personal data unless it can demonstrate the existence of compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

The Controller reserves the right to restrict or delay the exercise of the aforementioned rights in accordance with various provisions of

		<p>law in the event that there is a risk that the exercise by the data subject of his/her rights may have a real and material detrimental effect on the confidentiality of the identity of the Whistleblower or verification of the Whistleblowing Report.</p> <p>You also have the right to submit a complaint to the competent control body (Italian Data Protection Authority) pursuant to art. 77 of the GDPR and articles 140-bis and following of the Privacy Code. In accordance with art. 2-<i>undecies</i> of the Italian Privacy Code, the rights referred to in articles 15 to 22 of the GDPR cannot be exercised by submitting a request to the controller or a complaint under art. 77 of the GDPR if exercising such rights could effectively and materially jeopardise, among other things, performance of defence investigations or the exercise of a right in court or the confidentiality of the identity of an employee who, in accordance with Italian Law no. 179 of 30 November 2017, exposes misconduct that they become aware of while performing their role.</p>
	METHODS OF PROCESSING	<p>Your personal data will be processed using computerised procedures, involving cryptographic tools to guarantee the confidentiality of the identity of the whistleblower and the content of the whistleblowing reports and relevant documentation, adopting appropriate technical and organisational measures to ensure protection against unauthorised or unlawful access, destruction and loss of integrity and confidentiality, including accidental.</p>
	TRANSFER OF DATA TO NON-EU COUNTRIES	<p>Your personal data will not be transferred to non-EU countries.</p>
	DATA RETENTION PERIOD	<p>The personal data will be stored by the Controller for the time required to verify that the whistleblowing report is well-founded and, if appropriate, to take the resulting disciplinary action and/or until the end of any disputes arising following the whistleblowing report.</p>