



PRIVACY NOTICE
for data processing relating to
the whistleblowing procedure

pursuant to art. 13, EU Regulation 2016/679





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You are requested to read this notice (hereinafter also referred to as the “Notice”) carefully. It contains information on the processing of personal data and is provided pursuant to art. 13 of EU Regulation 2016/679 by PAGANI S.p.A. as Data Controller and refers specifically to personal data processed through the whistleblowing platform (hereinafter also referred to as the “Platform”). The Platform is provided as an internal channel for raising concerns regarding breaches of national law (including civil law, administrative law, criminal law, and accounting offences, and material conduct pursuant to Italian Legislative Decree 231/2001 and breaches of the organisation and management model adopted by Pagani) and of European legislation, in the cases envisaged in Italian Legislative Decree n. 24/2023 (hereinafter referred to collectively as “Concerns raised/Reports”).

In general, all personal data (hereinafter also referred to as the “Personal Data” and/or “Data”) processed in the context of the use of the Platform will be processed in compliance with the principles recognised by personal data protection legislation in force and the confidentiality criteria expressly provided for by Italian Legislative Decree n. 24/2023.

For any further information on breaches that can be reported pursuant to Italian Legislative Decree 24/2023, on the use of the internal whistleblowing channel set up by Pagani, and on the external whistleblowing channels, with particular regards to the conditions for raising concerns via these channels, you are advised to read the document “Whistleblowing management procedure”, which is available on the Pagani portal (www.pagani.com).

The Notice is divided into individual sections, each covering a specific area so that the various topics can be found and read as quickly and easily as possible.

DATA CONTROLLER

The Data Controller is the company Pagani S.p.A., (hereinafter also referred to as “Pagani”), based at Via dell’Artigianato, 5 – Vill. La Graziosa, 41018, San Cesario sul Panaro (MO), Italy, Tel. +39 059 4739201 - Fax +39 059 927377, email: info@pagani.com.

PERSONAL DATA PROCESSED

In compliance with the Organisation, Management, and Control Model adopted by the company pursuant to Italian Legislative Decree 231/2001 and likewise with the provisions of Italian Legislative Decree n. 24/2023, Pagani has implemented a specific internal channel for raising concerns and reporting conduct and/or failures to act that constitute breaches of national law (including civil law, administrative law, criminal law, accounting offences, and material conduct pursuant to Italian Legislative Decree 231/2001 and breaches of the organisation and management model adopted by Pagani) and of European legislation, in the cases envisaged in Italian Legislative Decree. This procedure involves the use of a specific whistleblowing platform through which the party wishing to raise a concern can provide any appropriate information, protected by confidentiality guarantees, on the alleged unlawful conduct which has come to their attention as a result of their activities and within the scope of the qualifying disclosures, so that the whistleblowing officers designated by the Company can deal with the Concerns raised.

Based on the above, the Personal Data which is processed is set out below with reference to the different categories of data subjects potentially involved. More specifically, it should be noted that Data required in the fillable fields marked with an asterisk (*) in the different sections of the whistleblowing forms must be provided in order to raise a concern.

Data concerning the whistleblower: the whistleblower (as per the fillable fields found in the various sections of the whistleblowing forms submitted via the Platform) will be asked to provide Personal Data such as: their first name, surname, job title or description at the time of the events reported and their current job title, their personal mobile phone number, personal email address, or other contact details, as well as any other details including personal details, which may be requested in the fields to provide a factual description of the offence. The Platform also allows users to attach documents, which may in turn contain Personal Data concerning the whistleblower or third parties.

The whistleblower can raise concerns anonymously (i.e. choosing not to provide any details about their personal identity or which could reveal their identity). This Data can be provided at a later time, by adding further information to the Concern raised.

In any case, the whistleblower’s identity is always kept confidential: and any disclosure thereof (in the cases provided for by law in art. 12 of Italian Legislative Decree n. 24/2023) to any party other than those tasked with receiving and following up the Concerns raised always takes place with the whistleblower’s express consent.



Data concerning third parties: When raising a concern, the whistleblower may also provide Personal Data concerning third parties if they feel it is essential. For example, the concern raised could contain Data relating to third parties specified as having knowledge of the events, or as enablers of the events or as the parties who have committed the conduct deemed unlawful. At the whistleblower's discretion, the Personal Data of third parties may also be processed, such as their first name and surname, their contact details, the organisation or company to which they belong, and their job description or role.

Data concerning the whistleblowing officer: whistleblowing officers are assigned specific credentials to carry out activities relating to the whistleblowing management via the Platform. Data concerning these data subjects which is processed includes: their first name, surname, and email address.

Browsing data and technical cookies: the technical/service log for the Whistleblowing application does not store any personal data as it removes the IP address and the characteristics of the user agent used for the requests during the mapping phase.

The data retained therefore only relates to technical service information, comprising:

- Request time, type, and protocol
- Resource required
- Response time and code

The Platform also only uses technical cookies and therefore does not use profiling and/or third-party cookies of any kind.

PURPOSE OF AND LAWFUL BASIS FOR THE PROCESSING

The Data will be processed by Pagani within the limits established by applicable legislation and for the following purposes:

a) to allow activities to be carried out which are strictly connected to and instrumental in the correct reception and management of reports of potential breaches submitted through the whistleblowing Platform (**Whistleblowing Management**). The data and information provided by the whistleblower for the purpose of representing the alleged unlawful conduct, including failures to act, which has come to their attention as result of their relationship with Pagani are processed in order to make the necessary investigations to assess the validity of the events of the concern raised as well as, when grounded, the measures to be taken in response. Therefore, failure to provide the Personal Data requested for this purpose and marked with an asterisk (*) in the whistleblowing sections of the portal and likewise proven incorrectness of the Data provided could make it impossible to complete the whistleblowing procedure.

The lawful basis for the processing is compliance with legislative requirements, with particular reference to Italian Legislative Decree n. 231/2001 governing administrative liability of legal persons, companies, and associations including those without legal personality, and Italian Legislative Decree n. 24/2023 implementing Directive (EU) 2019/1937 issued by the European Parliament and Council, which lays down provisions regarding the protection of persons who report breaches of national legislative provisions.

b) to comply with any requirements provided for by further binding legislation or by provisions issued by the authorities to which Pagani is subject (**Legal Obligations**). The provision of Personal Data and the processing thereof for this purpose are both necessary to meet the Legal Obligations placed on the Data Controller in compliance with applicable laws, which may include the retention and disclosure of the Data to competent authorities.

PERSONAL DATA TRANSFERS AND RECIPIENTS

The Personal Data will be made known to the whistleblowing officers designated by Pagani, who are duly authorised to perform the processing activities and have signed non-disclosure agreements or are legally required to maintain confidentiality.

In order to fulfil the confidentiality duty provided for by Italian Legislative Decree n. 24/2023, the Data Controller has adopted a series of specific measures, including the guarantee that the Platform and the internal whistleblowing channel are only accessible to authorised personnel. Furthermore, the identity of the whistleblower and any other information from which such identity can be deduced, directly or indirectly, will not be revealed to any party other than those tasked with receiving and following up the Concerns raised unless the whistleblower has expressly consented thereto and, in the cases provided by law, the reasons for disclosure have been provided.

As regards the Platform, the Personal Data processing is also entrusted, in part, to third parties, who or which are likewise duly designated as Data Processors as they process Data on behalf of Pagani (for example, the Platform service provider, ISWEB).

Finally, where requested or necessary, the Personal Data will be disclosed to competent authorities in accordance with the provisions of applicable laws. In the event that the requirements established by the relevant legislation are met and the whistleblower intends to contact the ANAC (Italian nation anticorruption authority) external whistleblowing channels or needs to raise the concern with other competent authorities, these other parties will act as separate, autonomous Data Controllers and, therefore, you are advised to refer to the procedures and privacy notices provided by them.

The Data will not be disseminated and will not be sent to any countries outside the European Union or the European Economic Area.



PERSONAL DATA RETENTION PERIODS

The Personal Data processed for Whistleblowing Management purposes will be kept for five years from the date the concern is reported, to allow the whistleblowing officers to investigate the matter in full and, subsequently, to keep track of the concerns that have been addressed.

Pagani will retain Personal Data processed for the purpose defined as "Legal Obligations" for the length of time provided for by binding applicable law.

DATA SUBJECTS' RIGHTS

It should be noted that, in consideration of the intrinsic nature of the data processed and the purposes of the processing, in the event of receipt of requests to exercise rights, the Data Controller will take into account the provisions of art. 2-*undecies* of the Italian data protection code, titled "Limitations to the rights of the data subject", which states, in subsection f), that the rights recognised by the said code cannot be exercised if the exercise thereof would effectively be detrimental to the confidentiality of the identity of the employee who raised the concern following information coming to their attention as a result of their role or position at work.

In cases where, at the express request of the Data Controller, the data subject consents to the disclosure of their identity to persons other than those competent to receive and follow up the Concerns raised, they may withdraw this consent at any time, provided that the Data Controller has not already taken steps to disclose their identity on the basis of the consent given previously and lawfully.

The data subject is entitled to: access the said Data (and/or receive a copy thereof) as well as further information on the processing in progress and the said right may be exercised at any time; seek correction or updating of the Data; seek deletion of the Data if they deem the processing unnecessary or unlawful; seek limitation of the processing if they believe their Data has been unfairly, unnecessarily, or unlawfully processed, or if they have opposed the processing thereof; exercise the right to portability of the Data, i.e. to obtain a copy of the Data in a structured, commonly used and machine-readable format or request that the said Data be sent to another Data Controller; object to the processing. Where Pagani applies the limitations stated above, the data subject will be notified thereof without delay and in writing. In such cases, the rights of the data subject, pursuant to art. 2-*undecies* subsection 3, of the Italian data protection code, can also be exercised through the Italian data protection authority (in Italian, the *Garante*) in the way set out in art. 160 of the said Italian data protection code.

These rights can be exercised by contacting Pagani by email at the following address: privacy@pagani.com

Furthermore, the data subject is always entitled to file a complaint with the competent supervisory authority (for example the data protection authority in the country where they live, e.g. the *Garante* in Italy) if they think that their Data has been or is being processed in breach of personal data protection legislation in force.

Last updated on 20/11/2023