

INTERNAL REPORTING SYSTEM CERAMIC COLORS OF TORTOSA, SA (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 people who report regulatory infractions and the fight against corruption.

With the approval of this law, Directive (EU) 2019/1937 of the European Parliament and of the Council, of October 23, 2019, relating to the protection of persons who report infringements of Union Law, is incorporated into Spanish Law. (better known as <<Whistleblowing Directive>>). Its main purpose is to protect citizens who report violations of the legal system within the framework 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 warned of the existence of irregular practices and corruption that have allowed investigations to be launched that, after completing the legally established judicial procedure, have concluded with the imposition of the corresponding criminal sentence for such behaviors.

However, it must also be noted that, on occasions, these laudable civic behaviors have generated painful consequences for those who have reported such corrupt practices and other infractions, such as pressure, which is why it is essential that the legal system protects citizens when shows courageous conduct of clear public utility. Furthermore, it is important to establish awareness in society that those who break the law must be prosecuted and that non-compliance should not be condoned or silenced.

A.1.- Material scope of application.

This law protects natural persons who report, through any of the procedures provided for in it, of:

a) Any actions or omissions that may constitute infringements of European Union Law provided that:

1. They fall 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 October 23, 2019, on the protection of persons that report on violations of Union Law, regardless of the classification made by the domestic legal system;
2. Affect the financial interests of the European Union as contemplated in article 325 of the Treaty on the Functioning of the European Union (TFEU); either
3. Affect the internal market, as contemplated in Article 26, paragraph 2 of the TFEU, including infringements of the European Union rules on competition and aid granted by States, as well as relative infringements to the internal market in relation to acts that infringe corporate tax rules or practices whose purpose is to obtain a tax advantage that undermines the object or purpose of the legislation applicable to corporate tax.

b) Actions or omissions that may constitute a serious or very serious criminal or administrative infraction. In any case, all serious or very serious criminal or

administrative infractions that imply economic loss for the Public Treasury and Social Security will be understood to be included.

Now, it must be taken into account that the previous protection:

- i) It will not exclude the application of the rules relating to criminal proceedings, including investigative proceedings;
- ii) It will be understood without prejudice to what is established in its specific regulations, for workers who report violations of labor law in matters of safety and health at work;
- iii) It will not apply to information that affects classified information and will not affect the obligations that result from the protection of the professional secrecy of medical and legal professionals, the duty of confidentiality of the Armed Forces and Corps. Security in the scope of its actions, as well as the secrecy of judicial deliberations;
- iv) It will not apply to violations 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 current legislation, or in which it is demand the protection of interests essential to the security of the State; and
- v) It will not apply in the case of information or public disclosure of any of the infringements referred to in part II of the annex to Directive (EU) 2019/1937 of the European Parliament and of the Council, of October 23, 2019. In this case, the specific regulations on reporting infractions in these matters will apply.

A.2.- Personal scope of application.

This law will apply to informants who work in the private or public sector and who have obtained information about violations in a work or professional context, including in any case:

- a) people who have the status of public employees or employed workers;
- b) the self-employed;
- 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 will also apply to informants who communicate or publicly reveal information about infractions obtained within the framework of an employment or statutory relationship that has already ended, volunteers, interns, 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 information about infractions has been obtained during the selection or pre-contractual negotiation process.

B.- Responsible for the internal reporting system.

This position will be carried out by the natural person explicitly designated for this purpose by the entity's administrative body, its main function being that of being responsible for the management of this system and the processing of investigation

files in accordance with the procedure information management system approved for this purpose.

However, there will be one person, the Delegate of the internal reporting system of COLORES CERAMICOS DE TORTOSA, SA, who will support the designated person responsible for the internal reporting system, in the processing and investigation of communications submitted under this system (from now on, both figures referred to as "Authorized Personnel").

Mention that, if any incompatibility of one of the people who make up the Authorized Personnel is found with the ongoing management of one of the communications received by them, said person will be excluded from the procedure to prevent possible conflicts of interest.

C.- Internal reporting channel.

To enable, with respect to COLORES CERAMICOS DE TORTOSA, SA, the persons referred to in the previous point *A.2.- Personal scope of application*, to present information regarding the infractions provided for in the previous point *A.1.- Scope: application material.* , an internal reporting channel is established at COLORES CERAMICOS DE TORTOSA, SA, whose management will be carried out within the organization itself.

Communications through this channel may be made in writing, by completing the form attached as **Annex I**. This form must be sent by the informant to the email: whistleblowing@cctgroup.es . Additionally , and always upon request from the informant to that same email (whistleblowing@cctgroup.es), a communication may be presented verbally through a face-to-face meeting that will be held within a maximum period of seven (7) calendar days counting. from the request. In the latter case, prior consent will be requested from the informant to record the conversation - using a secure, durable and accessible format - and they will be informed about the processing of their personal data in accordance with the applicable data protection regulations. However, in both cases, information will be provided on the external information channels that exist before the Independent Authority for the Protection of Informants or through the corresponding regional, national or EU authorities or bodies.

The information collected will be strictly confidential and will only be processed by Authorized Personnel for the purpose of managing the communication. Said information will be correctly filed in a computer folder or record book, whose access will be restricted exclusively to 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, email and/or contact telephone number for the purposes of receiving notifications. Furthermore, in order to carry out the procedure for managing said information, you must grant your explicit consent for the processing of data related to said communication in accordance with the entity's data protection policy for this purpose.

D.- Information management procedure.

Once communication has been sent through the internal reporting channel described in the previous point *C.- Internal reporting channel.* :

1.- The Authorized Personnel will deliver to the informant acknowledgment of receipt thereof, within a maximum period of seven (7) calendar days from the date the completed Annex I form is sent by the informant, or from the moment it is carried out. the face-to-face meeting at the request of the informant, unless this may jeopardize the confidentiality of the communication.

Likewise, informants will be informed, in a clear and accessible manner, about the external information channels that exist before the Independent Authority for the Protection of Informants or through the corresponding regional, national or EU authorities or bodies.

2.- The opening phase of the information file will begin, aimed at investigating and verifying the facts, giving individual and separate hearings to all the participants (including the informant), witnesses and how many people the Authorized Personnel considers should appear. including the legal representatives of the center's workers, taking whatever steps are necessary to clarify the veracity of the reported facts. All of this, under the guarantee of confidentiality and respect for the presumption of innocence, the honor and identity of the affected persons and the provisions on the protection of personal data.

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

3.- The investigation phase of the information file will end with the pronouncement of the person responsible for the internal reporting system, through the preparation of a report that will, first of all, be made known to the informant. The report must have, at a minimum, the following content:

- a) Exposition of the facts reported in the communication received.
- b) Justification of whether or not the reported facts are within the scope of protection of *Law 2/2023, of February 20, regulating the protection of people who report regulatory infractions and the fight against corruption.* If so, the report must 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 will include the proposal for the disciplinary sanction to be applied and/or corrective measures, if applicable.

The deadline for preparing said report will be three (3) months from the date of the acknowledgment of receipt sent to the informant. If acknowledgment of receipt has not been sent to the informant for any reason, the period of three (3) months will begin to count from the expiration of the period of seven (7) days after the communication is made.

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

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

4.- When the facts could indirectly constitute a crime, the person responsible for the internal reporting system will transfer the information to the Public Prosecutor's Office immediately. In the event that the facts affect the financial interests of the European Union, it will be referred to the European Public Prosecutor's Office.

5.- The affected person, if required, will be informed of the actions or omissions attributed to them and will be heard at any time. However, the above will always take place in the time and manner considered appropriate to guarantee the successful completion of the investigation.

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

7.- Both the information received and that obtained from the internal investigations carried out will be filed in a record book or computer folder whose access will be restricted exclusively to Authorized Personnel. This will not be public and will guarantee, in any case, the confidentiality requirements and the principles relating to the protection of personal data.

E.- Rights and guarantees of the informant.

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

- a) Decide if you want to make the communication anonymously or non-anonymously.
- b) Identity reserved, and cannot be revealed without your express consent to any person other than Authorized Personnel. All of this 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 processes.
- c) Formulate the communication in writing or verbally.
- d) Indicate an address, email and/or contact telephone number where you can receive communications made based on this internal reporting system.
- e) Appear before it on its own initiative or when requested by it, being assisted, where appropriate and if considered appropriate, by a lawyer.
- f) Be assisted, in the case of an employee of the entity and if considered appropriate, by a legal representative of the workers, of their choice.
- g) Exercise the rights conferred by personal data protection legislation.
- h) Know the status of the processing of your communication and the results of the investigation.
- i) Make a communication through the external information channel of the Independent Whistleblower Protection Authority or through the corresponding regional, national or EU authorities or bodies.

- j) In no case will retaliation be taken against him.
- k) Receive acknowledgment of receipt of the communication within a maximum period of seven (7) calendar days from the time the completed Annex I form is sent by the informant, or from the time the face-to-face meeting is held at the request of the informant, except that this may jeopardize the confidentiality of the communication.

F.- Evaluation and review.

The Authorized Personnel will evaluate the operation and implementation of this system periodically, in order to suggest any modification that will improve the achievement of its objectives, or adapt its structure to the specialties that, depending on the case, may arise.

G.- Disclosure.

The existence of this system will be disclosed among all employees and people who have links with COLORES CERAMICOS DE TORTOSA, SA. This, on its website, will include access and entry to this document, thus facilitating the accessibility, knowledge and use of this system. and, therefore, its internal reporting channel.

ANNEX I - WRITTEN COMMUNICATION MODEL

Date * :	
Name and surname: Optional field	
DNI/NIE: Optional field	
Home: Optional field	
Email: Optional field	
Telephone contact: Optional field	
Your relationship with the company * :	<input type="checkbox"/> Superior Supplier <input type="checkbox"/> Collaborator <input type="checkbox"/> <input type="checkbox"/> Worker <input type="checkbox"/> Other _____
What informs/communicates that	
Place and facts/conduct on which the communication is based * : Detailed description of the information, specifying dates, phrases...	
Attached documentation/support (Optional field) :	
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 required.	

INFORMATION ON THE PROCESSING OF INFORMATION RECEIVED THROUGH THE INTERNAL REPORTING CHANNEL RELATING TO THE PROTECTION OF PERSONAL DATA

1st LAYER (basic treatment information)

Responsible : COLORES CERAMICOS DE TORTOSA, SA

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

Rights that assist you : access, rectification, portability, deletion, limitation and opposition.

2nd LAYER (complete treatment information)

Who is responsible for the processing of personal data?

COLORES CERAMICOS DE TORTOSA, SA is responsible for the processing of the personal data of the Interested Party and informs you that these data will be processed in accordance with the provisions of Regulation (EU) 2016/679, of April 27 (GDPR), and Organic Law 3/2018, of December 5 (LOPDGDD), so the following treatment information is provided.

Processing purposes, why do we process your personal data?

For the proper management and processing of the 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.

Legitimation of processing, for what reason can we process your personal data?

Based on the legal obligation established in article 10 of *Law 2/2023, of February 20, regulating the protection of people who report regulatory infractions and the fight against corruption*, to have an internal system of information and more specifically, an internal reporting channel (article 6.1.c GDPR).

Reservation of your identity

In accordance with article 33 of *Law 2/2023, of February 20, regulating the protection of people who report regulatory infractions and the fight against corruption*, we inform you that your identity will in all cases be reserved and that it will not be will communicate to the persons to whom the reported events refer or to third parties.

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

We will keep your data for a maximum period of three months after notification of the irregularity if the facts have not been proven and as long as they are not necessary for other purposes or for evidentiary purposes of due control and supervision in the prevention of crimes. In the event that the facts are proven or with sufficient evidence, the data will be kept 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 guarantee the anonymity of the data or its total destruction.

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

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

With suppliers who need access to your personal data to provide the services that we have contracted from them or who, due to the operation of our electronic services (website and emails), may have access to certain personal data, we have signed contracts of confidentiality and processing of personal data necessary and required by 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 limitation or opposition to its processing. As well as, the right to file a claim with the Control Authority (www.aepd.es) if you consider that the treatment does not comply with current regulations.

Contact information to exercise your rights:

CERAMIC COLORS OF TORTOSA, SA Carretera Castellón, 55 - 12110 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 the terms set forth therein.