



# **Whistleblowing Management Guidelines**

**Approved by the Board of Directors on**

**December 17, 2020**

## **TABLE OF CONTENTS**

<b>1. INTRODUCTION .....</b>	<b>3</b>
<b>1.1. Objective .....</b>	<b>3</b>
<b>1.2. Effectiveness and scope of application .....</b>	<b>3</b>
<b>1.3. Definitions .....</b>	<b>3</b>
<b>2. REFERENCE PRINCIPLES.....</b>	<b>7</b>
<b>2.1. Fostering the culture of transparency.....</b>	<b>7</b>
<b>2.2. Protection of the Whistleblower .....</b>	<b>7</b>
<b>2.3. Protection from defamatory reports and protection of the reported person....</b>	<b>8</b>
<b>3. WHISTLEBLOWING MANAGEMENT SYSTEM .....</b>	<b>8</b>
<b>3.1. Involved persons .....</b>	<b>9</b>
<b>3.2. Reportable concerns .....</b>	<b>9</b>
<b>3.3. Reporting modes and channels .....</b>	<b>10</b>
<b>3.4. Receipt of Whistleblowing Reports .....</b>	<b>10</b>
<b>3.5. Preliminary investigation .....</b>	<b>11</b>
<b>3.6. Investigation activities .....</b>	<b>12</b>
<b>3.7. Investigation report review, submission, and archiving process.....</b>	<b>13</b>
<b>3.8. Reporting .....</b>	<b>14</b>
<b>3.9. Disciplinary measures and sanctions .....</b>	<b>15</b>
<b>3.10. Traceability of the whistleblowing management system .....</b>	<b>15</b>
<b>4. DISSEMINATION AND PUBLICATION OF THESE GUIDELINES .....</b>	<b>15</b>
<b>5. PRIVACY .....</b>	<b>16</b>

## 1. INTRODUCTION

### 1.1. Objective

Leonardo S.p.A. (hereinafter referred to as “**Leonardo**”), in the pursuit of its business goals and objectives, is involved in the fight against unlawful conduct and, in particular, corruption at any work level and in all geographical areas, both through the dissemination and promotion of ethical values and principles and through the actual implementation of rules of conduct and control processes, in line with the requirements set forth by the applicable rules and regulations and with the best international practices.

In consideration of its size and operation at the global level, Leonardo Group (hereinafter also referred to as the “**Group**”) has developed company protocols and monitoring systems with the aim of eliminating or minimizing the risk of commission of crimes when carrying out activities that are potentially more exposed to the occurrence of unlawful conduct.

With the aim of further implementation of the Group’s regulatory framework and the highest international standards, these Guidelines define and describe the process for managing Whistleblowing Reports, even anonymous ones, by anyone who becomes aware of acts and/or facts contrary to laws and regulations or the internal rules of the Group.

### 1.2. Effectiveness and scope of application

These Guidelines will take effect immediately and their implementation is mandatory and binding for Leonardo and all Group Companies, which will adopt them through Board resolution within 60 days from the date of approval of this document. The above-mentioned companies will communicate the successful adoption of these Guidelines to Leonardo’s Surveillance Body.

### 1.3. Definitions

The definitions used in these Guidelines are listed below.

**Anti-corruption laws:** the Laws envisaged on the subject by the legal systems to which each company of the Group belongs, with particular reference to Legislative Decree 231/01, the Bribery Act (2010), the Foreign Corrupt Practices Act (1977), the Organization Convention for

Economic Cooperation and Development (OECD) on the fight against corruption of foreign public officials in international economic transactions (1997), the Council of Europe Conventions on the subject (*Civil and Criminal Law Conventions on Corruption -1999*) and the United Nation Convention against Corruption (Resolution of the General Assembly No. 58/4 of October 31, 2003, the so-called *Merida Convention*).

**Code of Ethics:** the document that defines the set of ethical principles and values adopted by Leonardo or by the Group Companies.

**Company Protocols:** Models 231, *Compliance Programs*, Codes, Guidelines, Directives, Procedures, Policies, Manuals and Operating Instructions of Leonardo Group.

**Competent O.U.:** the Group Internal Audit Organizational Unit (“**O.U.**”) or the Security O.U. appointed by the Whistleblowing Committee to carry out in-depth investigation on the contents of the reports received.

**Coordination and Consultation Body for the Prevention of Corruption:** a body composed of the *pro tempore* President of Leonardo and the *pro tempore* Presidents of the Control and Risks Committee, the Board of Statutory Auditors and the Surveillance Body pursuant to Legislative Decree No. 231/01 of Leonardo.

**EU Directive 2019/1937:** (EU) Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 concerning the protection of persons who report violations of EU law.

**Group or Leonardo Group:** Leonardo and the companies controlled directly or indirectly by it.

**Group Company(ies):** the Company(ies) directly or indirectly controlled by Leonardo.

**Group Personnel:** the employees (managers, middle managers, employees, blue-collar workers) and other collaborators in any para-subordinate form, as well as members of the corporate bodies (directors and statutory auditors) of Leonardo Group.

**Law No. 179/2017:** Law n. 179 of November 30, 2017 on “*Provisions for the protection of the authors of reports of offences or irregularities of which they become aware in the context of a public or private work relationship*”, as further amended and supplemented.

**Legislative Decree No. 231/01:** Legislative Decree No. 231 of June 8, 2001, containing the “Regulations of the administrative liability of legal persons, companies and associations, including those without legal personality, pursuant to Article 11 of Law No. 300”, as further amended and supplemented.

**Leonardo or the Company:** Leonardo S.p.A.

**Model 231:** the Organization, Management and Control Model adopted by Leonardo or by the Italian Group Companies in compliance with Legislative Decree No. 231/01. Foreign law Group Companies are regulated by the rules set forth in the competent “Compliance Programs”.

**Monitoring Authority:** for the foreign law Group Companies, the body or committee appointed to monitor the operation and compliance with the “compliance programs”, the “code of ethics” or other systems provided for by the relevant reference regulations (*i.e.*, “Compliance Committee”, “Ethics Committee”, “Ethics Officers”, “Compliance Officer” or other body/committee appointed for such purpose, pursuant to the relevant reference regulations).

**Privacy laws:** the UE2016/679 Regulation of the European Parliament and the Council Meeting of April 27, 2016 on the protection of natural persons as regards the processing of personal data and their dissemination (hereinafter referred to as “GDPR”), as well as Legislative Decree No. 196 of June 30, 2003 (hereinafter referred to as the “Privacy Code”) and any other regulations on the protection of personal data applicable in Italy, including provisions from the Privacy Authority.

**Surveillance Body:** a body of Leonardo S.p.A., or other Group Companies/entities regulated by Italian law, appointed to supervise the operation and compliance with Model 231 and to ensure its updating in accordance with the provisions of Art. 6, paragraph 1, subpara. b) of Legislative Decree No. 231/01.

**Whistleblowing Committee:** the single body at Group level appointed by the CEO of Leonardo and composed of:

-  Chief Audit Executive - O.U. Group Internal Audit (GIA);

- ✿ Group General Counsel - O.U. Legal, Corporate Affairs, Compliance, Criminal and Anti-corruption O.U. (LSC);
- ✿ Chief People Organization and Transformation Officer (CPOTO);
- ✿ Chief Security Officer – Security O.U. (SIC);
- ✿ Chief Financial Officer - Finance and Control Administration O.U. (CFO).

**Whistleblowing Report:** a communication, sent through the channels made available by Leonardo Group, relating to violations that have occurred or that very likely could occur within the Group, or in the context of a third party that has or has had a relationship of any kind with Leonardo Group, as well as attempts to conceal such violations. Specifically, a communication concerning behavior, carried out in violation of:

- ✿ Company protocols;
- ✿ Laws or Regulations.

Such communications may specifically, among other things, consist of:

- ✿ A report in which the whistleblower discloses his/her own identity (name, surname and contact information);
- ✿ Anonymous Whistleblowing Report: a report wherein the identity of the whistleblower is not explicit or is not uniquely identifiable or do not correspond to an entity or an existing individual or do not correspond to the actual whistleblower;
- ✿ Unfounded Whistleblowing Report: a report whose contents, at the end of the investigation, are found to be devoid of evidence;
- ✿ *Ictu oculi* unfounded Whistleblowing Report: a report whose contents are found to be too general and lacking the minimum elements to be able to start any in-depth analysis;
- ✿ Defamatory Whistleblowing Report: a report that, at the end of the investigation, is found to be unfounded and carried out with willful misconduct and/or gross negligence and in any case for the sole purpose of defaming or damaging the offended person or company.

**Whistleblowing Reports archive:** the archive of the Whistleblowing Reports received, through the channels made available by Leonardo Group, by the various Surveillance Bodies,

or other bodies/subjects appointed for the purpose, together with the electronic archive of Whistleblowing Reports sent by the latter to the Whistleblowing Committee.




## **2. REFERENCE PRINCIPLES**

### **2.1. Fostering the culture of transparency**

In order to promote the culture of transparency and fairness in the corporate context and in daily operations, Leonardo Group encourages all employees to know and consequently, comply with the Company Protocols, and providing, in case of non-compliance, adequate disciplinary sanctions.

Since prevention and control of the actions performed are activities entrusted to all employees and not only to the bodies appointed to do so by the law, the Group encourages anyone –including its staff, its partners in the Joint Ventures, suppliers, collaborators customers and third parties - aware of any infringements of the Company Protocols and/or the Laws and/or Regulations to report such cases, ensuring them careful and effective investigation.

Furthermore, if a whistleblower discloses his/her identity, and he/she agrees, the Company offers to issue a mention of the initiative in the personal file of each employee, in support of the professional experience gained and the individual career path. To this end, it is also necessary that the Whistleblowing Report:

-  Is detailed;
-  Is suitable for preventing and/or repressing illegal behavior;
-  Contains facts not already the subject of previous reports.

### **2.2. Protection of the whistleblower**

In order to protect and safeguard the whistleblower, Leonardo Group ensures discretion and confidentiality in the entire whistleblowing management process, from reception of the report to the investigation and conclusive phase, guaranteeing protection from any direct or indirect act of retaliation, discrimination or penalization towards the whistleblower for reasons connected, directly or indirectly, to the whistleblowing report.

Furthermore, if the whistleblower deems it appropriate, he/she can also make a report anonymously through the appropriate channels.

The Group Personnel involved, in any capacity, in the different whistleblowing management phases, are required to guarantee the highest level of confidentiality with regard to both the contents of the report and the whistleblower itself, adopting the appropriate safety requirements provided for by the applicable Directive on classification and processing of the company information<sup>1</sup>.

### **2.3. Protection from defamatory reports and protection of the reported person**

In order to protect everyone's dignity, honor and reputation, Leonardo Group undertakes to offer maximum protection from defamatory Whistleblowing Reports.

In this context, if at the end of the investigation, the Whistleblowing Committee deems the Whistleblowing Report to be unfounded, and contextually, finds that – in filing his/her report – the whistleblower had acted with willful misconduct and/or gross negligence, then the competent Surveillance Body monitors the implementation of the consequent measures adopted by the competent departments.

Pursuant to applicable laws and regulations, Leonardo Group adopts the same forms of protection to guarantee the privacy of the whistleblower also for the reported person , allegedly responsible for the violation, without prejudice to the provisions of the law that impose the obligation to communicate the name of the reported person (i.e., requests from the Judicial Authority, etc.).

## **3. WHISTLEBLOWING MANAGEMENT SYSTEM**

With these Guidelines, Leonardo Group sets out a whistleblowing management system, and its related organizational and procedural rules, consisting in particular of: persons that can activate the system, reportable violations, channels for reporting misconduct, instigation activities, protections for the whistleblower and the reported person, reporting and sanctions.

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<sup>1</sup> Directive on the classification of corporate information (Dir. 12 issued on May 30, 2019).



### **3.1. Involved persons**

Pursuant to existing laws and regulations and in compliance with the best practices, the whistleblowing process may be commenced by the individuals or entities listed below:

- ✱ Current or former Leonardo Group's employees (with any employment agreement), and those who operate by virtue of any other type of work relations, which determine their inclusion in the company, even if not under a regular employment agreement;
- ✱ Members of corporate bodies;
- ✱ Third parties having business relations with Leonardo Group (i.e., customers, suppliers, consultants, intermediaries, and partners in joint ventures).

Whistleblowing Reports can be about the following individuals and/or entities:

- ✱ Leonardo Group;
- ✱ Leonardo Group's employees;
- ✱ Members of corporate bodies;
- ✱ Third parties (i.e., suppliers, consultants, collaborators, agents).

### **3.2. Reportable concerns**

Without prejudice to the possibility of reporting any violation (fact, act or omission), even if only potentially contrary to the law or to the provisions of the Company Protocols, by way of example but not limited to, Whistleblowing Reports may concern:

- ✱ Attempted, alleged or actual acts of corruption, perpetrated directly, through or solicited by third parties (i.e., suppliers, consultants, collaborators, customers and agents);
- ✱ Conflicts of interest and other violations of Code of Ethics;
- ✱ Any conduct deemed unlawful, including those envisaged by the Group Company's Model 231;
- ✱ Illicit and/or fraudulent activities to the detriment of customers or company assets in general;
- ✱ Violations relating to the protection of workers.

### 3.3. Reporting modes and channels

For misconducts or other violations regarding Leonardo, whistleblowers may use one of the following channels to file a report:

- ✿ Website: through the dedicated IT platform <https://whistleblowing.leonardocompany.com> , a recommended tool for filing Whistleblowing Reports pursuant to Law 179/2017 that guarantees, through the encryption of information, the confidentiality of the whistleblower's identity;
- ✿ Email of Leonardo's Surveillance Body: [organismodivigilanza@leonardocompany.com](mailto:organismodivigilanza@leonardocompany.com);
- ✿ Mail to: *Organismo di Vigilanza*, Piazza Monte Grappa 4, 00195, Rome, Italy.

For misconducts or other violations concerning a Group Company, in addition to the IT platform mentioned above, whistleblowers may use the dedicated reporting channels activated by each Group Company. Leonardo undertakes to analyze Whistleblowing Reports received in any language.

Anyone who receives a Whistleblowing Report outside the dedicated reporting channels shall promptly send its original to the Surveillance Body of Leonardo or of other Group Company (if the report concerns the latter), thus ensuring maximum confidentiality in order to protect the identity of the whistleblower and the identity and integrity of any persons reported.

### 3.4. Receipt of Whistleblowing Reports

Handling of initial receipt of Whistleblowing Reports is processed by the Surveillance Body of Leonardo or of other Group Company, which takes care of the following activities:

- ✿ Dismiss the Whistleblowing Report if considered "*ictu oculi*" unfounded, or if too general, and lacking the minimum elements to be able to start any further investigation. A dismissed Whistleblowing Report is in any case kept in the archives of the competent Surveillance Body, accompanied by a brief explanatory note of the reason for the dismissal, sent for information (i) to the Whistleblowing Committee, via the IT platform, and (ii) to the Board of Statutory Auditors of the Company;
- ✿ If the information provided by the whistleblower is credible and sufficient, the Whistleblowing Report is sent to: (i) the Whistleblowing Committee, via the IT

platform, for the subsequent investigation phase; and (ii) the Board of Statutory Auditors of the competent Group Company, for information.

In case a Whistleblowing Report concerning a Group Company is received by the Surveillance Body of Leonardo, the latter shall promptly forward it to the Surveillance Body of the respective Group Company for the assessments referred to in this paragraph; in the same way, if a report concerning Leonardo is received by the Surveillance Body of a Group Company, the latter shall promptly forward it to the Surveillance Body of Leonardo.

For Whistleblowing Reports regarding a foreign law Group Company, reference will be made to the Monitoring Authority<sup>2</sup> in charge of the same obligations described above for the Surveillance Body.

### **3.5. Preliminary investigation**

After having received the report from the Surveillance Body, the Whistleblowing Committee,, carries out the appropriate preliminary investigations in order to ascertain the contents of the Whistleblowing Report.

This analysis is carried out on the basis of the following elements:

- ✿ Presence of sufficiently detailed information, based on precise and consistent factual elements, included within the Whistleblowing Report;
- ✿ The reported facts or concerns are related to the Group's regulatory framework ;
- ✿ Verification of the presence of previous Whistleblowing Reports/investigations having the same subject matter and already examined;
- ✿ Verification of the presence of facts or situations, with respect to which internal investigations or investigations by public authorities are already underway (ordinary or special judicial authorities, administrative bodies and independent authorities invested with surveillance and control functions).

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<sup>2</sup> See Directive No. 11 of February 26, 2019 for companies under foreign law on Regulatory Compliance.

In the event it is deemed unnecessary to proceed with subsequent investigation, the Whistleblowing Committee writes an explanatory note on the preliminary investigation carried out, and sends it to the Surveillance Body of Leonardo or of the Group Company, through the IT platform, and for information to the Board of Statutory Auditors of Leonardo or of the Group Company (depending on whether the Report concerns Leonardo or the Group Company).

If, on the other hand, further investigations are deemed necessary, the Whistleblowing Committee prepares a request with clear identification of the verification objectives, giving mandate to the *Group Internal Audit O.U.* or the *Security O.U.*, based on the area of competence of the activities to be carried out<sup>3</sup>, thus notifying the Surveillance Body of Leonardo or the Group Company of the decisions taken regarding the assignments, via the IT platform, and the Board of Statutory Auditors of Leonardo or the Group.

In the performance of its duties, the Whistleblowing Committee is aided by a Technical Secretariat, entrusted to the *O.U. Management Audit and Whistleblowing O.U.* within the *Group Internal Audit O.U.* of Leonardo, which also deals with the management of the IT platform.

### **3.6. Investigation activities**

Upon receipt of the mandate, the Competent O.U. carries out the investigation activities, possibly also with the support of internal organizational units and/or specialist consultants, providing, if needed, to periodically update the Whistleblowing Committee on the progress of the investigations in progress. The Whistleblowing Committee, through its Technical Secretariat, updates the Surveillance Body and the Board of Statutory Auditors of Leonardo or of the Group Company.

At the end of the investigation activities, the *Group Internal Audit O.U.* or the *Security O.U.* prepares a report containing the investigation findings, which is then forwarded to the Whistleblowing Committee.

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<sup>3</sup> If the received Whistleblowing Reports are deemed credible and its concerns are related to an employee of the *Group Internal Audit O.U.*, then the investigation will be carried out by the *Security O.U.*, and vice versa.

### **3.7. Investigation report review, submission, and archiving process**

After having received the report and assessed its adequacy in terms of compliance of the results obtained with the verification objectives assigned to the competent O.U., the Whistleblowing Committee will proceed as follows:

- ✳ Should further investigation be deemed necessary, it shall request to the Competent O.U. to carry out further investigation activities;
- ✳ If, on the other hand, further investigation is deemed unnecessary, it shall resolve that such investigation report be submitted, by the competent O.U., to the following recipients<sup>4</sup>:

#### In the case of investigation reports regarding Leonardo S.p.A.:

- ✳ Chairman of the Board of Directors,
- ✳ Chief Executive Officer;
- ✳ Chairman of the Control and Risks Committee;
- ✳ Chairman of the Board of Statutory Auditors;
- ✳ Chairman of the Surveillance Body of Leonardo;
- ✳ Head of Division of reference and/or Head of B.U. of reference;
- ✳ Additional recipients identified by the Whistleblowing Committee.

#### In the case of investigation reports concerning a Group Company:

- ✳ President of the Group Company;
- ✳ Chief Executive Officer or equivalent role;
- ✳ Chairman of the Board of Statutory Auditors or equivalent role;
- ✳ Chairman of the Surveillance Body of the Company or equivalent body;
- ✳ Head of Division and/or Head of B.U. where applicable;
- ✳ Additional recipients identified by the Whistleblowing Committee, including among the bodies of management and control of the Group Company(ies).

Based on the results of the investigations carried out, the Whistleblowing Committee also evaluates the possible defamatory nature of the Whistleblowing Report, identifying the

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<sup>4</sup> The recipients may vary according to the subjects and contents present in the reports.

necessary actions, with the support of the Legal, Corporate Affairs, Compliance, Criminal and Anti-corruption O.U.





The Committee also verifies whether the contents of the Whistleblowing Report are related to a risk of corruption and, if needed, resolves that such report be submitted, by the competent O.U., to the Anti-Corruption O. U. within the Legal, Corporate Affairs, Compliance, Criminal and Anti-Corruption O.U. of Leonardo or of the Companies of the Group (if any).

In addition, the Whistleblowing Committee may suggest, where deemed necessary, to take specific actions to protect the Company, also in order to strengthen the Internal Control and Risk Management System, to be submitted to the Chief Executive Officer of Leonardo or to the Chief Executive Officer of the Group Company.




Upon receipt of the investigation report, the Surveillance Body of Leonardo, or of the Group Company, takes the appropriate actions and file it together with the Whistleblowing Report in the Whistleblowing Reports Archive.

### **3.8. Reporting**

The Whistleblowing Committee draws up a summary report of the activity carried out every six months to be submitted to:

-  Leonardo's Board of Directors;
-  Leonardo's Control and Risks Committee;
-  Leonardo's Board of Statutory Auditors;
-  Leonardo's Surveillance Body;

And for reports relating to subsidiaries<sup>5</sup>:

-  Board of Directors;
-  Board of Statutory Auditors;
-  Surveillance Body or equivalent Body.

With regard to Whistleblowing Reports containing a risk of corruption, the Whistleblowing Committee prepares a six-monthly summary report on the activities carried out in favor of

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<sup>5</sup> To refer to first level subsidiaries and, possibly, to subsequent level subsidiaries.

the recipients listed above, possibly included in the half-yearly report, which will also be brought to the attention of the Coordination and Consultation Body for the Prevention of Corruption.

### **3.9. Disciplinary measures and sanctions**

Should the investigation report reveal that one or more Group Personnel engaged in unlawful conduct, the Group Company reacts promptly and immediately, through adequate and proportionate disciplinary measures and sanctions, taking into account the gravity as well as the criminal relevance of such misconducts, and filing a criminal proceeding against the perpetrator of a crime, in accordance with the provisions of the Company Protocols, the collective labor agreement or other applicable national regulations.

In particular, with regard to Leonardo, reference is made to the disciplinary system provided for by Section 5 of the Organization, Management and Control Model pursuant to Legislative Decree No. 231/01.

### **3.10. Traceability of the whistleblowing management system**

The Surveillance Body of Leonardo or of the Group Companies takes care of the conservation of the receive Whistleblowing Reports, adopting the appropriate security requirements provided for by the applicable Directive on the classification and processing of corporate information. The same precautions are taken in the handling of the electronic archive of Whistleblowing Reports sent by the Surveillance Bodies to the Whistleblowing Committee. All the organizational units involved in the whistleblowing management process ensure, as far as they are concerned, the traceability of the information, by archiving the documentation prepared.

The documentation must be kept for at least 10 years.

## **4. DISSEMINATION AND PUBLICATION OF THESE GUIDELINES**

The Whistleblowing Committee, with the support of the Communication O.U., takes care of the dissemination and publication of this document on the Leonardo website.

With regard to internal dissemination, CPOTO sends these Guidelines to each of the following recipients:

- ✿ Members of the Board of Directors, the Board of Statutory Auditors and of the Surveillance Body;
- ✿ Leonardo Group's employees by posting in the spaces dedicated to corporate communications and publication on the corporate intranet;
- ✿ Newly hired employees, by signing for acknowledgment.

The Surveillance Bodies monitor the dissemination of these every six months.

These Guidelines may be periodically updated, and the relating process is commenced, by way of example, in the event of organizational changes or update of the relevant laws/best practices and, in any case, at least every 3 years.

## **5. PRIVACY**

Pursuant to applicable privacy laws, the Controller of personal data acquired in the handling of Whistleblowing Reports is identified in Leonardo S.p.A., based in Rome, Piazza Monte Grappa 4, with specific reference to the Whistleblowing Reports concerning the Company, or in the Group Company, if the Whistleblowing Report concerns such Group Company.

With reference to the personal data acquired in the context of the handling of Whistleblowing Reports relating to Group Companies, in the case of transmission of the Whistleblowing Report to the Whistleblowing Committee, pursuant to these Guidelines, the Group Company and Leonardo act as independent Data Controllers, duly informing the whistleblowers involved.

Any documentation relating to Whistleblowing Reports is confidential and therefore each Data Controller adopts the appropriate security measures to ensure adequate handling and storage of such documents, also ensuring access to the information contained therein *"only to those who need to know them for the performance of the work activity, by reason of the responsibilities attributed and in relation to the role/organizational position held in the Company (principle of need-to-know)"*.



The personal data of whistleblowers and other individuals involved, acquired during the handling of the Whistleblowing Reports, will be processed in full compliance with the provisions of applicable privacy laws, and to the extent necessary and for a strictly sufficient period for the purposes set out therein.

An information note on personal data processing connected to Whistleblowing Reports is attached hereto (Annex 2).

Since the legal basis for the data processing relating to Whistleblowing Reports is found in the Legislative Decree No. 231, and in the legitimate interest of the Data Controller, whistleblowers are not required to express consent, except in case the whistleblower disclosed his/her identity and a “special mention” in his/her HR file is proposed pursuant to Section 2.1 above. For this specific case, the consent of the Data Subject is required.