

Privacy notice pursuant to Article 13 of the GDPR regarding the reporting of breaches of laws and regulations to the whistleblowing system

This privacy notice describes how the whistleblowing system works and provides guidance on the use of the system and the processing of personal data arising from it.

Employees of HT Special Metals Sagl (hereinafter 'the company'), as well as external parties, may report indications of significant breaches of laws or regulations that have occurred within a company. Reports may also concern events that have taken place outside the company, provided that these may have repercussions on the company.

Whistleblowers have various channels available to them for submitting a report. A suspected case may be brought to the attention of their line manager, who will then forward the information to the relevant departments. Alternatively, the whistleblower may contact the following internal bodies within the company directly:

The Compliance Committee of the relevant division's parent company or lead company is the body responsible for receiving reports relating to a specific business division, and reports may be submitted directly to this body.

Information concerning the company must be addressed to the Compliance Committee of HT Special Metals Sagl Functions.

It is also possible to report a suspected case via an independent external office, namely that of the legal ombudsman. This office protects the identity of whistleblowers who prefer to remain anonymous. The whistleblower will receive confirmation of receipt within 7 days and a response regarding the content of the report within 3 months.

The subsequent handling of the information is carried out by the Compliance Committee in accordance with the general principles applicable to the management of suspected cases.

The external office of the legal ombudsman responsible for receiving reports is:

Studio Legale Avv. Jacopo Arturi, Corso Giacomo Matteotti, 53, 21100 Varese VA - Italy

The following have been appointed to the ombudsman panel:

- Jacopo Arturi, lawyer
- Dr Clarissa Colloca

A. Definitions

As both the whistleblower and the person to whom the report relates are data subjects within the meaning of Article 4(1) of the GDPR, for the sake of clarity, the following terminology is used in this policy:

- Whistleblower: the person making the report.
- Data subject: the person to whom the report relates, as well as any other person mentioned in the report itself.

B. Purposes of the processing

The whistleblowing system is designed to collect and manage reports of suspected serious breaches of laws and regulations, with the aim of identifying and preventing unlawful conduct carried out within the company or to its detriment. The reporting system also serves as a tool for preventing corruption.

The establishment of the external legal ombudsman's office is intended to enable employees and external parties to report suspected cases securely and confidentially.

The external ombudsman's office is designed to receive, process, manage and, where necessary, forward securely and confidentially information relating to breaches of laws and regulations, whether internal or external to the organisation, which have an impact on the companies.

The companies also intend to protect the rights of their employees, external parties and the individuals mentioned by the whistleblower within the reporting system, limiting the collection of personal data to what is strictly necessary.

For this reason, sensitive data — such as racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or data relating to the health or sex life of the whistleblower or the data subject — must not be disclosed, unless this is strictly necessary in relation to the facts reported and the grounds for suspicion.

C. Legal basis for processing

The processing of a whistleblower's personal data in connection with reports is based on the whistleblower's consent pursuant to Article 6(1)(a) of the GDPR, which is given by voluntarily submitting the information to the Ombudsman's office or the Compliance Committee.

1. Legal basis for processing by the companies

The Compliance Committee processes personal data in accordance with Article 6(1)(f) of the GDPR, on the basis of the companies' legitimate interest in identifying, preventing and combating unlawful conduct carried out within their organisations or to their detriment.

2. Legal basis for processing by the external ombudsman

The processing of personal data in connection with the submission of reports to the external legal ombudsman is carried out in accordance with Article 6(1)(f) of the GDPR, on the basis of the ombudsman's legitimate interest in carrying out the remit entrusted to them by HT Special Metals Sagl, with the aim of identifying and preventing breaches of laws and regulations.

For purposes other than those indicated, personal data collected in connection with a report is not processed by either the companies or the ombudsman's office.

No automated decision-making, including any form of profiling, takes place within the meaning of Article 22(1) and (4) of the GDPR.

D. Categories of data processed

Depending on whether the report is forwarded to the external legal ombudsman or directly to the Compliance Committee, the following personal data relating to the whistleblower is collected:

1. Report to the external legal ombudsman's office

By telephone or letter: reports can be made anonymously; otherwise, only the personal details provided (e.g. name, contact details) will be recorded.

Please note: for anonymous reports made by telephone, you must disable caller ID; otherwise, the number of the line used will appear in the telephone system.

By email or fax: the email address or fax number is collected automatically for technical reasons. When sending a report by fax, please bear in mind that the fax number may allow the reporter's identity to be traced. When sending a report by email, if you wish to remain anonymous, you should not use your work email address. Otherwise, only the personal data actually provided is collected (e.g. name, further contact details).

The processing of personal data in Europe is governed by the General Data Protection Regulation (GDPR EU/2016/679)

2. Reporting, either directly or indirectly via one's line manager, to the Compliance Committee

By telephone or email: name, email address, position/role within the company (or, for external whistleblowers, equivalent information), and, where applicable, the telephone number, which has already been collected for technical reasons at the time of contact.

In person: name, position/role within the company or, for external whistleblowers, equivalent information, and any additional contact details agreed upon.

3. Processing of data subjects' personal data

The personal data relating to the data subjects is that provided by the whistleblower and normally includes at least: name, role within the company, and the incident that gave rise to the report.

E. Recipients of the data

I. Reports within companies

All information provided by the whistleblower is examined and subjected to an initial assessment by the relevant department indicated above. If the report is forwarded to a manager, the manager forwards it to the Compliance Committee for assessment. Should the investigation of the suspected case so require, the Compliance Committee forwards the information to the relevant departments, which assess it before a final decision is taken on the measures to be taken.

1. Notification to the data subject

Pursuant to Article 14(5)(d) of the GDPR, by way of derogation from Article 14(1) to (4) of the GDPR, the data subject shall not be informed where such notification would render the achievement of the purposes of the processing impossible or seriously impair it. The data subject shall be informed in accordance with Article 14(1) to (4) of the GDPR no later than the conclusion of the investigation into the suspected case.

II. Reports submitted via a law firm

All information provided by the whistleblower is received in confidence by the ombudspersons, who assess its content to determine whether there has been a breach of any law or regulation. The whistleblower receives an acknowledgement of receipt from the law firm within 7 days of the report being received.

The ombudspersons' review is normally carried out in two stages. In the first stage, they check whether the report actually concerns a relevant matter; only if this is the case do they proceed to a more in-depth examination of the merits, aimed at verifying an initial suspicion based on factual evidence. The whistleblower receives an update on the progress of the procedure within 3 months of the report being received.

1. Forwarding to companies

In the absence of authorisation from the whistleblower, as documented by the law firm, no report is made to the companies' Compliance Committee. Depending on the authorisation granted by the whistleblower, the information is forwarded with or without disclosure of their identity.

The companies have irrevocably waived their right to obtain, under the engagement agreement between the lawyer and the Law Firm, information relating to the identity or identifiability of whistleblowers, unless, in the Law Firm's opinion, there is a well-founded suspicion in the individual case, based on factual evidence, that the whistleblower has intentionally made a false allegation.

2. Forwarding to the parties concerned

Pursuant to Article 14(5)(d) of the GDPR, read in conjunction with Section 29 of the BDSG (German Federal Data Protection Act, relating to legal professional privilege), and by way of derogation from Article 14(1)–(4), GDPR, the data subject shall not be informed where the disclosure concerns information which, by its nature, must remain confidential, in particular to safeguard the overriding legitimate interests of third parties. This applies, in particular, to safeguarding the confidentiality of the whistleblower's identity.

F. Source of the data

The data comes from whistleblowers (e.g. employees, business partners, suppliers, customers or other external parties) or from documentation provided by them.

G. Shelf life

I. Company

If the investigation into the suspected case does not reveal any breach of the law or of obligations, the data will be deleted immediately upon completion of the investigation.

If the reported facts give rise to a suspicion of a breach of the law or of obligations but this has not yet been confirmed, the data will be deleted two months after the conclusion of the investigation.

If the report gives rise to a suspicion of a breach of the law or of obligations and results in a legal dispute, the data will be retained, in accordance with Article 17(3)(e) of the GDPR, for as long as is necessary to establish, exercise or defend a legal claim in court.

II. Law Firm

The retention period for personal data in the context of reports of wrongdoing (whistleblowing) is governed by Article 14 of Legislative Decree 24/2023. The data is retained for the time necessary for processing and, in any event, for no longer than 5 years from the date on which the final outcome of the procedure is communicated, in accordance with the principles of confidentiality and data minimisation. [1, 2]

For reports not forwarded to any of the companies, the period begins at the end of the calendar year in which the report was received; for reports that have been forwarded, the period begins at the end of the calendar year in which the relevant proceedings at the companies were concluded.

H. Rights of data subjects and whistleblowers

1. Right to object

Where processing is carried out to safeguard legitimate interests (Article 6(1)(f) of the GDPR), you may object at any time to the processing of your personal data on grounds relating to your particular situation, in accordance with Article 21 of the GDPR. Please note that, where there are compelling legitimate grounds pursuant to Article 17(1)(c) of the GDPR, your objection may not be upheld.

To exercise your right to object, simply send an email to info@ht-specialmetals.com or to avv.jacopo.arturi@gmail.com

1. Further rights

The following rights are also recognised:

the right, pursuant to Article 7(3) of the GDPR, to withdraw consent to the processing of data at any time; from the moment of withdrawal, processing based on that consent may not continue. Withdrawal may be communicated by e-mail to info@ht-specialmetals.com or to avv.jacopo.arturi@gmail.com

- the right, pursuant to Article 15 of the GDPR, to obtain information about your personal data being processed, unless the exception set out in Article 23(1)(d) and (i) of the GDPR, read in conjunction with Section 29(1), second sentence, of the BDSG, applies;
- the right, pursuant to Article 16 of the GDPR, to have inaccurate or incomplete data concerning you rectified without delay;
- the right to erasure of your personal data pursuant to Article 17 of the GDPR;
- the right to restriction of processing of your personal data pursuant to Article 18 of the GDPR;
- the right to data portability pursuant to Article 20 of the GDPR, namely the right to receive the personal data concerning you in a structured, commonly used and machine-readable format, or to request that it be transmitted to another data controller;
- the right, under Article 77 of the GDPR, to lodge a complaint with a supervisory authority in the event of a dispute concerning data protection, in particular with the supervisory authority of the Member State in which you reside, work or where the alleged infringement took place.