

## **PRIVACY POLICY “WHISTLEBLOWING REPORTING”**

### **PURSUANT TO ART. 13 OF EU REGULATION NO. 679/2016**

#### **DATA CONTROLLER AND CONTACTS**

The Data Controller is Azienda Trasporti Milanesi S.p.A. (ATM), with registered office in Foro Buonaparte 61, 20121, Milan (Italy).

The Data Protection Officer can be contacted at the following email address: [rpd@atm.it](mailto:rpd@atm.it)

#### **PURPOSE OF THE PROCESSING AND LEGAL BASIS**

- A) The purpose of the processing is the receipt, management and follow-up of reports concerning unlawful conduct or irregularities (so-called whistleblowing), including the preliminary assessment of the admissibility of the report, the conduct of internal investigations, the communication of the outcome to the whistleblower and the adoption of any resulting measures. The processing is performed in strict compliance with the principle of confidentiality regarding the identity of the whistleblower, the individuals involved, and any third parties mentioned in the report, pursuant to art. 12 of Legislative Decree No. 24/2023.

The legal basis is a legal obligation to which it is subject the Data Controller under Legislative Decree No. 24/2023, pursuant to art. 6, paragraph 1, letter c) of EU Regulation No. 679/2016. Where the report involves the processing of special categories of personal data, the processing is additionally grounded in the fulfilment of specific obligations in the field of labour law and social security pursuant to art. 9, paragraph 2, letter b) of EU Regulation No. 679/2016, as well as in the need to establish, exercise, or defend legal claims, or whenever courts are acting in their judicial capacity, pursuant to art. 9, paragraph 2, letter f) of EU Regulation No. 679/2016.

#### **CATEGORIES OF DATA PROCESSED**

The personal data processed include the information contained in reports submitted through the internal reporting channel, such as, by way of example, identification data, contact details, data relating to previous work experience, remuneration-related data, etc. The data may also include special categories of personal data: racial or ethnic origin, political opinions, religious or philosophical beliefs, health-related data, data concerning a person's sex life or sexual orientation, as well as data relating to criminal convictions and offences, provided that such data are strictly relevant and necessary for the handling of the reports, in compliance with the principles of proportionality and necessity. The processing of any special categories of personal data may be carried out only where, depending on the circumstances, it is necessary for the fulfilment of the Controller's obligations in the field of labour law, or where the processing is necessary for the establishment, exercise, or defence of the Controller's legal claims.

#### **DATA DISCLOSURE**

Personal data are processed by personnel authorized pursuant to Article 29 of the GDPR and Article 2-quaterdecies of the Italian Data Protection Code, by the data controller and may be communicated to public authorities.

#### **METHODS OF PROCESSING**

The processing of personal data may also be carried out through automated and computerized procedures, by means of the operations of collection, recording, organization, storage, consultation, processing, alteration, selection, retrieval, comparison, use, interconnection, restriction, disclosure, erasure and destruction of the data. Furthermore, the data are

processed solely for the purposes indicated above, in accordance with the principles of lawfulness, fairness, transparency, accuracy, integrity and confidentiality established by the applicable legislation.

#### **DATA TRANSFER**

No transfer of the personal data collected for the purposes set out above to third countries outside the European Economic Area or to international organizations is currently envisaged. Should such transfer become necessary, it will be carried out based on an adequacy decision pursuant to Article 45 of the GDPR and in compliance with the appropriate safeguards provided for under Article 46 of the GDPR.

#### **DATA RETENTION PERIOD**

The data shall be retained, for the purpose referred to under point A), for a period of five years commencing from the date on which the final outcome of the reporting procedure is communicated, or for a longer period where necessary to safeguard the company's legal position (Legislative Decree No. 24 of 10 March 2023) and the erasure shall be carried out through irreversible anonymisation and/or pseudonymisation of the personal data.

#### **PROVISION OF DATA**

The provision of personal data is mandatory for the achievement of the purpose indicated above. Failure to provide such data, or the provision of incomplete or inaccurate data, may result in the impossibility of managing the reports received.

#### **DATA SUBJECT RIGHTS**

All the rights of the data subject are guaranteed in accordance with the provisions of Articles 15, 16, 17, 18, 20, 21, 22 and 77 of the GDPR:

- right of access to your personal data and all information on the processing carried out;
- right to rectification of inaccurate personal data and integration of incomplete data;
- right to erasure ('right to be forgotten');
- right to limit the processing of your personal data;
- right to data portability;
- right to object to the processing of your personal data;
- right not to be subject to a decision based solely on automated processing;
- right to lodge a complaint with the Italian Data Protection Authority in case a violation is thought to have been carried out.

Should the data subject believe that their rights have been infringed, they are entitled to lodge a complaint.

For further information, we invite you to consult the website of the Italian Data Protection Authority – [www.garanteprivacy.it](http://www.garanteprivacy.it) – where a dedicated section on these rights is available.

#### **METHODS FOR EXERCISING RIGHTS**

You may exercise your rights at any time by:

- sending a registered letter with return receipt to the address of Data Controller;
- sending an email to: [protezionedatipersonali@atm.it](mailto:protezionedatipersonali@atm.it)