
	<b>Organisation, management and control model pursuant to Italian Legislative Decree no. 231/2001</b>	Zephyr Group S.r.l.
		<i>Second Issue 15.12.2023</i>

**Whistleblowing Procedure**


**for reports of offences and irregularities pursuant to Italian Legislative Decree 231/2001  
and Italian Legislative Decree 24/2023**

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## 1. Regulatory context and nature of the institution

This procedure, which forms an integral part of the Zephyr Group S.r.l. 231 Model (hereinafter also only "Zephyr" or "Company"), is aimed at regulating the methods of reporting illegal conduct or irregularities in the business environment, in particular, through the provision of information channels suitable to ensure the receiving, analysis and processing of reports as well as of systems to protect the whistleblower against discriminatory or, in any case, penalising measures in the context of the employment relationship.

The introduction into national law of adequate protection for employees (public and private) who report illegal conduct from within the workplace is provided for in international conventions (UN, OECD, Council of Europe), ratified by Italy, as well as in recommendations of the Parliamentary Assembly of the Council of Europe, sometimes in a binding manner, other times in the form of an invitation to comply.

In compliance with these requests, art. 54bis of Italian Legislative Decree 165/2001, entitled "*Protection of public employees who report wrongdoing*", introduced, in our legal system, a regulation to encourage the emergence of wrongdoing, known in Anglo-Saxon countries as *whistleblowing*.

The expression *whistleblower* indicates the person who, in the corporate context, reports to the bodies entitled to intervene breaches or irregularities of which they have become aware due to the employment relationship; through the report, therefore, the whistleblower contributes to the emergence of situations of degeneration and malfunctions of the internal system of corporate management as well as to the prevention of risks and situations prejudicial to the Company.


The expression "*whistleblowing policy*" refers to the procedure through which a report is made and the actions envisaged to protect employees who report unlawful acts and irregularities.

With this procedure, therefore, the Company intends to regulate management and use of the internal reporting channels prepared in implementation of Italian Legislative Decree no. 231 of 8 June 2001, as well as Italian Legislative Decree no. 24 of 10 March 2023.

## 2. Recipients

Relevant information pursuant to paragraph 3 below may be reported by persons belonging to the work context of SPII and falling into the following categories:

- ✓ employees;
- ✓ self-employed workers;
- ✓ collaborators in various capacities;
- ✓ freelancers and consultants;
- ✓ workers or collaborators who perform their work at Zephyr who

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- ✓ provide goods or services or who carry out works for third parties;
- ✓ volunteers and trainees, even if unpaid;
- ✓ persons with administrative, management, control, supervisory or representative functions;
- ✓ holders of Zephyr shares.

The possibility of reporting and making use of the protection measures referred to in Italian Legislative Decree no. 24 of 10 March 2023 is also envisaged if the report is made in the following cases:

- when the legal relationship with the whistleblower has not yet begun;
- during the probationary period;
- after dissolution of the legal relationship with the whistleblower if the information on the breaches was acquired during the course of the relationship.

### **3. Transposition and training methods**

This procedure must be widely communicated, both to employees and collaborators, such as to become a constant reference in the Company's business activities.


In particular, for the purposes of implementing the procedure, adequate training and information sessions must be held for personnel.

Similar information and publicity of the procedure, even in differentiated ways, must also take place in dealings with collaborators, for example through hard-copy delivery of the same with acknowledgement of receipt.

### **4. Purpose and field of application**

With this procedure Zephyr Group srl intends to regulate the management and use of internal reporting channels prepared in implementation of Italian Legislative Decree no. 231 of 8 June 2001, as well as the external reporting channels introduced by Italian Legislative Decree 24/ 2023. The objective pursued by this procedure is to describe and regulate the process of reporting breaches of offences or irregularities, providing the whistleblower with clear operational indications about the subject, contents, recipients and methods of transmission of the reports, as well as about the forms of protection that are provided by the Company in accordance with the regulatory provisions.

The purpose of this procedure is also to regulate the methods of ascertaining the validity and substantiation of the reports and, consequently, to take the appropriate corrective and disciplinary actions to protect the Company. The following provisions must be observed by all recipients of the Organisational Model as well as by anyone using the reporting channels regulated below,

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or having to manage and follow up on communications made through it. These provisions, where not incompatible, must also be observed in cases of anonymous reports.

## 5. Reports

### 5.1 Subject of the report

Through the internal reporting channels made available by the Company, it is possible to communicate, with a guarantee of confidentiality, information regarding:

- ✓ relevant unlawful conduct pursuant to Italian Legislative Decree 231/2001, the so-called "predicate offences" (arts. 24 et seq.);
- ✓ breaches of the Organisation, Management and Control Model adopted by Zephyr pursuant to Italian Legislative Decree 231/2001, even if not having immediate criminal relevance;
- ✓ breaches of the Code of Ethics and of the Operating Procedures adopted by Zephyr, even if they do not have immediate criminal relevance.

The content of the report must be clear, precise and detailed. In any case, the protection measures provided for the whistleblower also apply in case of unfoundedness of the report if at the time of the report the person had founded reason to believe that the information on the breaches was true and fell within the objective scope of application of the procedure


### 5.2 Content of the report

The reports must: a) be substantiated and based on precise and concordant elements; b) relate to facts that are detectable and known directly by the reporting party; c) contain all the information necessary to unequivocally identify the perpetrators of the unlawful conduct.

The whistleblower must, therefore, provide all the useful elements to allow the appropriate verifications and assessments to be performed to verify the facts subject to reporting.

The report must contain:

- the personal details of the reporting party, with an indication of the qualification or professional position;
- a clear and detailed description of the facts, precise and concordant, subject of the report and the methods with which it was communicated;
- circumstances of the time and place at which the facts were committed;
- general information and role (qualification, professional position or service in which the reported party performs the activity) that allow identifying of the subject or subjects involved in the reported facts;
- an indication of any other subjects who may report on the facts being reported;
- an indication of any documents that may confirm the substantiation of the reported facts;
- any other information that may provide useful feedback on the existence of the reported facts.

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Although reports transmitted in non-anonymous form are preferable, anonymous reports are also permitted, i.e. without elements that allow identifying of the author, provided they are

adequately detailed and substantiated and capable of highlighting specific situations and facts. They are only taken into consideration if they do not appear *prima facie* irrelevant, unfounded or clearly defamatory in content.

The requirement of the veracity of the facts or situations reported, for the protection of the reported party, remains unaffected.

## 6. Recipient and reporting method

Zephyr Group has identified in the Supervisory Body, appointed pursuant to Italian Legislative Decree no. 231 of 8 June 2001, the person responsible for receiving, managing and following up, in a confidential manner, on the reports submitted pursuant to Italian Legislative Decree no. 24 of 10 March 2023.

Reports must be addressed to the Supervisory Body by direct communication to be sent in the following ways:

- Written notification by computer, through the Online Platform <https://whistleblowing.varhub.it/Whistleblowing?code=ZEPHYRGROUPSRL>
- In the event that it is the whistleblower's intention to make use of the right to make the report verbally (see art. 4, para. 1, Italian Legislative Decree 24/2023), the latter is called upon to do so by requesting in writing, through use of the platform specified above or by e-mail of the SB (odv@zephyrgroup.eu), the setting up of a meeting in a protected manner with the SB.

All reports received, regardless of the channel used, are archived by the Body to protect the confidentiality of the whistleblower.

The Body receiving the report must guarantee the confidentiality of the whistleblower and the information received.


### 6.1 Using the Whistleblowing.Varhub platform

The person who intends to enter a report must connect via browser to the address <https://whistleblowing.varhub.it/Whistleblowing?code=ZEPHYRGROUPSRL>

Messages sent through the platform only come to the attention of the Supervisory Body, appointed pursuant to Italian Legislative Decree 231/2001, without intermediation or filters of any kind. In addition, the platform guarantees a communication encryption service in order to fully and effectively protect the confidentiality of whistleblowers.

To use the platform:

1. connect to the address <https://whistleblowing.varhub.it/Whistleblowing?code=ZEPHYRGROUPSRL>;
2. select the desired language using the button in the upper right
3. select the reporting mode: Anonymous or Signed
4. fill in the report forms with the required information;
5. fill in the Validation Code field and press Submit

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6. store the unique code of the report sent to monitor the progress of the report;

To monitor the status of the report, connect to the address

<https://whistleblowing.varhub.it/Whistleblowing?code=ZEPHYRGROUPSRL> and enter the unique code of the report in the "Code" box visible on the main page. A page will open showing

the data of the report sent, including the status and notes entered by the persons assigned to management.

## **7. Whistleblower protection**

### **7.1 Confidentiality**

The identity of the whistleblower is protected both during acquisition of the report and in any subsequent context, except in cases where there is liability by way of slander and defamation pursuant to the provisions of the Criminal Code or of art. 2043 of the Italian Civil Code, as well as in cases where anonymity is not opposable by law (such as criminal, tax or administrative investigations, inspections of supervisory bodies).

Therefore, subject to the above exceptions, the identity of the whistleblower cannot be disclosed without their express consent and all those who receive or are involved in handling the report are required to protect the confidentiality of such information. Failure to comply with this obligation constitutes a breach of the procedure and, consequently, of the Company's Model.

Regarding the disciplinary procedure, the identity of the whistleblower can only be revealed to the manager of the company function that deals with the disciplinary procedure as well as to the person reported in cases where:


1. there is the express consent of the whistleblower;
2. the dispute of the disciplinary charge is based, in whole or in part, on the report and knowledge of the identity of the person making the report and is absolutely essential for the defence of the accused party, provided that this circumstance is deduced and proven by the latter during the hearing or through the presentation of defence documents.

In the case of sending of the report to other structures/bodies/third parties for the performing of investigative activities, only the content of the report must be forwarded, eliminating all references from which it is possible to trace, even indirectly, the identity of the reporter.

### **7.2 Prohibition of retaliation**

Any form of retaliation or discriminatory measure, direct or indirect, on working conditions is not permitted or tolerated against the whistleblower for reasons directly or indirectly linked to the report. Italian Legislative Decree no. 24 of 10 March 2023 provides specific protection measures in favour of reporting persons (the so-called "whistleblower"), as well as to protect the following additional subjects:

- ✓ the so-called "facilitators", i.e. natural persons who have assisted a reporting person in the reporting process, operating within the same working context;
- ✓ persons of the same working context as the reporting person and who are linked by a stable emotional

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- ✓ bond or kinship within the fourth degree;
- ✓ work colleagues of the reporting person and who have a habitual and current relationship with said person;
- ✓ bodies owned by the reporting person or for which the same person works, as well as the bodies operating in the same working context as the reporting person.

Discriminatory or retaliatory measures include, but are not limited to, unjustified disciplinary actions, demotions without justification, harassment in the workplace and any other form of retaliation that results in uncomfortable or intolerable working conditions.

The person who considers that they have suffered discrimination on the grounds that they have reported an offence or irregularity must inform, in a detailed manner, the Body which, in the event of a positive response, reports the hypothesis of discrimination to the competent structures, functions or bodies.


Zephyr Group adopts the protection measures provided for by Italian Legislative Decree 24/2023, reserves the right to adopt the appropriate measures and/or actions, imposing sanctions, against anyone who performs retaliatory acts against those who have submitted a report in accordance with this procedure. In particular, the cited Legislative Decree provides for the absolute prohibition of retaliation, such as by way of example:

- dismissal, suspension or equivalent measures;
- demotion or non-promotion;
- a change of functions, a change of workplace;
- reduction of salary, modification of working hours;
- the suspension of training or any restriction of access to it;
- negative notes of merit or negative references;
- the adoption of disciplinary measures or other sanctions, including financial penalties;
- coercion, intimidation, harassment or ostracism;
- discrimination or in any case unfavourable treatment;
- failure to convert a fixed-term employment contract into a permanent employment contract, where the worker had a legitimate expectation of such conversion;
- the non-renewal or early termination of a fixed-term employment contract;
- damage, including to the person's reputation, in particular on social media, or economic or financial prejudice, including loss of economic opportunities and loss of income;
- placing on improper lists on the basis of a formal or informal sectoral or industrial agreement, which may make it impossible for the person to find employment in the sector or in the industry in the future;
- the early conclusion or cancellation of the contract for the supply of goods or services;
- the cancellation of a licence or permit;
- the request to submit to psychiatric or medical investigations.

### **8. Report validity verification**

The management and verification of the validity of the circumstances represented in the report are entrusted to the Supervisory Body, which provides it in compliance with the principles of impartiality and confidentiality, performing any activity deemed appropriate, including the personal hearing of the



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whistleblower and of any other persons who may report on notified facts. Upon receipt of a communication through the internal reporting channels, the Supervisory Body must perform the following activities:

- a) verify that the report falls within the objective and subjective scope of application of the procedure pursuant to paragraphs 2 and 5 above;
- b) in the event of a positive outcome of the verification, issue **within seven days from the date of receipt of the report** a notice of receipt and taking charge of the reporting person, using the same instrument with which the communication was sent;
- c) maintain the appropriate discussions with the reporting person, also in order to request further information or additions with respect to what has been reported;
- d) diligently follow up on the reports thus received and verified;
- e) provide feedback to the report **within three months from the date of the receipt notice**, using the same tool with which the report was made;
- f) in the event of substantiation of the report, take the appropriate initiatives towards the Administrative Body, being sure to preserve the confidentiality of the identity of the whistleblower;
- g) in the event of the opening of **disciplinary proceedings** against the person involved in the report, should the charge be based wholly or mainly on the report, ask the person making the report in writing for consent to reveal their identity to allow the accused party full exercise of their defence rights, informing the whistleblower that, in the event of lack of consent, it will not be possible to proceed with the report;

During the verifications, the SB can draw on the support and collaboration of the company functions competent on a case by case basis and, if necessary, of external consultants specialised in the field of the report received. During the investigation of the report, the right to confidentiality and respect for the anonymity of the person making the report is reserved, unless this is not possible due to the characteristics of the investigations to be performed. The same duties of conduct, aimed at the confidentiality of the whistleblower, are borne by those who may have intervened in support of the SB.

At the end of the investigation, the SB draws up a summary report of the investigations performed and of the evidence revealed, sharing it, based on the results, with the competent company functions on a case by case basis in order to guarantee any intervention plans to be implemented and the adoption of actions to be taken to protect the Company.

The results of the investigation activity are also submitted to the Legal Representative for any sanctioning procedures and/or for the evaluation of the filing of a complaint/lawsuit with the Judicial Authority, it being understood that the adoption of the measures remains the responsibility of the functions responsible for this.

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Otherwise, if upon the conclusion of the preliminary analysis phase the absence of sufficiently detailed elements emerges or, in any case, the unfoundedness of the facts referred to in the report, the latter will be archived, together with the related reasons.

### ***9. Archiving of documentation***

The Supervisory Body is required to document, through the storage of electronic and/or of hard-copy documents, the reports received, in order to guarantee complete traceability of the interventions undertaken to

fulfil its institutional functions.

The Supervisory Body reserves the right to archive them, making data and elements that may allow identification of the whistleblowers confidential, unless with express consent, in order to guarantee the confidentiality of the whistleblowers' data.

Hard-copy documents are stored in an identified place whose access is only permitted to the Supervisory Body or to persons expressly authorised by the Body itself. The Supervisory Body will arrange for their elimination after 5 years, unless there are defence requirements in relation to any proceedings that justify their further retention pursuant to Reg. (EU) 2016/679

### ***10. Whistleblower responsibilities***


These Regulations are without prejudice to the criminal and disciplinary liability of the whistleblower in the case of reports that may integrate cases of slander (art. 368 of the Italian Criminal Code) or of defamation (art. 595 of the Italian Criminal Code) or an unlawful act pursuant to art. 2043 of the Italian Civil Code.

Any forms of abuse, such as manifestly opportunistic reports and/or reports made for the sole purpose of damaging the reported party and/or other subjects and any other hypothesis of improper use or intentional exploitation, are also a source of responsibility in the disciplinary procedure and in other competent spheres.

In addition, in the event that the whistleblower is co-responsible for the fact that is the subject of the report, this will be taken into account for the purposes of assessing proportionality and the sanction to be applied in the specific case.

### ***11. Processing of personal data***

The personal data of the whistleblowers, of the reported persons and of all the subjects possibly involved, acquired during management of the report, will be processed in compliance with the regulations in force

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regarding the protection of personal data and, in any case, in line with the provisions of the GDPR and limited to those strictly necessary to verify the validity of the report and for its management.

In particular, Zephyr Group S.r.l., as the data controller, guarantees that it will take place for the sole purpose of implementing this procedure and, therefore, for the correct management of the report, in compliance with the rights and fundamental freedoms, as well as ensuring the dignity of the data subjects with particular reference to the confidentiality and security of the data.


Data processing will therefore take place:

- adequately and in advance informing the data subject, through the privacy policy made available on the Company's website, in the section dedicated to Whistleblowing, which forms an integral and substantial part of this procedure and in which are indicated, among other aspects: purposes and methods
  
- of the processing of personal data, data controller of the processing of personal data, recipients and categories of recipients to whom the reported data may be transmitted as part of the management of the report, times and methods of data retention, and additionally the rights exercisable by the whistleblower with reference to their personal data;
  
- involving only personal data that are strictly necessary and relevant to the purposes for which they are collected. Therefore, all personal data (of any natural person) contained in the report or otherwise collected during the investigation that are not necessary will be deleted or made anonymous;
  
- adopting appropriate technical and organisational measures to ensure the security of personal data, in accordance with current legislation.

On the occasion of each report, the reported party and other parties involved in the report may not immediately receive a specific privacy policy regarding the processing of their data, where there is a risk that, by providing such information, the ability to effectively verify the validity of the report or to collect the necessary feedback will be compromised.

**Annexes:**

***Ann. 1 - Privacy Policy (EU Regulation 2016/679)***

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**Ann. 1 Privacy Policy on the processing of data provided with the form for reporting alleged illegal conduct and irregularities**

Zephyr S.r.l., before acquiring personal data for *whistleblowing* management purposes pursuant to Law 179/2017, invites you to carefully read the information on the protection of personal data, set out below.

**1) Data Controller**

The data controller is Zephyr Group S.r.l. with registered office in Via Privata O.T.O.. Zephyr Group S.r.l.

**Type of personal data**

Pursuant to and for the purposes of the provisions of art. 13 of Regulation (EU) 2016/679 on the protection of personal data, the personal data processed by the data controller on the basis of the whistleblowing procedure will be, where provided, the identification/personal data strictly necessary to verify the validity of the report and to allow its management. The data will be processed with computer and hard-copy media in order to guarantee appropriate security and confidentiality measures.

**2) Purposes of processing**

The personal data of the data subjects will be processed for the purposes related to the management of the whistleblowing procedure and to fulfil the obligations provided for by law, regulations or Community legislation.

**3) Legal basis for processing**


The legal basis for the processing of personal data provided on the occasion of reports concerning alleged irregularities or unlawful acts that have become known in the context of the employment relationship, based on the whistleblowing procedure, is, in relation to Zephyr Group s.r.l. which has adopted an Organisation and Management Model, the legal obligation deriving from the provisions of art. 6 of Italian Legislative Decree no. 231 of 2001, as amended by Law no. 179 of 2017, containing "*Provisions for the protection of authors of reports of crimes or irregularities of which they have become aware in the context of a public or private employment relationship*".

**4) Nature of the contribution and consequences of any refusal**

The provision of the reporting person's data is mandatory in "named reporting". Any refusal to provide data in the "named reporting" makes it impossible to follow the procedure described in the "Whistleblowing Policy". The provision of the whistleblower's data is optional in "anonymous reporting"; however, the application of the reporting procedure will only be possible if the reports are adequately detailed and made in great detail, i.e. if they are able to reveal facts and situations, relating them to specific contexts.

**5) Recipients/Categories of recipients of personal data**

The recipient of the personal data is the Supervisory Body of Zephyr Group S.r.l. which, in compliance with

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the provisions of current legislation on the subject and with the whistleblowing management procedure adopted by the Company, is required to guarantee the confidentiality of the identity of the reporter. In the phase of ascertaining the validity of the report, where necessary for needs related to the investigative activities, personal data may be forwarded to other structures and/or functions of the Company. In this case, the afore-mentioned duties of conduct aimed at ensuring the confidentiality of the identity of the whistleblower will be borne by those involved in supporting the Supervisory Body.

Personal data may be disclosed to the head of the company department responsible for disciplinary proceedings and/or to the accused party only in cases where there is the express consent of the whistleblower or the dispute of the disciplinary charge is based solely on the report and knowledge of the identity of the whistleblower is absolutely essential to the defence of the accused.

If the details exist, personal data may also be disclosed to third parties, included in the following categories:

- a) Consultants (Organisation, Law Firms, etc.)
- b) Companies in charge of the administration and management of personnel, the retention of employees' personal data, the development and/or operation of information systems dedicated to this purpose
- c) Institutions and/or Public Authorities, Judicial Authorities, Police Bodies, Investigative

Agencies. In any case, personal data will not be disclosed.


#### **6) Retention of collected data**

The personal data collected for the afore-mentioned purposes will be kept with the Data Controller for the time necessary to ascertain the validity of the report and, where appropriate, to adopt the consequent disciplinary measures and/or to resolve any disputes initiated as a result of the report. Subsequently, such data will be destroyed (right to be forgotten) or made anonymous (pseudonymisation) if necessary for statistical or historical purposes.

#### **7) Processing methods of personal data**

Pursuant to and for the purposes of article 5 of EU Regulation 679/2016 (GDPR), the personal data of which the Company becomes aware for the purposes of this procedure must be:

- processed in a lawful, correct and transparent manner towards the data subject;
- collected for specific, explicit and legitimate purposes and subsequently processed in a way that is not incompatible with these purposes;
  - adequate and relevant and limited to what is necessary for the purposes for which they are processed;
  - accurate and, if necessary, updated; all reasonable measures must be taken to promptly delete or correct the inaccurate data with respect to the purposes for which they were processed;
  - kept in a form that allows identification of the data subjects for a period of time not exceeding the achievement of the purposes for which they are processed;

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- processed in such a way as to ensure adequate security of personal data, including protection, by appropriate technical and organisational measures, from unauthorised or unlawful processing and from loss, destruction or damage.

#### **8) Rights of the data subject**

EU Regulation 2016/679 (arts. 15 to 23) grants data subjects the exercise of specific rights, such as:

- Right of access to personal data, which also includes the right to obtain a copy of the personal data being processed;
- Right to receive, in a format that is structured, commonly used, readable by an automatic and interoperable device, personal data concerning them;
- Right to obtain the updating, correction or integration of data;
- Right to obtain the deletion, limitation, transformation into anonymous form or blocking of data processed in breach of the law, including those whose retention is not necessary in relation to the purposes for which the data were collected or subsequently processed;
- Right to object, in whole or in part, for legitimate reasons, to the processing of personal data concerning the data subject, even if relevant to the reason for collection and processing performed for the purposes provided for by current legislation.
- Right to lodge a complaint with the Guarantor of personal data, according to the procedure available on the guarantor's website ([www.garanteprivacy.it](http://www.garanteprivacy.it)) to complain about a breach of the regulations on the protection of personal data and to request a verification by the Authority.