

## **Your data and the handling of a breach report - Whistleblowing Whistleblower**

### **Introduction**

This information, provided pursuant to art. 13 GDPR, informs you about how we collect, use, share and store personal data during the management of a report of "violations", or behaviours, acts or omissions that harm the public interest or the integrity of the public administration or private entity, as defined by art. 2, paragraph 1, letter a) of Legislative Decree 24/2023.

This information is provided by Sikel Impianti S.r.l. as Data Controller of personal data.

### **What information do we collect, for what purposes and what are the legal bases?**

Sikel Impianti S.r.l. has opted for a confidential reporting management method, however we inform you that the reports, even if initially sent anonymously, may subsequently be integrated with the personal details of the whistleblower where necessary to assess the existence of the reported facts, the outcome of the investigations and any measures taken.

### **Type of personal data**

The personal data processed fall into the following categories:

- Common personal data provided by the Whistleblower, such as, for example, name, surname, e-mail, etc.
- Other types of data: information, relating to identified or identifiable natural persons, including reasonable suspicions, concerning breaches committed or which, on the basis of concrete elements, could be committed in the organisation with which the reporting person or whistleblower has a legal relationship, as well as elements concerning conduct aimed at concealing such breaches.

### **Purpose of the processing**

Personal data will be processed for the sole purpose of

- assess the existence of the facts reported, the outcome of the investigations and any measures taken.
- provide feedback to the reporting person (Whistleblower) on the follow-up that is being given or intended to be given to the report.
- follow up on requests from the competent administrative or judicial authority and, more generally, from public entities in compliance with legal formalities.

### **Legal basis for processing**

The legal bases of the processing are:

### **Common data**

- the need to fulfil a legal obligation to which the Data Controller is subject (Article 6, paragraph 1, letter c) GDPR), with reference to the provisions contained:
  - in Legislative Decree 24/2023 (Implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting on breaches of Union law and laying down rules concerning the protection of persons reporting on breaches of national legal provisions)

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- in Legislative Decree no. 231 of 8 June 2001 ("Discipline of the administrative liability of legal persons, companies and associations, including those without legal personality, pursuant to Article 11 of Law no. 300 of 29 September 2000").
- The consent of the Whistleblower (Art. 6, paragraph 1, letter a) GDPR):
  - when, at the request of the reporting person, the report made orally during a meeting with the reporting staff is documented by the reporting staff by recording on a device suitable for storage and listening or by means of minutes.
  - where the identity of the reporting person and any other information from which it can be inferred, directly or indirectly, that identity is revealed to persons other than those competent to receive or follow up on reports, expressly authorised to process such data.
  - Upon disclosure of one's identity, where the objection to the disciplinary charge is based, in whole or in part, on the report and knowledge of the identity of the reporting person is indispensable for the defence of the accused, the report is used for disciplinary proceedings.

### Special categories of data

The processing is necessary for reasons of important public interest on the basis of Union or Member State law, which must be proportionate to the purpose pursued, respect the essence of the right to data protection and provide for appropriate and specific measures to protect the fundamental rights and interests of the data subject (Article 9(2)(g) GDPR).

### Confidentiality and protection of the Whistleblower

Pursuant to Article 4 of Legislative Decree 24/2023, the Data Controller has activated its own reporting channels, which guarantee, also through the use of encryption tools, the confidentiality of the identity of the reporting person, the person involved, and the person mentioned in the report, as well as the content of the report and the related documentation.

Reports will not be used beyond what is necessary to adequately follow them up.

The identity of the reporting person and any other information from which that identity may be inferred, directly or indirectly, may not be revealed, without the express consent of the reporting person himself, to persons other than those competent to receive or follow up on reports, who are expressly authorised to process such data.

### Confidentiality and disciplinary proceedings

In the context of disciplinary proceedings, the identity of the reporting person may not be disclosed, if the objection to the disciplinary charge is based on separate and additional findings with respect to the report, even if they follow the report.

Where the objection is based, in whole or in part, on the report and knowledge of the identity of the reporting person is indispensable for the defence of the accused, the report will be usable for the purposes of disciplinary proceedings only if the reporting person has given the express consent to the disclosure of his/her identity.

### Processing methods

The Data Controller has activated its own reporting channels, which guarantee, also through the use of encryption tools, the confidentiality of the identity of the reporting person, the person involved, and the person mentioned in the report, as well as the content of the report and related documentation.

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The active reporting channels is: <https://www.sikel.it/sostenibilita/segnalazioni/>

## How long do we keep your personal data?

Reports and related documentation shall be kept for the time necessary to process the report and in any case no later than five years from the date of communication of the final outcome of the reporting procedure, in compliance with confidentiality obligations.

## Who do we share your data with?

Your data will not be transferred to third parties.

Your data will be used only by Sikel Impianti S.r.l.

If in some cases we will use external providers, please be aware that they will only operate on our behalf and in accordance with our requirements.

For the pursuit of the purposes referred to in this Information, your personal data may be known by persons competent to receive or follow up on reports, expressly authorized to process such data pursuant to articles 29 and 32, paragraph 4, of the GDPR, as well as by any designated Suppliers Data Processors pursuant to Article 28 of the GDPR.

The latter will be specifically identified by the Data Controller who will also provide specific instructions on the methods and purposes of the processing and to ensure that they are subject to appropriate confidentiality and confidentiality obligations.

The management of reporting channels is entrusted to:

- a person specifically trained for the management of the reporting tool, identified in Lorenza Dellepiane belonging to the function of owner.
- a person specifically trained for the management of the reporting tool, identified in Luigi Bonsignore belonging to the function of administrator.

The aforementioned Subjects may also involve Third Parties for the sole purpose of assessing the existence of the reported facts, the outcome of the investigations and any measures taken. Such sharing, where necessary, shall take place in accordance with the principles of minimisation and proportionality, as well as, where compatible with the purposes of sharing, the principle of confidentiality of the identity of the reporting person, the person concerned and the person otherwise mentioned in the report, as well as the content of the report and related documentation.

More generally, the data may be communicated to the subjects to whom the communication must be made in fulfilment of an obligation established by law, by a regulation or by European legislation, or to fulfill an order of the Judicial Authority.

Your data will not be disseminated, except in anonymous and aggregate form, for statistical or research purposes.

## Transfer of data to third countries

We will not transfer your personal data to countries outside the European Economic Area ("EEA"), which includes in addition to the member states of the European Union, Norway, Liechtenstein, and Iceland.

In the event that this is necessary to pursue the purposes of the processing described in this Policy, our organization guarantees that any transfers of data outside the EEA will take place in such a way as to

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guarantee the full protection of the rights and freedoms of the same. Where, with regard to the recipient third country, no adequacy decisions have been issued by the European Commission, data transfers will be carried out by adopting the guarantees provided for in articles 46 and following of the GDPR including the standard contractual clauses approved by the European Commission, and a weighted assessment of the legislation of any third country of destination.

## **Your rights and how to contact us.**

As a data subject, you can exercise the rights referred to in Articles 15 et seq. of the GDPR and, precisely, the rights to:

- 1) obtain, at any time, confirmation of the existence or otherwise of the processing of the same data and obtain access to personal data and information regarding the processing.
- 2) request the correction of inaccurate personal data and the integration of incomplete ones.
- 3) request, in the cases indicated by the GDPR, without prejudice to the special regulations provided for certain processing, the cancellation or limitation of data, after the expiry of the retention periods,
- 4) request the portability of your data in accordance with the provisions of the GDPR and national legislation.

The data controller is Sikel Impianti S.r.l. with registered office in Via Eumelo 32- 90600 Siracusa- Italy.

## **Right to complain**

If you believe that the processing of personal data referred to you is in violation of the provisions of the Regulation, you have the right to lodge a complaint with the Italian Data Protection Authority (Garante per la protezione dei dati personali), as required by art. 77 of the Regulation itself, or to refer to the appropriate judicial offices (Article 79 of the Regulation).

## **Changes**

Sikel Impianti S.r.l. reserves the right to make changes to this information at any time, giving appropriate publicity to the data subjects also and guaranteeing in any case an adequate and similar protection of personal data. In order to access any updates, you are invited to consult this privacy notice regularly.

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