

The Fondazione Francesco Morelli, within the framework of its institutional purposes and in fulfilment of the obligations provided for in Article 13 of EU Regulation 2016/679 ("GDPR"), provides you with information on the processing of the personal data you provide in order to report unlawful conduct, relevant under Lgs. Decree 24/2023, as part of the Foundation's activities (whistleblowing).

## **Data Controller**

The Data Controller is the Fondazione Francesco Morelli, with registered office in Milan, via A. Sciesa n. 4, which can be contacted by mail at the above address or by email at the following addresses [privacy@ffmorelli.it](mailto:privacy@ffmorelli.it)

## **Categories of personal data, purpose and legal basis for processing**

The Foundation processes: (i) the data of the reporting party (whistleblower), provided directly by the latter for the purpose of sending the report by completing a form on this web platform; (ii) the data of the reported party, provided directly by the reporting party within the report; (iii) all the personal data indicated within the report and collected for the purpose of following up same, which may consist, by way of example, of personal data, identification data and contact data. Data on professional qualification, as well as further data and information related to the reported unlawful conduct, including those of any third parties, may also be provided, which may be included in the report and in any documents annexed to same or acquired in the course of the investigation.

Reports must not contain any special data or personal data relating to criminal convictions or offences. However, if they are present, referring to the Reporting Party or to third parties, the Foundation will destroy them, except in cases where the processing is authorised by law or by a provision of the Italian Data Protection Authority or in any case by order of the Public Authority. The data provided will be processed exclusively for the handling of reports, including the ascertainment of the facts that are the subject of the report, and the handling of any disciplinary proceedings based, in whole or in part, on the report.

The legal basis for processing is the regulatory obligation under Lgs. Decree 24/2023.

The processing of personal data is governed by the principles of correctness, lawfulness and transparency, and the protection of the data subject's confidentiality and rights, as well as the further principles laid down in Article 5 of the GDPR.

In order to guarantee the reported party's right of defence, the information contained in the report may be used, together with any other external evidence, in the disciplinary proceedings initiated against the reported party. The identity of the whistleblower may not be disclosed where the accusation of the disciplinary charge is based on investigations that are separate from and additional to the report, even if consequent to it. If the dispute is based, in whole or in part, on the report and knowledge of the whistleblower's identity is indispensable for the accused's defence, the report will be usable for the purposes of disciplinary proceedings only if the whistleblower gives express consent to the disclosure of their identity. Therefore, in this case, failure to give said consent will make it impossible to proceed against the reported party.

To ensure the confidentiality of the whistleblower throughout the handling of the report, the whistleblower's identity will be known only by the body handling the report. The Foundation adopts all the guarantees provided for by law in order to protect the confidentiality of the whistleblower's identity, so that it is not disclosed to third parties without the express consent of the whistleblower, except in the case of bad faith or defamatory reports.

## **Processing**

Personal data will be processed exclusively by specially appointed staff, using procedures, including computer based, equipped with encryption tools to ensure the confidentiality of the whistleblower's identity, the content of the reports, and the relevant documentation, adopting technical and organisational measures adequate to protect them against unauthorised or unlawful access, destruction, loss of integrity and confidentiality, even accidental.

## **Data Retention**

Personal data regarding reports and the related documentation are kept and maintained for the period necessary to complete the verification of the facts set out in the report and for a period of five years after the closure of same, subject to any proceedings arising from the handling of the report (disciplinary, criminal, accounting) against the reported person or the whistleblower (bad faith, false or defamatory statements). In that case, they will be retained for the duration of the proceedings and

until the expiry of the time limit for challenging the relevant measure. Personal data that are clearly not useful for processing a specific report are not collected or, if accidentally collected, they are deleted immediately.

### **Recipients and categories of recipients of personal data**

Your personal data may - without requiring your consent - be shared with:

- 1) the supervisory body of the Foundation (whistleblower's data only);
- 2) internal employees of the data controller or persons, bodies or authorities to whom it is mandatory to disclose the data by virtue of legal provisions or orders of the authorities for the data to be reported;
- 3) parties that typically act as data controllers within the meaning of Article 28 GDPR, i.e. parties that cooperate with the Foundation for the pursuit of the above purposes.

Personal data will not be disclosed to other parties, except in the cases mentioned above, nor will they be disseminated in any way.

### **Data transfer**

The processing of personal data provided is necessary for the handling of reports of unlawful conduct (whistleblowing); therefore, your refusal will make it impossible to handle the reports in question.

### **Data transfer abroad**

Your data will be processed in Italy, in accordance with current data protection regulations.

Should it be necessary to transfer your personal data to third countries (outside the European Union or the European Economic Area) for the purposes set out in this notice, transfers to third countries will only be carried out if they comply with the applicable regulations set out in Chapter V of the GDPR and, in that case, you will be provided with the appropriate information.

### **Data subjects' rights and how to exercise them**

In relation to the processing of your data, you may contact the Controller to exercise your rights under Articles 15 to 22 of the GDPR by writing to the controller's contact details.

Complaints may be lodged in relation to processing with the competent authority:

Data Protection Authority, whose contact details can be found here:

<https://www.garanteprivacy.it/home/footer/contatti>

**Text updated to: \_\_\_\_\_**

