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<b>Title WHISTLEBLOWING POLICY</b>		<b>Substitute</b>	<b>Level 2</b>	<b>Date: 02/08/2018</b>

## Contents

1.	PURPOSE AND SCOPE.....	2
2.	OPERATIONAL MODES .....	3
2.1	RECEIVING A REPORT .....	3
2.2	INITIAL EVALUATION OF THE REPORT AND INITIAL INFORMATION	3
2.3	PROTECTION OF THE WHISTLEBLOWER .....	3
2.4	INVESTIGATION ON THE REPORT - PRODUCTION OF EVIDENCES .....	4
2.5	FOLLOW-UP OF THE REPORT AND INFORMATION .....	4
2.5.1	<i>Significant cases</i> .....	4
2.5.2	<i>Serious cases</i> .....	4
2.6	FILING.....	4
2.7	DISCIPLINARY MEASURES .....	4
3.	<b>APPENDIX .....</b>	<b>5</b>

## **1. PURPOSE AND SCOPE**

The following policy establishes the rules to manage reports of illicit conduct of which an employee or collaborator becomes aware, by reason and on the occasion of his employment relationship or of the functions performed, hereinafter referred to as "Whistleblowing Policy", specifically concerning:

- violations of internal procedures and rules, such as but not limited to: Code of Ethics, Model pursuant to Italian Legislative Decree No. 231/2001, etc.,
- actions which may include crimes, illegal activity, irregularities, physical and sexual abuse, etc.;
- commission of crimes as per Italian Legislative Decree 231/2001;
- other behavior which, including in accordance with local laws, can integrate crimes, offenses or irregularities and cause damage to the assets or image of the AVSI Foundation or its Local Offices,

received by the competent bodies pursuant to Chapter 2.

Reports must be based on accurate and consistent facts. AVSI is not obliged to take into consideration anonymous reports that, at an initial examination, appear to be irrelevant, groundless or unsubstantiated.

The policy applies to all the employees and collaborators of the AVSI Foundation in all its offices, in Italy and around the world. The policy can also be adopted by any of the partners of AVSI, insofar as it is applicable according to local laws. AVSI offices abroad are also subject to local laws and regulations.

The reports / communications received by the Board of Auditors or by the Supervisory Body within the scope of their respective competences and activities are not included in the scope of this policy.

## **2. OPERATIONAL MODES**

### **2.1 RECEIVING A REPORT**

A whistleblowing or fraud report can be received through the communication channels provided for by the Organizational Model pursuant to Italian Legislative Decree 231/2001 (<https://www.avsi.org/doc/15/5fd5cba2310742d1b242b51bb3148afa/>). All AVSI's employees and collaborators have the possibility to communicate facts or events directly to the Supervisory Body through a paper letter addressed to "*Supervisory Body D.Lgs. 231 c / o AVSI Foundation Via Legnone 4, 20158 Milan-Italy*" or via e-mail ([organismodivigilanza@avsi.org](mailto:organismodivigilanza@avsi.org)). For this purpose, a reporting form is provided attached to this policy (Attachment 1), that can be downloaded, using your credentials from the company sharepoint (<https://fondazioneavsi.sharepoint.com>) or freely from [www.avsi.org](http://www.avsi.org) website. The reporting form can also be sent anonymously. To simplify the management of the report the sender can provide contact information (this information is not mandatory).

The report is received by the Supervisory Body and is dealt with the utmost confidentiality (protection of personal data according to the provisions of point 3) Appendix on page 6 of this document).

The report may also be communicated to one's own Supervisor, Country Representative, Regional Manager or HR Manager - provided they are not themselves involved in the events being reported - - who will then have to immediately inform the Supervisory Body in the manner described above.

### **2.2 INITIAL EVALUATION OF THE REPORT AND INITIAL INFORMATION**

Upon receipt of the report, the Supervisory Body performs an initial assessment about the possible jurisdiction, and classifies it on the basis of the severity and significance of the event reported.

Subsequently, the Supervisory Body informs AVSI as follows:

- in the event that the content of the report is considered serious, the Body informs promptly the President of the Board of Directors and the Secretary General of AVSI about the report received (provided they are not involved in the report).
- in the event that the report concerns one of the two individuals indicated above, the Supervisory Body will promptly inform the Board of Auditors.

In addition, if the Supervisory Body and the General Secretary consider it advisable, they may decide to forward the reports or part of the same to Area Managers, Country Representative, Regional Manager, HR Manager in order that they may go in depth and check the contents of the report.

Should the report be considered as non significant, the information concerning the report and closure of the same is transmitted to the Board of Directors in brief with the mid-year report prepared by the Supervisory Body.

In order to prevent the occurrence of any retaliation or discriminatory conduct against the whistleblower, the identity of the latter and the confidentiality of the information must always be protected.

### **2.3 PROTECTION OF THE WHISTLEBLOWER**

AVSI encourage all the staff of the Foundation to work together to maintain a climate of mutual respect for the dignity, honor and reputation of everyone.

AVSI is going to prevent and punish abusive, discriminatory or defamatory attitudes.

Any worker or collaborator is encouraged to submit reports in connection with unlawful conduct that he/she has become aware of due to the functions performed, provided that such reports are substantiated and based on factual and consistent facts.

In these cases, the identity of the whistleblower and the confidentiality of the information is always protected, in order to prevent the occurrence of any retaliation or discriminatory conduct against the whistleblower him/herself.

## **2.4 INVESTIGATION ON THE REPORT AND PRODUCTION OF EVIDENCES**

The investigation on the report is carried out under the responsibility of the Supervisory Body. If necessary, other functions or positions are consulted or involved in the investigation.

In any case, the independence of the persons carrying out the investigations towards those involved in the report is guaranteed.

## **2.5 FOLLOW-UP OF THE REPORT AND INFORMATION**

### **2.5.1 SIGNIFICANT CASES**

In the event of significant cases, the report containing the results of the investigation is forwarded to the Board of Directors which decides about closing the case, in consultation with the Supervisory Body.

The information on the case and on the conclusion of the procedure is then reiterated by the Supervisory Body in a concise and anonymous form in the context of their mid-year report. Whistleblowers, whose identity is known, are informed about the outcome of the report by the Supervisory Body.

### **2.5.2 SERIOUS CASES**

In the event of serious cases, the report containing the results of the investigation is shared, not only with the Board of Directors, but also with the Board of Auditors. In this case, they will also evaluate the need to involve specific professional figures (legal or technical), also from outside the Foundation, in order to go more in-depth of the report received and evaluate the methods of intervention and resolution of the findings.

Whistleblowers whose identity is known are informed by the Supervisory Body at the end of the investigations. The Supervisory Body communicates to the General Secretary, and to the competent functions involved, the indications on the possible room for improvement of the monitoring and managing systems of sensitive activities.

## **2.6 FILING**

Data are filed by the Supervisory Body and, if there is no use procedure, they are going to be canceled after three months.

## **2.7 DISCIPLINARY MEASURES**

With reference to the application of this Policy, when the findings of the investigation reveal objective evidence of willful misconduct or gross negligence of the whistleblower, AVSI is going to undertake any appropriate disciplinary action, in compliance with Chapter 5, General Section, of the Organizational Model adopted by the Foundation

A similar disciplinary action is going to be taken in the event of violations or attempts to violate the measures taken to protect the whistleblower.

### **3. APPENDIX**

#### **PRIVACY POLICY - EU Regulation 2016/679 on the protection of personal data.**

Pursuant to Article 13 - 14 of EU Regulation 2016/679, the AVSI Foundation provides, here below, information on the processing of personal data of whistleblowers, whistleblowed persons and any other third parties involved ("Interested"), made by the Foundation in relation to the management of the reports governed by the "*Whistleblowing Policy: management of reports*"

#### **1) Origin of data, nature of the provision and purpose of processing**

Personal data processed are those provided by the "whistleblowers", as part of the report, i.e. those that may already be available to the Data Controllers referred to in point 3) or that they may acquire as part of their verification activities on their merits of reports and in any related investigation, always in compliance with the provisions of the law.

The provision of personal data by the whistleblower is voluntary, "anonymous reporting" being, anyhow, possible

Data will be processed for the purposes related to the application of the aforementioned procedure and to prove the existence of offenses and other violations of the obligations established by law, rules or EU regulations as well as by professional conduct and / or ethical principles provided by the rules and regulations in force - including corporate organization and code of conduct – applicable to employees, members of the corporate bodies, or third parties (partners, suppliers, consultants, contractors and collaborators), who can determine - directly or indirect – a damage to the finance, assets and / or image of the Foundation.

#### **2) Method and logic of processing**

Data processing is carried out manually (for example, on paper) and / or through automated tools (for example, using electronic procedures and supports), with logics related to the above mentioned purposes referred to the "*Whistleblowing Policy*" and, in any case, in a way to guarantee the security and confidentiality of data with particular reference to the data of the "whistleblower" that will normally be protected with secrecy, except in the cases indicated by the aforementioned policy on "bad faith" reporting, where anonymity is not enforceable by law or it is necessary / advisable to inform the competent Authorities. The data provided will be processed and filed for a period of time not exceeding the one necessary for the purposes for which they have been collected or subsequently processed, for the duration of the verification procedures and any events to follow, even of a controversial nature, and subsequently kept within the limits of prescription times and in compliance with legal obligations and privacy procedures in force. If there is no use of data, the same are filed and deleted within the term indicated by the "*Whistleblowing Policy*".

#### **3) Data Controllers**

Pursuant to Article 24 of the EU Regulation, AVSI Foundation, based in Milan, via Legnone 4 in the person of the pro tempore legal representative is the DATA PROCESSING HOLDER . Within the scope of the activities governed by this policy, personal data may be known and processed by the Supervisory Body, the Board of Directors, the Board of Auditors, the General Secretary, in his quality of responsible for AVSI's data processing, and by the competent functions possibly involved.

#### **4) Categories of third parties to whom data could be communicated as Data Controllers or who could learn about them in their quality of managers or trustees.**

Also for the purposes referred to in point 1) and for the activation of the consequent legal protections, personal data may be disclosed to third parties. In this case the same subjects will be identified as independent Holders or designated as Managers or Trustees of data processing, in compliance with the current provisions of law on privacy. In any case, AVSI provides to the Managers or Trustees, at the time of appointment, adequate operating instructions, with particular reference to the adoption of the minimum security measures, in order to guarantee the confidentiality and security of data.

These individuals, which in some cases may also be based abroad, are included in the following categories:

- a) Consultants (Organization, Litigation, Legal Studies, etc.)
- b) Companies responsible for the administration and management of personnel, storage of personal data of employees, development and / or operation of information systems for these data
- c) Companies responsible for the management of corporate records, including personal data of employees no longer in service
- d) Auditing Companies
- e) Institutions and / or Public Authorities, Judicial Authorities, Police Bodies, Investigative Agencies
- f) Founding members, partners or other bodies related to the AVSI Foundation network

#### ***5) Right of access to personal data and other rights pursuant to Article 15 and following of the EU Regulation***

The interested party has the right to access the data concerning him/herself at any time and to exercise the other rights provided for by art. 15 of the Regulations, in the manner and within the limits provided for by law and by contacting the AVSI Foundation or the Holder of Data Processing as indicated in paragraph 3 above. Similarly, he/she may request the origin of data, the correction, updating or integration of inaccurate or incomplete data, or the cancellation or blocking for the data processed in violation of law, or still oppose their use for legitimate reasons to be highlighted in his/her request.

#### **DATA PROTECTION**

The information and personal data obtained pursuant to this procedure must be processed in compliance with the Italian data protection law.

In particular, AVSI must ensure that personal data are processed in compliance with the fundamental rights and freedoms as well as the dignity of the parties involved, especially with regard to confidentiality and security of information in line with the provisions listed below.

The personal data that AVSI becomes aware of for the purposes of this policy must be:

- limited to what is strictly and objectively necessary to check the validity of the whistleblowing report and to manage it accordingly;
- properly processed in compliance with the law.

It is also necessary that:

- all the functions / organizational units of the AVSI Foundation involved in receiving and managing whistleblowing reports ensure maximum confidentiality on the identity of whistleblowers. A whistleblower in good faith must always be protected from any form of discrimination or punishment and his/her identity must in any case be kept secret (unless otherwise required by law);
- personal data will be processed within the whistleblowing report drawn up by the Supervisory Body, but only if such communication does not jeopardize the ability to check the validity of the whistleblowing report;
- the identity and personal data of the whistleblower are not communicated to the person involved in the report (unless otherwise required by law);
- the whistleblowing procedure is kept separate from the management of other personal data. The information collected and processed in relation to the whistleblowing procedure must be sent, if necessary, only to persons entrusted with the implementation of verification procedures or the adoption of the necessary measures in line with results.