

## Notice in accordance with the Personal Data Protection Legislation - Whistleblowing

Pursuant to Article 13 of Regulation (EU) No. 2016/679 (General Data Protection Regulation, hereinafter GDPR) and Legislative Decree 24/2023, Telecom Italia Sparkle S.p.a., the Personal Data Protection Notice provides information on the personal data processing carried out to manage Whistleblowing Reports, in line with the TIM's Whistleblowing Procedure, which is applicable to TIM and TIM Group Companies (excluding listed and foreign companies).

### 1) Personal data categories

- a) Common personal data of the Whistleblower as referred to in Article 4(1) of the GDPR (in the case of non-anonymous Reports) as well as of any Persons involved in or mentioned in the Report and Facilitators, as defined by the Whistleblowing Procedure (hereinafter "Data Subjects"), such as: personal data (e.g. name, surname, date and place of birth), contact data (e.g. landline and/or mobile telephone number, postal/e-mail address).
- b) Specific categories of data referred to in Article 9) of the GDPR, if included in the report.

### 2) Data processing purpose and legal bases

The above-mentioned personal data are processed by the Data Controller for the following purposes:

- a) report management carried out in accordance with Legislative Decree 24/2023;
- b) fulfilment of obligations established by law or EU regulations;
- c) defence or establishment of one's rights in civil, administrative or criminal litigation.

The legal bases for the processing is:

- for the purpose referred to in letter (a), the fulfilment of a legal obligation of the Data Controller (Art. 6(1)(c) of the GDPR); furthermore, for recorded reports collected by telephone or via voice messaging systems or otherwise verbally, it is the consent of the Whistleblower (Art. 6(1)(a) of the GDPR);
- for the purposes referred to in letter (b), the fulfilment of a legal obligation of the Data Controller (Art. 6(1)(c) of the GDPR);
- for the purposes referred to in letter (c), the legitimate interest of the Data Controller (Art. 6(1)(f) GDPR).

Personal data collection is necessary to achieve the above purposes; missing, partial or incorrect information could prevent the reports' management.

### 3) Personal data retention

Telecom Italia Sparkle S.p.a. keeps personal data in accordance with Article 14 of Legislative Decree no. 24/2023, i.e. for the time required to process the report and in any case for no more than 5 years from the notification date of the final outcome to the Supervisory Body 231.

Personal data that are not clearly useful for processing a specific report, are not collected or are promptly deleted, if accidentally collected.

### 4) Data processing procedures and rationale

Data are processed manually and / or through tools, based on the above purposes and the security and confidentiality requirements.

At every phase, the Report management system protects, the identity of the Whistleblower and of the involved and/or mentioned Persons in the Report, the content and the relevant documentation, without prejudice to the provisions of Article 12 of Legislative Decree no. 24/2023.

#### Telecom Italia Sparkle S.p.A.

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## 5) Data Controller, Data Protection Officer and categories of persons authorised to process data at Telecom Italia Sparkle S.p.a.

The Data Controller for personal data is Telecom Italia Sparkle S.p.a., based in Rome, Via di Macchia Paolocco n. 223 - 20123.

The Data Protection Officer, appointed by the Data Controller, can be reached at TIM S.p.A. office (Via Gaetano Negri no. 1 - 20123 Milan); or via e-mail to the following address: [dpo.tisparkle@telecomitalia.it](mailto:dpo.tisparkle@telecomitalia.it). The updated list of contact details of the data protection officer can be consulted on the website [www.tisparkle.com](http://www.tisparkle.com).

The Data Controller has established the Supervisory Body, appointed according to Article 6(1)(b) of Legislative Decree No. 231/2001. The Supervisory Body, based at the legal address of the Company, has independent power of initiative and control and it is also the owner of the Report management process, as foreseen by the Whistleblowing Procedure. The Supervisory Body members are persons authorised to process personal data and they have received adequate operating instructions accordingly.

In order to follow up on the Reports, the Supervisory Body of Telecom Italia Sparkle S.p.a. is supported by TIM Audit Department, appointed as Personal Data Processor by Telecom Italia Sparkle S.p.a. Furthermore, for some Reports the Supervisory Body of Telecom Italia Sparkle S.p.a. collaborates with the TIM Supervisory Body.

## 6) Categories of third parties who could be potential recipients of data

Personal data could be processed by TIM Group Companies, also established in EU or non-EU countries. In the latter case, data are transferred according to the European Commission decision regarding the adequacy of data protection level in the non-EU country or according to the appropriate guarantees provided as per articles 46 or 47 GDPR (e.g. subscription of data protection “standard clauses” adopted by the European Commission) or according to the additional conditions of the transfer legitimacy provided as per article 49 GDPR.

Moreover, data could be processed by additional third parties to whom Telecom Italia Sparkle S.p.a. entrusts certain activities (or part of them) for the purposes referred to in point (2). These parties will operate as autonomous data controllers or they will be appointed as Data Processors. They are mainly included in the following categories:

- a. Consultants (Organisation, Litigation, Legal Firms, etc.)
- b. Companies in charge of personnel administration and management,
- c. Auditing firms
- d. Investigative agencies
- e. Public institutions and/or authorities, judicial authorities, police bodies.

## 7) Data subjects rights

The data subject can access his/her data at any time and, as applicable, exercise the rights provided for by articles 15 to 22 of the GDPR (right of access to personal data, right to change data, right to obtain their deletion or this is known as right to be forgotten, right to restrict the processing, right to the portability of personal data or right to object to processing), within the limits of article 2-undecies of the Privacy Code, by sending an e-mail to [adminpec@tisparkle.telecompost.it](mailto:adminpec@tisparkle.telecompost.it).

Furthermore, the interested party has the right to lodge a complaint with the Guarantor for the protection of personal data.

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The aforementioned rights cannot be exercised by the person involved or by the person mentioned in the report, for the time and within the limits in which this constitutes a necessary and proportionate measure, pursuant to art. 2-undecies of the Privacy Code since the exercise of these rights could result in an effective and concrete prejudice to the protection of the confidentiality of the identity of the reporting person.

*July 2023*

**Telecom Italia Sparkle S.p.A.**

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