
GENERAL PROCEDURE FOR THE REPORTS MANAGEMENT

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PREMISE

- On 9 March 2023, the Council of Ministers approved the Legislative Decree. n. 24/2023, which entered into force on 30 March 2023 and entitled "Implementation of 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 Union law and containing provisions concerning the protection of people who report violations of national regulatory provisions" (published in the Official Journal, General Series no. 63 of 15 March 2023).
- The provision brings together in a single body of legislation the regulations applicable to entities operating in the public sector and those operating in the private sector, providing for three different reporting systems (internal channel, external channel, public disclosure), the protection of the confidentiality of the identity of the reporting person, the prohibition of retaliation and a specific sanctioning system.
- As regards the private sector, the combined provisions of the articles. 4 and 5 of the Legislative Decree. n. 24/2023 requires the establishment of an internal reporting channel capable of guaranteeing, also through the use of encryption, the confidentiality of the identity of the reporter, of the people involved, of those mentioned in various capacities, as well as of the content of the report and of the relevant documentation. Furthermore, companies that adopt the organisation and management model pursuant to art. 6, co. 1, letter. a) of the Legislative Decree. n. 231/2001 provide for the reporting channel within the model itself. Lastly, the Legislative Decree. n. 24/2023 defines a precise process for managing reports.
- This legislative decree aims to encourage the workers collaboration to promote the emersion of corruption phenomena within public and private bodies, also with the provision of systems that allow workers to safely report any offenses they become aware of.

In fact, the law regulates:

- the prohibition of retaliatory or discriminatory acts, direct or indirect, against the reporter for reasons connected, directly or indirectly, to the report;
- the introduction of sanctions against those who violate the whistleblower protection measures, as well as those who intentionally or grossly negligently make reports that turn out to be unfounded;
- the possibility for the whistleblower to report to the National Anti-Corruption Authority (ANAC) the adoption of discriminatory measures against the subjects making the reports;
- the nullity of retaliatory or discriminatory dismissal, as well as the change of duties pursuant to article 2103 of the civil code, as well as any other retaliatory or discriminatory measure adopted against the whistleblower;
- the burden borne by the employer, in the event of disputes linked to the imposition of disciplinary sanctions, or demotions, dismissals, transfers, or subjection of the whistleblower to other

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organisational measures having negative effects, direct or indirect, on working conditions, following the submission of the report, to demonstrate that such measures are based on reasons unrelated to the report itself.

The Gapi Group (hereinafter referred to as the "Company") in the spirit of giving concrete application to the art. 4 of the Legislative Decree. n. 24/2023, has made available to whistleblowers, in addition to the traditional channel consisting of registered mail, a "Whistleblowing Portal" - suitable for guaranteeing, with IT methods, the confidentiality of the identity of the whistleblower in management activities of reports.

1. PURPOSE

This Whistleblowing procedure (hereinafter "Procedure") aims to regulate the process of reception, analysis and management of Reports transmitted by staff and third parties, in order to report violations harmful to the public interest or the integrity of the private entity, of which they became aware within the working context and which may have as their object national or European Union regulatory provisions, illicit conduct envisaged by the Legislative Decree. n. 231/2001 and violations of the organisation and management model envisaged by the Legislative Decree. 231/2001.

2. NORMATIVE REQUIREMENTS

- Legislative Decree 231/01 "Discipline of the administrative responsibility of legal persons, companies and associations even without legal personality, pursuant to art. 11 of law 29 September 2000, n. 300" of 06/08/2011 and subsequent updates;
- Legislative Decree n. 196 of 30 June 2003 – Code regarding the protection of personal data – and subsequent amendments and/or variations;
- EU Regulation 2016/679 of the Parliament and of the Council of 27 April 2016 on the Protection of natural persons with regard to the processing of personal data;
- Legislative Decree 10 March 2023 n° 24, Official Gazette 15/03/2023 "Implementation of EU Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 concerning the protection of persons reporting breaches of Union law and containing provisions concerning the protection of persons reporting breaches of national regulatory provisions";

3. SUBJECT OF THE REPORT

The reporting obligation applies whenever the reporting party has reasonable and legitimate suspicion or awareness - both based on precise and consistent factual elements - of illicit behaviours, harmful to the

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public interest or the integrity of the private entity, with respect to the provisions of national or European Union regulatory provisions.

In particular, the relevant reporting concerns two types of conduct:

- I. violations of national and European provisions which consist of illicit behaviours concerning the following sectors: public procurement; financial services, products and markets and prevention of money laundering and terrorist financing; product safety and compliance; transport safety; environmental Protection; radiation protection and nuclear safety; food and feed safety and animal health and welfare; public health; consumer protection; protection of privacy and protection of personal data and security of networks and information systems;
- II. violations of European provisions consisting of: i) acts or omissions detrimental to the financial interests of the Union; ii) acts and omissions concerning the internal market; iii) acts and behaviors that nullify the object or purpose of the provisions of Union acts in the sectors mentioned above;
- III. illicit conduct relevant pursuant to Legislative Decree 231/01, therefore conduct which is criminally relevant as it is likely to constitute "prerequisite" crimes referred to in Legislative Decree 231/01, even in the form of a simple attempt, of which the Recipients have had news based on serious, precise and consistent factual elements;
- IV. violations of internal procedures based on precise and consistent factual elements, of which the Recipients have become aware due to the functions performed. In this case the report concerns conduct which, even if it does not have direct criminal relevance, in any case contravenes the crime prevention system implemented by the Company, as it violates the control principles (general or specific), the safeguards or company procedures referred to in the Organizational Model.

Some non-exhaustive examples of possible reports relevant to the aforementioned purposes include:

- conflict of interest situations deemed unknown by the company;
- attempts/acts of corruption by administrators or employees towards third parties (public officials or even private individuals);
- fraud committed in the company's interest;
- intentional communication of false information to Public Administrations;
- corporate or business operations for which it is suspected that a sanctioning risk may arise for the Company pursuant to Legislative Decree 231/01.

They will not be worthy of reporting:

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- Mere rumors or “hearsay”;
- Information provided without foundation or without the information, descriptions and/or documentation necessary to start subsequent in-depth activities;
- The whistleblower's personal complaints or claims/requests relating to individual working relationships, including those with hierarchically superior figures.

Reports must be made in good faith, with a spirit of responsibility, be of interest to the common good, and fall within the types of non-compliance for which the system was implemented.

4. CONTENT OF THE REPORT

Reports must not contain excessive data, but only the data necessary to demonstrate the validity of the complaint. As a rule, therefore, no particular data* should be entered, nor personal data capable of revealing the health state or judicial matters. If the reports contain the aforementioned categories of personal data, referring to the reporting person or to third parties, and they are not necessary for the pursuit of the aforementioned purposes, the company will destroy them or, if this is not possible, obscure them, except in authorised cases by law or by a provision of the Guarantor Authority for the protection of personal data.

If the report does not fall within the competence of the Channel Manager according to the definition of the objective scope just described, the same will urge the reporting party to forward it to the company area/competent body and/or to the competent authorities. Such reports are, in any case, considered "protected". This means that the designated Manager does not reveal the identity or personal data of anyone who has sent such a report without having previously obtained their explicit consent - unless its disclosure is required by law, investigations or subsequent judicial proceedings.

In all cases of communication indicated above, the Data Controller guarantees that appropriate measures will always be adopted to avoid unnecessary circulation of information, in order to guarantee appropriate confidentiality in view of the particular purposes of the processing in question.

**information suitable for revealing racial and ethnic origin, sexual orientation, religious, philosophical or other beliefs, political opinions, membership of parties, trade unions, associations or organisations of a religious, philosophical, political or trade union nature.*

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5. RECIPIENTS OF THE PROCEDURE (REPORTERS)

The recipients of this procedure are:

- company top management and members of the corporate bodies;
- employees, customers, suppliers, consultants, collaborators and, more generally, anyone with a interest relationship with the aforementioned companies;
- trade union representatives.

The recipients, aware of facts potentially subject to reporting, are required to make the reports by providing all the useful elements to carry out the checks and investigations necessary to evaluate their validity and indicating, at least the following elements:

Unless the report is anonymous, the personal details of the person making the report, with indication of the position or function carried out within the company;

description of the facts being reported with indication of the known circumstances (manner, time and place) related to the reported facts;

any information or evidence that can provide useful feedback regarding the existence of what has been reported, in particular also the indication of any other subjects who can report on the facts being reported;

the absence of any private interests linked to the report and their good faith;

identifying elements of the Reported Person;

any other information deemed relevant for the report purposes.

6. RECIPIENTS OF THE REPORT

The Manager of the channel pursuant to Legislative Decree 24/2023 represents the recipient of reports of illegal acts.

Said Channel Manager ensures the correct carrying out of the violation reporting process and reports, directly and without delay, the information being reported to the Administrative Body, if the violation has been ascertained.

The Channel Manager, as Recipient of the Report:

- is autonomous and independent with respect to the operational functions, not depending hierarchically on any of them;

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- guarantees a fair and impartial judgment on the received report;
- respects the confidentiality obligations of the whistleblower and the reported person.

7. METHOD OF THE REPORT TRANSMISSION

A Reporting party, if he has reasonable suspicion that one of the violations previously indicated has occurred or may occur, has the possibility of making a Report to the Channel Manager using the channels indicated below:

- **Traditional mail**, registered mail with return receipt to the channel manager mode.
- Via the **Whistleblowing portal**, as specified below; the reporting party, using the portal, may possibly request a direct meeting with the channel manager, in order to make the report orally, communicating a telephone number where he can be contacted.
- **Direct meeting** scheduled within 15 (fifteen) days of receipt of the request. The communication of the report orally, subject to the consent of the reporter, is documented by the Channel Manager, by recording on a device suitable for storage and listening or by verbal. In the case of minutes, the reporting party can verify, rectify and confirm the minutes of the meeting by signing them.

7.1 WHISTLEBLOWING PORTAL

The Whistleblowing Portal can be reached for Whistleblowers at the following dedicated web address:

<https://digitalroom.bdo.it/gapigroup>

The platform allows anyone (employees and collaborators, suppliers and any other person who has had or intends to have business relationships with the Company) to make reports while guaranteeing the anonymity of the person reporting through a guided online process; the system, in fact, allows to send reports without the obligation to register or declare personal details. If the Reporter chooses to indicate his/her personal details, confidentiality is guaranteed.

The platform allows to communicate confidentially with the reporter, without the possibility for the recipient or other parties to trace the origin of the report. Access to the Whistleblowing Portal is, in fact, subject to the "no-log" policy in order to prevent the identification of the whistleblower who intends to remain anonymous: this means that the company IT systems are not able to identify the access point to the portal (IP address) even if access is made from a computer connected to the company network.

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Reports transmitted via the Whistleblowing Portal are received exclusively by the Channel Manager. The association of the reporter identity with the report can, in fact, be carried out exclusively by the recipient of the report.

The processing of the data contained in the reports will take place with organizational and processing logic capable of guaranteeing the security, integrity and confidentiality of the data themselves in compliance with the organisational, physical and logical measures envisaged by the provisions in force.

In particular, the transmission of data provided by the reporting party using the platform is managed with the HTTPS protocol. Furthermore, encryption techniques are applied, thus guaranteeing the confidentiality of the transmitted information.

"Anonymous" reports, i.e. made without identification of the reporting person, will be taken into consideration if adequately detailed and provided in great detail, i.e. if they are able to bring out facts and situations by relating them to specific contexts.

After accessing the Portal, the reporter will be guided in completing a questionnaire made up of open questions that will allow him to provide the elements characterizing the report (facts, temporal context, economic dimensions, a.s.o.).

At the end of completing the said form, the Portal will ask the reporter whether or not he intends to reveal his identity. In any case, the reporting party will be able to provide personal details at a later time, through the messaging system provided by the Portal.

The Portal will issue the reporter with a unique identification code (ticket) when the report is sent. **This number, known only by the reporting party, cannot be recovered in any way in the event of loss.** The ticket will be used by the reporting party to access, always via the Portal, the report in order to: monitor its progress; insert further elements to substantiate the report; provide personal details; answer any in-depth questions.

8. REPORTING MANAGEMENT

Reports received by the Channel Manager are subject to the following investigation process.

The person entrusted with the management of the internal report issues to the reporter - an acknowledgment of receipt through which it communicates the acceptance of the same - within seven days from the date of receipt of the report itself.

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The reports and related supporting documents will be subject to preliminary analysis by the Channel Manager, in order to verify the presence of useful and sufficient data and information to evaluate the concrete validity of the report and to initiate further investigations.

The Channel Manager maintains discussions with the reporting party and, where deemed necessary, requests the reporting party for integrations. The Channel Manager issues the reporting party with acknowledgment of receipt of the report within seven days of the date of receipt.

Once the analysis of the collected documentation has been carried out, if the Channel Manager verifies that the reported fact has no impact for the foreseen purposes of the Legislative Decree. 24/2023, but however it may be relevant for the Company, will invite the reporting party to forward it to the competent body.

However, in the event that the Channel Manager deems there to be a reasonable assumption of validity/reliability, an in-depth investigation will be carried out on the facts covered by the same, in order to ascertain its validity. In carrying out the aforementioned analysis, the Channel Manager may avail itself - for specific aspects covered in the reports and if deemed necessary - of the support of other company functions, as well as specifically identified external consultants, to the extent of its competence and may request further information and/or documentation from the reporting via the portal.

The report will be archived with the relevant reasons, if at the conclusion of the preliminary analysis phase the absence of sufficiently detailed elements or the unfoundedness of the facts cited emerges.

The next phase of specific investigations will be started where, following the preliminary analyses, useful and sufficient elements emerge or can be deduced to evaluate the report as justified.

The Channel Manager will take care of:

- start specific analyzes using, if deemed appropriate, the competent structures of the Company;
- agree with the management responsible for the function affected by the report, any "action plan" necessary to remove the control weaknesses detected;
- agree with the CEO and the functions involved on any initiatives to be undertaken to protect the interests of the Company;

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- request, if possible, the starting of disciplinary proceedings against the whistleblower, in the case of reports in relation to which the bad faith of the whistleblower and/or the purely defamatory intent are ascertained, possibly also confirmed by the unfoundedness of the report;
- at the conclusion of the in-depth analysis carried out, submit the results for evaluation by the CEO or the Board of Statutory Auditors, depending on the subject of the report, so that the most appropriate measures are taken;
- conclude the investigation at any time if, during the investigation itself, the unfoundedness of the report is established.

Regardless of the outcome of the verifications related to the report, as well as within three months from the date of the acknowledgment of receipt or, in the absence of such notice, within three months from the expiry of the seven-day deadline from the submission of the report, the Channel Manager provides feedback to the reporting party regarding the activities undertaken or intended to be undertaken.

The activities described above are not necessarily carried out in a sequential manner.

9. PROTECTION AND RESPONSIBILITY OF THE REPORTER

The Company guarantees the confidentiality of the Reporter identity starting from the stage of receipt of the report, in compliance with the provisions of the law. At this purpose, the reporting person's personal identification data are stored in such a way as to be visible exclusively to the recipient of the report, i.e. the Channel Manager. The company adopts all the guarantees provided by law in order to protect the identity confidentiality of the of the reporter, so that it is not revealed to third parties without the express consent of the reporter, except in the case of reports in bad faith or defamatory.

No retaliation or discrimination, direct or indirect, can result from anyone who has made a report in good faith, regardless of whether the report later turns out to be founded or not.

Sanctions against those who violate the protection and confidentiality measures of the whistleblower are foreseen.

The protection of the whistleblower is not however guaranteed in the case of reports made **with intent or gross negligence** or which turn out to be false, unfounded, with defamatory content or in any case made for the sole purpose of damaging the Company, the person reported or other subjects interested in the reporting.

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In the event of disciplinary proceedings, the identity of the whistleblower cannot be revealed where the dispute of the disciplinary charge is based on investigations that are distinct and additional to the report, even if consequent thereto; the identity of the reporter may only be revealed in case:

- the dispute is based, in whole or in part, on the report itself and knowledge of the identity of the reporter is absolutely essential for the defense of the accused; and
- there is the reporter consent.

Furthermore, in the eventuality just described, written communication must be given to the reporter regarding the reasons justifying the disclosure of the confidential data.

Sanctions are envisaged against the person making the report if it is possible to trace him or her in the case of reports made with intent or gross negligence or which turn out to be false, unfounded, with defamatory content or in any case made with the sole purpose of damaging the Company, the person reported or other subjects affected by the report.

The Company may also take appropriate legal initiatives.

10. PROTECTION OF THE REPORTED

The Company guarantees adequate protection to the persons directly or indirectly subject to the report.

The report is not sufficient to initiate any disciplinary proceedings against the reported person.

It will therefore not be possible to sanction the reported person on the basis of what was stated by the reporter, without there being objective evidence and without the facts being reported having been investigated.

This could possibly happen based on other evidence found and verified starting from the report itself.

The reported person may be contacted and will be guaranteed the opportunity to provide any necessary clarification, in case the Channel Manager, following concrete evidence acquired regarding the report, decides to proceed with investigative activity.

11. DOCUMENTATION STORAGE AND PRIVACY PROTECTION

The personal data provided by the reporting party at the time of forwarding the report and the information contained in the reports and in any documents attached to them, as well as any data acquired during the investigation, are processed in accordance with the personal data protection policies adopted by the Company, in compliance with the principles of correctness, lawfulness, transparency and

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protection of confidentiality and the rights of all interested parties (reporter, reported and any third parties involved), and in compliance with the obligations imposed by the regulations and measures on privacy, by the EU Regulation 2016/679 and by Legislative Decree 196/2003, updated by Legislative Decree 101/2018.

The Channel Manager, as well as the suppliers correctly identified and appointed pursuant to art. 28 of EU Regulation 2016/679, process and maintain the archiving of all documentation supporting the received report. The personal data related to the reports are stored and maintained for the period necessary to complete the verification of the facts exposed in the report and for the following **5 years from the closure of the report**, except for any proceedings arising from the management of the report (disciplinary, criminal, accounting) against of the reported party or the person making the report (bad faith, false or defamatory statements). In this case they will be kept for the entire duration of the proceedings and until the deadline for appealing the relevant provision has expired.

The personal data contained in the Reports may be communicated to the competent offices of the Company for the activation of judicial and/or disciplinary protection connected to the report, or to the competent Authorities in the presence of violations of the applicable regulations.

All details relating to the processing of personal data of the interested parties involved in the report are provided in the information on processing ex. art. 13 of EU Regulation 2016/679, provided when submitting the report via the platform and is in any case made available upon request.

12. SANCTIONS

Violation of the principles established in this procedure will be prosecuted promptly and immediately.

The company reserves the right to take disciplinary action against the whistleblower in the event of abuse of the "Whistleblowing" tool, for example in the case of reports that are manifestly opportunistic and/or for the sole purpose of harming the person reported or subjects in any case affected by the report and any other hypothesis of improper use or intentional exploitation of the institution which is the subject of this procedure.

The sanctions will be applied on the basis of the **Workers' Statute (law no. 300/1970)** and the individual National Collective Agreements.

13. POLICY UPDATE

This Procedure and the Portal will be subject to periodic review to ensure constant alignment with the relevant legislation as well as based on the operations and experience achieved.

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14. AWARENESS

The organisation undertakes communication and awareness initiatives of this procedure through divulgation on the intranet portal and through training initiatives aimed at all staff with the aim of communicating the purposes of the Whistleblowing institute and the methods for its correct use; on the related rights and obligations; on the consequences of abuse in its use; on the results that the implementation of the rule has produced.

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