

INFORMATION ON DATA PROCESSING IN THE DIGITAL PLATFORM WHISTLEBLOWING Article 13 of Regulation (EU) 2016/679 (GDPR)

the Free University of Bozen-Bolzano (hereinafter also referred to as "University") informs you, within the limits of its institutional objectives and in compliance with the obligations provided for in Article 13 of Regulation (EU) 2016/679 ("GDPR"), of the processing of personal data provided by you in order to report unlawful acts within the administration. It should be noted that, to benefit from the protections provided for by Article 54-bis of Legislative Decree no. 165/2001 and Article 3 of Law no. 179/2017, the unlawful acts must be known by virtue of the employment relationship or during the performance of the service or supply or performance of work in favour of the University (so-called "*whistleblowing*").

DATA CONTROLLER AND DPO

The data controller is the Free University of Bozen-Bolzano, with legal headquarters in 39100 Bozen-Bolzano, Piazza Università 1, in the person of the president and legal representative *pro tempore*.

The Data Protection Officer (DPO) can be contacted at the following e-mail address: privacy@unibz.it.

LAWFULNESS OF PROCESSING

The legal basis for data processing is Article 6(1)(c) of the GDPR (compliance with a legal obligation) and Article 6(1)(e) of the GDPR (task in the public interest).

MODALITIES OF DATA PROCESSING

The processing of personal data is carried out by the University's Responsible of Corruption Prevention and Transparency, as well as, if necessary, by the members of the working group he/she intends to avail himself/herself of and by any other persons within the University who must be involved based on the University Regulation on whistleblowing, in their role as authorized people to process personal data. Processing will be carried out using procedures, including computerized procedures, equipped with encryption tools to guarantee the confidentiality of the reporting party and of the content of the reports and of the relevant documentation, adopting appropriate technical and organisational measures to protect them against unauthorized or unlawful access, destruction, loss of integrity and confidentiality, even accidental.

NATURE OF THE PROVISION OF THE DATA

The provision of personal data is optional. Not providing such information could, however, compromise the investigation of the report: anonymous reports, in fact, will only be considered if they are adequately circumstantiated and provided with a wealth of details, to bring to light facts and situations linked to specific contexts.

TYPE OF DATA AND PURPOSE OF THE DATA PROCESSING

The data provided by the reporting party to represent the alleged unlawful act of which he/she has become aware by reason of his/her service relationship with the University committed by persons interacting with the latter in various capacities, are processed for the purpose of carrying out the necessary investigative activities aimed at verifying the justification of the fact being reported and the adoption of the consequent measures. The management and the preliminary verification of the justification of the circumstances represented in the report are entrusted to the Responsible of Corruption Prevention and Transparency, who does so in compliance with the principles of impartiality and confidentiality, carrying out any activity deemed appropriate, including the personal hearing of the reporter and of any other person who may report on the facts communicated. If, at the outcome of the verification, elements of no manifest groundlessness of the reported fact are found, the Responsible forwards the result of the verification for further investigation or for the adoption of measures to:

- a) the body responsible for disciplinary proceedings and/or to another competent office or structure, for the adoption of the measures required in the individual case;

- b) and, where appropriate, to the judicial authority, the Court of Audit and the National Anti-Corruption Agency (ANAC). In such cases, in the context of criminal proceedings, the identity of the person reporting is subject to confidentiality until the preliminary investigations are completed (Article 329 of the Italian Code of Criminal Procedure); in proceedings before the Court of Audit, the identity of the reporter is protected until the closing of the preliminary investigation phase; in disciplinary proceedings, the identity of the reporter may not be revealed, without his/her consent, where the accusation of the disciplinary charge is based on separate and additional investigations to the report, even if consequent to it. If the accusation is based, in whole or in part, on the report and knowledge of the identity of the reporter is indispensable for the accused's defence, the report can be used for the purpose of the disciplinary proceedings only if the reporter has consented to the disclosure of his/her identity.

Should the Responsible of Corruption Prevention and Transparency need to avail himself of University staff for the purpose of managing the reporting files, such staff for this activity is specifically authorized to process personal data (Articles 4(10), 29, 32(4) of the GDPR and Article 2-quaterdecies of the Privacy Code) and, consequently, the said staff must comply with the instructions given, as well as with the more specific instructions, related to the particular processing operations, that may be provided by the Responsible of Corruption Prevention and Transparency from time to time. This is without prejudice, in any case, to the fulfilment, by the Responsible of Corruption Prevention and Transparency and/or the persons who, for service reasons, need to know the identity of the reporter, of the legal obligations to which the right to anonymity of the reporter cannot be opposed. In such a way as to ensure, in any case, the confidentiality of the identity of the reporter, the Responsible of Corruption Prevention and Transparency shall account for the number of reports received and their progress in the annual report referred to in Article 1(14) of Law No. 190/2012.

RETENTION PERIOD

The data collected will be stored in a form that allows the identification of the data subjects for a period of 18 months, which can be extended to twice as long on individual alerts by specific choice of the recipient, with automatic secure deletion of expired alerts.

Reports are deleted from the platform 30 days after the deactivation of the service.

RECIPIENTS OF DATA

The recipients of the data collected as a result of the report are, where appropriate, the body in charge of disciplinary proceedings and/or other competent offices, for the purpose of taking appropriate measures; the Judicial Authority; the Court of Audit and the National Anti-Corruption Agency (ANAC).

The personal data collected are also processed by the staff of the University, who act based on specific instructions given regarding the purposes and methods of processing.

Whistleblowing Solutions Impresa Sociale S.r.l. is the service provider for the provision and operational management of the *digital whistleblowing* technology platform and processes the data as Data Processor pursuant to Article 28 of EU Regulation 2016/679.

RIGHTS OF THE DATA SUBJECT

As data subject, you have the right to obtain, in the cases provided for by the GDPR, access to your personal data, rectification, integration, deletion or restriction of processing, or to object to processing (Art. 15 et seq. of the GDPR). The request may be made, without any formality, by directly contacting the University's Responsible of Corruption Prevention and Transparency at the following email address managingdirector@unibz.it.

RIGHT OF COMPLAINT

Data subjects who claim that personal data relating to them are being processed in breach of the provisions of EU Regulation 2016/679 have the right to submit a complaint to the competent national authority for the protection of personal data www.garanteprivacy.it, as stated in Article 77 of the GDPR itself, or to take appropriate legal action (Article 79 of the GDPR).