

INTERNAL REPORTING SYSTEM.

INDUSTRIAS ALCORENSES CONFEDERADAS, S.A. (SII)

Spanish Law 2/2023 on the protection of persons who report violations of the law and the fight against corruption. Transpose of the EU Whistleblowing Directive 2019/1937



A.- Law 2/2023, of February 20, regulating the protection of persons who report regulatory infringements and the fight against corruption.

With the approval of this law, Directive (EU) 2019/1937 of the European Parliament and of the Council, of 23 October 2019, on the protection of persons who report breaches of Union law (better known as <<Whistleblowing Directive>>) is transposed into Spanish law. Its main purpose is to protect citizens who report breaches of the legal system in the context of a professional relationship.

Citizen collaboration is essential for the effectiveness of the law. Such collaboration is not only manifested in the correct personal fulfillment of the obligations that correspond to each one, but also extends to the collective commitment to the proper functioning of public or private institutions.

There are many examples of civic actions that have warned of the existence of irregular and corrupt practices that have led to investigations that, after the legally established judicial procedure, have concluded with the imposition of the corresponding criminal conviction for such behavior.

However, it should also be noted that, on occasions, these praise worthy civic behaviors have generated painful consequences for those who have reported such corrupt practices and other infractions, such as pressures, making it essential for the legal system to protect citizens when they show courageous conduct of clear public utility. In addition, it is important to raise awareness in society that those who break the law must be prosecuted and that non-compliance must not be condoned or silenced.

A.1.- Material scope of application.

This law protects natural persons who report, through any of the procedures provided therein, of:

- a) Any actions or omissions that may constitute infringements of European Union Law provided that:
 1. Enter within the scope of application of the acts of the European Union listed in the Annex to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting breaches of Union law, regardless of the qualification of the same made by the internal legal system;
 2. they affect the financial interests of the European Union as referred to in Article 325 of the Treaty on the Functioning of the European Union (TFEU), or
 3. affect the internal market, as referred to in Article 26.(2) of the TFEU, including infringements of the European Union rules on competition and aid granted by States, as well as infringements relating to the internal market in connection with acts that infringe the corporate tax rules or practices intended to obtain a tax advantage that distorts the object or purpose of the legislation applicable to corporate taxation.
- b) Actions or omissions that may constitute a serious or very serious criminal or administrative infringement. In any case, all those criminal or serious or very serious administrative or criminal offenses that imply an economic loss for the Public Treasury and for the Social Security will be understood to be included.

However, it should be borne in mind that the foregoing protection:

- i) It shall not exclude the application of the rules relating to criminal proceedings, including investigation proceedings;
- ii) It shall be understood without prejudice to that established in its specific regulations, for workers who report labor law violations in the area of occupational safety and health;

- iii) It shall not apply to information affecting classified information, nor shall it affect the obligations resulting from the protection of professional secrecy of medical and legal professionals, the duty of confidentiality of the Security Forces and Corps within the scope of their actions, as well as the secrecy of judicial deliberations;
- iv) It shall not apply to infringements in the processing of contracting procedures that contain classified information or that have been declared secret or reserved, or those whose execution must be accompanied by special security measures in accordance with the legislation in force, or those in which the protection of essential interests for the security of the State so requires; and
- v) Shall not apply in the event of public information or disclosure of any of the offenses referred to in Part II of the Annex to Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019. In such case, the specific rules on reporting infringements in such matters shall apply.

A.2.- Personal scope of application.

This law shall apply to informants who work in the private or public sector and who have obtained information on infringements in a labor or professional context, including in any case:

- a) persons having the status of public employees or employees;
- b) self-employed persons;
- c) shareholders, participants and persons belonging to the administrative, management or supervisory body of a company, including non-executive members;
- d) any person working for or under the supervision and direction of contractors, subcontractors and suppliers.

It shall also apply to whistleblowers who communicate or publicly disclose information on violations obtained within the framework of an employment or statutory relationship that has already ended, volunteers, interns, trainees, workers in training periods regardless of whether or not they receive remuneration, as well as those whose employment relationship has not yet begun, in cases where the information on violations has been obtained during the selection process or precontractual negotiation.

B.- Reporting System Officer.

This position will be held by the natural person explicitly designated for this purpose by the administrative body of the entity, and its main function will be to be responsible for the management of this system and the processing of the investigation files in accordance with the information management procedure approved for this purpose.

However, the INDUSTRIAS ALCORENSES CONFEDERADAS, S.A., Whistleblower Channel Committee will support the designated Reporting System Officer in the processing and investigation of the communications submitted under this system (hereinafter, both figures are referred to as "Authorized Personnel").

Mention that, in the event of finding any incompatibility of one of the persons comprising the Authorized Personnel with the ongoing management of one of the communications received by the Authorized Personnel, such person shall be excluded from the procedure to prevent possible conflicts of interest.

C.- Internal reporting channel.

In order to make it possible that, with respect to INDUSTRIAS ALCORENSES CONFEDERADAS, S.A., the persons referred to in point A.2.- Personal scope of application, may submit information regarding the infringements contemplated in point A.1.- Material scope of application, an internal reporting channel is established in INDUSTRIAS ALCORENSES CONFEDERADAS, S.A., the management of which will be carried out within the organization itself.

Communications through this channel may be made in writing, by filling in the form attached as Annex I. This form must be sent by the informant to the following e-mail address: whistleblowing@inalco.global. In addition, and always upon request by the informant to the same e-mail address (whistleblowing@inalco.global), a verbal communication may be submitted by means of a face-to-face meeting to be held within a maximum period of seven (7) calendar days as from the request. In the latter case, prior consent shall be requested from the informant to record the conversation- by means of a secure, durable and accessible format - and the informant shall be informed about the processing of his/her personal data in accordance with the applicable data protection regulations. However, in both cases, you will be informed about the external reporting channels that exist to the Independent Authority for the Protection of the Informant or through the corresponding regional, national or EU authorities or bodies.

The information collected will be strictly confidential and will only be processed by the Authorized Personnel for the purpose of managing the communication. Such information will be properly filed in a computer folder or logbook, access to which will be restricted exclusively to the Authorized Personnel, complying at all times with the principles relating to the protection of personal data.

In the communication, the informant may indicate an address, e-mail and/or telephone contact for the purpose of receiving notifications. In addition, in order to carry out the procedure for the management of such information, you must give your explicit consent to the processing of data relating to such communication in accordance with the data protection policy of the entity for this purpose.

D.- Reporting management procedure.

Once a communication has been sent through the Internal Reporting channel described in point C.- Internal Reporting channel above, the Authorized Personnel shall deliver an acknowledgement of receipt to the informant within a maximum period of seven (7) calendar days from the date it is sent by the informant:

1.- The Authorized Personnel shall deliver to the informant acknowledgement of receipt of the same, within a maximum period of seven (7) calendar days as from when the completed Annex I form is sent by the informant, or from when the face to-face meeting is held at the informant's request, unless this could jeopardize the confidentiality of the communication.

Similarly, informants shall be informed, in a clear and accessible manner, about the external reporting channels that exist before the Independent Authority for Whistleblower Protection or through the corresponding regional, national or EU authorities or bodies.

2.- The phase of opening of the informative file will begin, aimed at the inquiry and ascertainment of the facts, giving individual and separate hearing to all those involved (including the informant), witnesses and as many people as the Authorized Personnel considers that should appear, including the legal representatives of the workers of the center, practicing as many diligences as necessary to clarify the veracity of the reported facts. All this, under the guarantee of confidentiality and respect for the presumption of innocence, the honor and identity of the persons concerned and the provisions on protection of personal data.

The workers, if they so wish, may be assisted in their interventions before the Authorized Personnel by a legal representative of the workers, at their choice.

3.- The investigation phase of the informative file will end with the pronouncement of the person in charge of the internal reporting system, by means of the preparation of a report that will be made known, in the first place, to the informant. The report shall have at least the following contents:

- a) Statement of the facts related in the communication received.
- b) Justification as to whether or not the facts reported are within the scope of protection of Law 2/2023, of February 20, regulating the protection of persons who report regulatory infringements and the fight against corruption. In the affirmative case, the report shall also contain:
 - (b.1) Details of the actions carried out in order to verify the verisimilitude of the reported facts.
 - (b.2) Conclusions reached, which shall include the proposal of the disciplinary sanction to be applied and/or the corrective measures, as the case may be.

The term for the preparation of said report shall be three (3) months from the date of the acknowledgement of receipt sent to the informant. If no acknowledgement of receipt has been sent to the informant for any reason, the three (3) month term shall begin to run as from the expiration of the seven (7) day term after the communication was made.

The above, except in cases of special complexity that require an extension of the term, in which case, this may be extended up to a maximum of three (3) additional months.

This report shall always state the reasons for the information communicated, as well as be clear and concise.

4.- When the facts could be indicative of a crime, the person in charge of the internal reporting system shall immediately forward the information to the Public Prosecutor's Office. In the event that the facts affect the financial interests of the European Union, it shall be forwarded to the European Public Prosecutor's Office.

5.- The affected person, if so required, shall be informed of the actions or omissions attributed to him/her and shall be heard at any time. However, the above shall always take place at the time and in the manner deemed appropriate to ensure the proper conduct of the investigation.

6.- The identity of the informants shall in all cases be confidential, which means that it shall not be communicated to the persons to whom the facts reported refer or to third parties without their express consent. However, the exceptions established by European and Spanish regulations shall apply in the context of investigations carried out by the authorities or in the course of judicial proceedings.

7.- Both the information received, as well as that obtained from the internal investigations carried out, shall be filed in a logbook or computer folder, access to which shall be restricted exclusively to Authorized Personnel. This shall not be public and shall guarantee, in any case, the requirement

E.- Rights and guarantees of the informant.

The informant shall have the following guarantees in his actions before the Authorized Personnel:

- a) Decide whether he/she wishes to formulate the communication anonymously or non-anonymously.
- b) Confidential identity, which may not be disclosed without his express consent to any person other than the Authorized Personnel. All of the above with the exceptions established

by European and Spanish regulations in the context of investigations carried out by the authorities or in the course of judicial proceedings.

c) Formulate the communication in writing or verbally.

d) Indicate an address, e-mail and/or contact telephone number where to receive the communications made to him/her on the basis of the present Internal Reporting system.

e) Appear before it on his own initiative or when required by it, being assisted, if necessary and if deemed appropriate, by a lawyer.

f) To be assisted, in the case of a person working for the entity and if deemed appropriate, by a legal representative of the workers, of his choice.

g) To exercise the rights conferred by the personal data protection legislation.

h) To know the status of the processing of their communication and the results of the investigation.

i) To make a communication through the external reporting channel of the Independent Authority for the Protection of the Informant or through the corresponding autonomous, national or EU authorities or bodies.

j) Under no circumstances will reprisals be taken against him/her.

k) Receive acknowledgement of receipt of the communication within a maximum period of seven (7) calendar days after the completed Annex I form is sent by the informant, or after the face-to-face meeting is held at the request of the informant, unless this could jeopardize the confidentiality of the communication.

F.- Evaluation and Review.

The Authorized Personnel shall evaluate the operation and implementation of the present system periodically, in order to suggest any modification that may improve the achievement of its objectives, or to adapt its structure to the specialties that, as the case may be, may arise.

G.- Disclosure.

The existence of this system will be disclosed among all the employees and persons connected with INDUSTRIAS ALCORENSES CONFEDERADAS, S.A. The latter, on its web page, will include an access and entry to this document, thus facilitating the accessibility, knowledge and use of this system and, therefore, of its internal reporting channel.

ANNEX I - MODEL OF WRITTEN COMMUNICATION

Date*:	
Name and surname:: Optional	
DNI/NIE: Optional	
Adress: Optional	
Mail adress: Optional	
Teléfono de contacto: Optional	
Your relationship with the company*:*:	<input type="checkbox"/> Superior Partner <input type="checkbox"/> Supplier <input type="checkbox"/> Worker <input type="checkbox"/> Other: _____
Informing/communicating that	
Place and facts/conduct on which the communication is based*:*: Detailed description of the information, specifying dates, phrases...	
Attached/supporting documentation (Optional):	
The informant REQUESTS the management of the above information following the entity's management procedure established for this purpose.	
NOTE: All fields marked with an asterisk (*) are mandatory.	

PROCESSING OF INFORMATION RECEIVED THROUGH THE INTERNAL REPORTING CHANNEL CONCERNING PERSONAL DATA PROTECTION

1st LAYER (basic processing information)

Responsible: INDUSTRIAS ALCORENSES CONFEDERADAS, S.A.

Purposes of processing: to manage and properly process the information/communications received through the company's internal reporting channel and in accordance with the approved management procedure.

Your rights: access, rectification, portability, deletion, limitation and opposition.

2nd LAYER (complete information on the processing)

Who is responsible for the processing of personal data?

INDUSTRIAS ALCORENSES CONFEDERADAS, S.A. is the Data Controller of the personal data of the Data Subject and informs you that these data will be processed in accordance with the provisions of Regulation (EU) 2016/679, of 27 April (GDPR), and the Organic Law 3/2018, of 5 December (LOPDGDD), so you are provided with the following processing information.

Purposes of processing, what do we process your personal data for?

For the proper management and processing of information/communications received through the company's internal reporting channel and in accordance with the approved management procedure, to avoid any type of conduct contrary to the internal or external regulations of the entity.

Legitimacy of the treatment, for what reason we can treat your personal data?

On the basis of the legal obligation set out in Article 10 of Law 2/2023 of 20 February, regulating the protection of persons who report regulatory infringements and the fight against corruption, to have an internal reporting system and more specifically, an internal reporting channel (Article 6.1.c GDPR).

Confidentiality of your identity

Pursuant to Article 33 of Law 2/2023 of 20 February, regulating the protection of persons who report regulatory infringements and the fight against corruption, we inform you that your identity will in any case be reserved and will not be communicated to the persons to whom the facts reported refer or to third parties.

Data retention criteria, for how long will we keep your personal data?

We will keep your data for a maximum period of three months after the notification of the irregularity if the facts have not been proven and provided that they are not necessary for other purposes or for purposes of evidence of due control and supervision in the prevention of crime. In the event that the facts are proven or with sufficient evidence, the data will be kept for as long as it is necessary for the entity to exercise its rights before the courts of justice, and when it is no longer necessary for this purpose, it will be deleted with appropriate security measures to ensure the anonymity of the data or the total destruction of the data.

Communication of data, to whom do we provide your personal data?

Unless required by law, your data will only be communicated to the following categories of recipients: Courts, Tribunals and other possible conflict resolution bodies; State Security Forces and Corps; Notaries; and Registrars.

With suppliers who need access to your personal data for the provision of services that we have contracted with them or that by the very operation of our electronic services (website and emails) may have access to certain personal data, we have signed the necessary confidentiality and personal data processing contracts required by the regulations to protect your privacy (article 28.3 GDPR).

Your rights, what are your rights under the GDPR?

Right to withdraw your consent at any time. Right of access, rectification, portability and deletion of your data, and to limit or oppose its processing. As well as, the right to file a complaint with the Supervisory Authority (www.aepd.es) if you consider that the processing does not comply with the regulations in force.

Contact details to exercise your rights:

INDUSTRIAS ALCORENSES CONFEDERADAS, S.A. Calle San Salvador, 54 -12110 l'Alcora (Castellón).

Contact details of the Data Protection Officer: Alejandro Ros (dpo@torrecid.com).

I, as a Data Subject, have read and accept the data protection policy detailed above and consent to the processing of my data in accordance with the terms set forth therein.