

INFORMATION ON THE PROCESSING OF PERSONAL DATA IN RELATION TO WHISTLEBLOWING REPORTS

With this information notice, the company Samer Seaports & Terminals SRL (hereinafter, the Company) intends to provide all the indications provided for by Articles 13 and 14 of Regulation (EU) 2016/679 (also known as GDPR or General Data Protection Regulation), regarding the processing of personal data carried out by the Entity in the context of reports qualifying as "whistleblowing" (Legislative Decree 24/2023).

1. Data controller and categories of persons authorised to process data

The data controller of personal data is SAMER SEAPORTS & TERMINALS S.R.L., with registered office in TRIESTE, PUNTO FRANCO NUOVO RIVA TRAIANA, tel. 0409828412, email hr.trieste@dfds.com, certified e-mail: samerseaports.hr@legalmail.it

The owner has set up the Supervisory Board, appointed pursuant to Article 6(1)(b) of Legislative Decree No. 231/2001, endowed with autonomous powers of initiative and control, which is also the owner of the reporting management process governed by the Protocol for the management of reports pursuant to Legislative Decree No. 24/2023 and can be contacted at the email address odvsst@protonmail.com

1. Purpose and legal basis of processing

The personal data processed are acquired by the Data Controller directly from the person who, in the public interest or the integrity of the Public Administration, reports alleged violations of (national or EU) regulatory provisions committed within the same Company and of which he/she has become aware by reason of his/her role or relationship of employment, apprenticeship service or supply with the same Data Controller. Personal data are therefore acquired insofar as they are contained in the report and/or in deeds and documents annexed thereto; the data refer to the reporting person and may also refer to persons indicated as possibly responsible for the unlawful conduct, as well as to those involved or mentioned in the report for various reasons. Personal data are processed by the Data Controller for the purpose of receiving and handling reports. In particular, the Data Controller carries out the necessary investigative activities aimed at verifying the grounds for what has been reported, as well as, if necessary, taking appropriate corrective measures within the organisation and taking the most appropriate disciplinary and/or judicial action against those responsible for the unlawful conduct.

2. Legal bases of processing

The receipt and management of reports gives rise to the processing of 'common' personal data (such as, for example, name, surname, job role, etc.), as well as may give rise, depending on the content of the reports and the acts and documents attached to them, to the processing of 'special' personal data (such are the types of data listed in Article 9 GDPR: for example, data relating to health conditions, sexual orientation or trade union membership) and personal data relating to criminal convictions. (referred to in Article 10 GDPR).

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Taking into account the reference legislation and, in particular, Legislative Decree 24/2023, it is specified that:

- the processing of 'common' data is based on the legal obligation to which the Data Controller is subject (Art. 6(1)(c) of the GDPR), as well as the performance of public interest tasks assigned by law to the Data Controller (Art. 6(1)(e) of the GDPR);
- the processing of 'special' data is based on the fulfilment of obligations and the exercise of specific rights of the Data Controller and the Data Subject in the field of labour law (Art. 9(2)(b) GDPR), as well as on the performance of a task of significant public interest assigned by law to the Data Controller (Art. 9, para. 2, letter g), GDPR), by reason of Art. 2-sexies letter dd) of Legislative Decree 196/2003; as well as (depending on the type of report) on the need to ascertain, exercise or defend a right in court (Art. 9, para. 2, letter. f), GDPR);
- the processing of data relating to criminal convictions and offences, considering the provisions of Art. 10 GDPR, is based on the legal obligation to which the Data Controller is subject (Art. 6(1)(c) GDPR) and on the performance of public interest tasks assigned by law to the Data Controller (Art. 6(1)(e) GDPR), by reason of Art. 2-octies letter a) of Legislative Decree 196/2003.

3. Authorized persons and data processors

For the protection of the whistleblower, only the recipient of the report may know the identity of whistleblowers where they have identified themselves.

Should investigative needs require that other persons within the Controller's organisation be made aware of the content of the report or of the documentation attached to it, the identity of the reporter will not be disclosed, nor will elements that may, even indirectly, allow the identification of the reporter be revealed. These persons, since they might in any case learn of other personal data, are all formally designated to process them, and are also required to keep secret what they learn in the course of their duties, without prejudice to the reporting and denunciation obligations set out in Article 331 of the Code of Criminal Procedure.

Data may also be processed by external parties, formally appointed by the Data Controller as Data Processors and belonging to the following categories:

- companies that provide maintenance and application management services for the reporting system;
- companies that provide management and maintenance services for the organisation's information systems, with particular regard to document archiving services
- consultants (organisation, litigation, legal firms, etc.)

These subjects have the right to call upon further, own data processors, operating in the same fields.

4. Recipients of personal data

The personal data of the reporter, of the persons indicated as possibly responsible for the unlawful conduct, as well as of the persons in various capacities involved in the reported events, may be transmitted to the Judicial Authority, the Court of Auditors, the ANAC and the National Anti-Corruption Authority. These subjects are all autonomous data controllers.

The report and the identity of the whistleblower cannot be accessed either through documentary access or through generalised civic access.

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In the context of any criminal proceedings that may be instituted, the identity of the whistleblower will be covered by secrecy in the manner and within the limits provided for by Article 329 of the Code of Criminal Procedure, which provides for the obligation of secrecy on the acts carried out in preliminary investigations until the defendant can have knowledge of them and, in any case, no later than the closure of such investigations; within the framework of proceedings before the Court of Auditors, the identity of the reporter will not be disclosed until the investigation phase is closed, after which it may be disclosed by the judicial authority in order to be used in the proceedings themselves; within the framework of the disciplinary proceedings instituted by the administration against the alleged perpetrator of the reported conduct, the identity of the whistleblower may not be disclosed where the allegation of the disciplinary charge is based on investigations which are separate from and additional to the report, even if consequent to it; where the identity of the whistleblower is indispensable for the defence of the person charged with the disciplinary offence, this may only be disclosed after the reporting person has given his or her express, free and informed consent (see point of this notice).

5. Data retention period

Consistent with the provisions of Article 14 of Legislative Decree 24/2023, the data will be processed for the time necessary to conclude the procedure (identified by law as 90 days) and then retained for 5 years from the notification of the outcome of the procedure, in addition to the time required by the Data Controller to discard the data (maximum one year from the end of the final year of storage).

6. Rights

Regulation (EU) 2016/679 recognises various rights that each Data Subject may exercise by contacting the Data Controller or the DPO at the contact details set out in point 1 of this notice.

Among the rights that can be exercised, provided that the prerequisites from time to time provided for by the legislation (in particular, Articles 15 et seq. of the Regulation) are:

- the right to know whether the Company is processing personal data concerning him/her and, if so, to have access to the data being processed and to all information relating thereto
- the right to have inaccurate personal data concerning him/her corrected and/or incomplete personal data supplemented;
- the right to the deletion of personal data concerning you;
- the right to restriction of processing
- the right to object to processing

Regarding the right to personal data portability, we would like to inform you that the prerequisites set out in Article 20(1) of the GDPR do not exist and that, consequently, this right cannot be exercised.

For more information on the rights of the Data Subject, he/she may contact the Data Controller, the DPO, or consult the official pages of the Italian Data Protection Authority; the Data Subject also has the right to lodge a formal complaint with the same Data Protection Authority, according to the procedures to be found at <https://www.garanteprivacy.it/>.

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If the whistleblower's consent to the disclosure of his or her identity is obtained in the context of disciplinary proceedings (see point 5, last paragraph, of this notice), the whistleblower shall also have the right to revoke that consent at any time, without prejudice to the lawfulness of the processing, based on the consent, carried out prior to the revocation.

If the person wishing to exercise the rights is someone other than the reporting person, please note that, pursuant to Article 2-undecies, paragraph 1, letter f) of Legislative Decree no. 196/2003, the aforementioned rights may not be exercised - for the time and within the limits in which this constitutes a necessary and proportionate measure - by making a request to the Data Controller or by lodging a complaint with the Supervisory Authority if their exercise may prejudice the confidentiality of the reporting person's identity. In such cases, the Data Subject may, in any case, refer the matter to the Supervisory Authority, so that the latter may assess whether the conditions for taking action under Article 160 of Legislative Decree No. 196/2003 are met.

Having been informed of the identity of the Data Controller, the extent to which and the manner in which the data is processed and for what purposes, including my particular data. Having understood all my rights, among which, the right of revocation, I consent by signing this form to the processing of my personal and particular and/or judicial data in the manner and within the limits set out in this statement.

Read and signed

Place _____, Date _____

Signature
