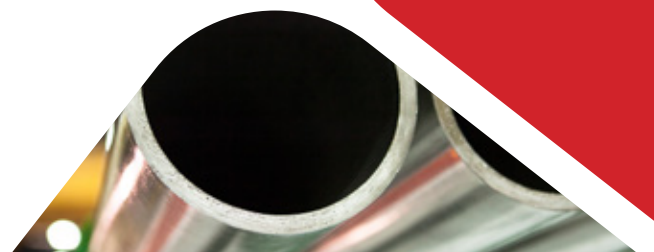




Internal information system Tubacex Group

Privacy Policy





TUBÁCEX

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PRIVACY POLICY

Tubacex Group's Whistleblowing Channel

Additional legal information on data protection



1.

Purpose

The purpose of this Privacy Policy is to inform about the processing of personal data that will be carried out for the management and investigation of claims or queries submitted through the Tubacex, S.A. ("Tubacex") Whistleblowing Channel, as well as the Group's subsidiaries ("the Group" or the "Tubacex Group", indistinctly).

For the proper configuration and design of the Whistleblowing Channel, the Tubacex Group fully complies with the applicable regulations on data protection, and in particular;

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as the "General Data Protection Regulation", or "GDPR");
- Organic Law 3/2018, of 5th December, 2018, on the Protection of Personal Data and Guarantee of Digital Rights (hereinafter, "LOPD");
- Law 2/2023, of 20th February, regulating the protection of individuals who report regulatory violations and the fight against corruption; and
- other European and Spanish development regulations that may be applicable.



2.

Who is data controller for the processing of your personal data?

This Whistleblowing Channel is aimed at professionals and external collaborators of the companies that make up the Tubacex Group.

However, the entity legally responsible for the processing of personal data collected within the framework of this Channel is the parent company, Tubacex S.A., with registered office at Tres Cruces 8, 01400, Llodio (Álava-Spain), e-mail address gdpr@tubacex.com and telephone number: 94 671 93 00.



3.

Category and origin of data

This Whistleblowing Channel may process personal information of the Informant and the accused, as well as third parties involved in the facts that have been the subject of a query or claim (e.g. any witnesses).

In this respect, it is not possible to define a priori which categories of personal data will be processed in this Channel, since it depends on the information that the Informant freely wishes to provide when filing his/her claim, as well as the accused when proceeding with his/her defense, or even any witnesses participating in the investigation process that may be initiated. In any case, only the data strictly and objectively necessary to process the claims and, where appropriate, to verify the reality of the facts reported will be processed. Likewise, the data shall be adequate, relevant and not excessive.

In any case, Tubacex may receive such personal data:

- a) directly from the interested party (by providing it at the time of filing the claim or query, when formulating possible allegations, or at any other time during the investigation); and,
- b) indirectly, by any of the persons - individuals or legal entities - involved in the investigation; or by the companies of the Group, when such person works or renders services in - or for - any of them.

Finally, an Informant who wishes to disclose his or her identity must provide Tubacex with current and accurate personal details in order to ensure that the information contained in its systems is up to date and error free (in particular, the details to contact him or her for any matter relating to the claim submitted).



4.

For what purpose and on what legal basis do we process your personal data?

For legal purposes, it is hereby stated that the processing of data collected through this Whistleblowing Channel seeks the following purposes, each with its corresponding legitimate basis:

a) Compliance with Law 2/2023, on Informant Protection.

In the first place, we will process the information collected (that provided by the Informant or that collected within the framework of the investigation that may be carried out) in order to (i) manage and investigate the claims made through the Whistleblowing Channel and (ii) adopt the legally established protection measures to prevent possible retaliation, in strict compliance with the provisions of Law 2/2023, of 20th February, on the Protection of Informants.

If the Informant submits the claim verbally and expressly requests to record it through a video recording (image and voice), Tubacex will do so on the basis of the Informant's consent, as a legitimate basis.

b) Attention and response to possible queries, due to the legitimate interest of the individual formulating the query

If a query is submitted rather than a claim, Tubacex will process the information received in order to deal with, manage and respond to it appropriately. The above will be carried out on the basis of the legitimate interest of Tubacex, which does not prejudice or harm the privacy of the individual presenting the query, and his/her legitimate interest in obtaining a due response.

c) Prevention of criminal risks, as a mission of Public Interest

On the other hand, the personal data collected will also be processed for the fulfillment of a mission carried out in the public interest, such as the prevention, detection and discovery of any risks and breaches that may occur and that may generate criminal liability for any of the companies that make up the Tubacex Group.



d) Evidence of the proper functioning of the Criminal Risk Prevention Model, for the legitimate interest of the Tubacex Group

Furthermore, personal data may be processed within the framework of this Whistleblowing Channel due to the Tubacex Group's interest in having evidence of the proper functioning of its Criminal Risk Prevention Model. The above will be carried out due to the existence of a legitimate interest that does not harm the privacy of the interested parties, who also have a legitimate interest that the company in which they work or for which they provide their services has and applies an appropriate and effective Compliance Model.

In accordance with the European General Data Protection Regulation 2016/679, and in accordance with what is set out in this section d) and in section b) above, the Tubacex Group has developed the relevant "balancing test", an internal analysis that confirms the provenance and relevance of such legitimate interest.

e) Other legally required uses

Finally, in some cases, personal data may also be processed in order to comply with certain legal obligations that we are required to comply with. For example, if it is requested by a Court, or any National Security Force. In these cases, and as far as possible, information will be provided on this duty and the rule that imposes it.



5.

How long do we keep your data?

The personal data collected (through the claim filed and, where appropriate, within the framework of any subsequent investigation) may be kept (i) for the time necessary to decide whether to initiate an investigation into the facts reported, (ii) where appropriate, for the time during which the relevant investigation is carried out and, finally, (iii) throughout the exercise of the corresponding legal actions. In the case of a simple query, during the time necessary for its management, processing and response.

In any case, if three months have elapsed since the receipt of the claim and no investigation has been initiated, it shall be deleted, unless the purpose of the conservation is to leave evidence of the channel's operation.

Finally, and after all of the above, the data collected will be kept (i) to comply with any legal obligations that may be applicable, as well as (ii) to deal with any claims and liabilities, keeping them duly blocked, and for the maximum legally established periods, at the disposal of National Security Forces and Corps, Courts and Tribunals, and any Competent Public Administrations, for a maximum legal period of ten years.



6.

Who will your data be communicated to?

As a general rule, Tubacex will not pass on any data collected through its Whistleblowing Channel to any third party. Likewise, only personnel who, due to their functions, responsibilities and duties, are duly and previously authorized may have access to them.

If, as a result of the investigation process, it is agreed that legal or disciplinary action should be taken against the accused, Tubacex will provide the information strictly necessary to the Tubacex Group entity with which the accused has a contractual relationship (employment or commercial contract, as appropriate), in order to carry out and implement the relevant legal actions.

They may also be provided to third parties to whom the Tubacex Group is legally obliged: for example, Courts and Tribunals, Security Forces and Bodies or any competent Public Body, upon request.

The Tubacex Group may also rely on the collaboration of third party service suppliers, who may have access to such personal data and who will process such data in their name and on their behalf, as a consequence of the provision of services contracted. In relation to the above, the Tubacex Group follows strict supplier selection criteria in order to comply with its data protection obligations. Therefore, in order to regulate the Privacy conditions under which these potential third party suppliers will act, the Tubacex Group will impose on them the obligations to apply appropriate technical and organizational measures, to process the personal data for the agreed purposes and only in accordance with the Tubacex Group's documented instructions; and to delete or return the data once the provision of the services is terminated, among others.



The above is indicated because the Tubacex Group may contract the provision of services with third party suppliers that carry out their activity in the following sectors, by way of example but not limited to: legal advice, multi-disciplinary professional services, or technological or computer services.

In these cases of intervention of a third party supplier, Tubacex will enter into the relevant processing contract, required by law, under which the latter will be expressly obliged to:

- strictly and specifically abide by Tubacex's documented instructions;
- refrain from using the data it may access or receive for any other purpose;
- implement the necessary technical and organizational security measures to guarantee the confidentiality of the information accessed, keeping it secret and treating it with strict confidentiality;
- refrain from subcontracting its services to third parties without Tubacex's prior authorization;
- allow Tubacex to carry out any audits required by Tubacex to verify compliance with its legal and contractual obligations; and
- refrain from communicating the data to which it has access to third parties, not even for their conservation.



7.

International data transfers

As a general rule, all personal data collected within the framework of this Channel will be stored and processed in the territory of the European Union, in strict compliance with the aforementioned European General Regulation 2016/679.

However, as the Tubacex Group is multinational, there is the possibility that data may be processed outside the EU in specific situations: specifically in the countries listed on its corporate website <https://www.tubacex.com/es/grupo-tubacex/companias-del-grupo/>. This could be the case if the Informant refers to one of the employees or officers of these Group companies.

In these cases, and in order to guarantee the protection of the data subjects' data in those countries, Tubacex will carry out the international transfer of data provided that it is based on an adequacy decision of the European Commission and, in the absence of an adequacy decision, by subscribing with the subsidiary in question the standard contractual clauses approved by the European Commission, and will ensure that the necessary guarantees are adopted to ensure such protection. If you would like to obtain a copy of these clauses or additional information on the subject, access this website of the Spanish Data Protection Agency ([Guarantees for the transfer of personal data to third countries or international organizations | AEPD](#)), or contact us via the following e-mail gdpr@tubacex.com.



8.

Rights of data subjects

The individuals referred to in the queries and claims (Informant, the accused and witnesses) may exercise their right of access to personal data, as well as request the rectification of inaccurate data or, where appropriate, request their deletion when the data are no longer necessary for the purposes for which they were collected. They may also request the limitation and opposition of the processing of their data, in certain circumstances and for reasons related to their particular situation.

In accordance with the provisions set out in the aforementioned Law 3/2023, should the individual to whom the facts referred to in the communication exercise the right of opposition, it will be presumed, unless proven otherwise, that there are compelling legitimate reasons that legitimize the processing of his/her personal data.

If the data subject has requested and given his or her consent to the recording of his or her verbal claim, he or she shall have the right of portability of such recording and may revoke his or her consent at any time, without retroactively affecting the processing of personal data carried out up to that time.

Such rights may be exercised under the terms set out by law, in particular with a scope and content that does not allow the accused to know the identity of the Informant.

The user may exercise the rights aforementioned rights, under the terms and conditions set out in the prevailing legislation at Tres Cruces 8, 01400, Llodio (Alava-Spain) or request it by sending an e-mail to **gdpr@tubacex.com**

Should the data subject not receive a satisfactory response and wish to make a claim or obtain further information regarding any of these rights, contact the Spanish Data Protection Agency (www.agpd.es - C/ Jorge Juan, 6, Madrid), as the main supervisory authority.



9.

How do we ensure the security of your data?

Tubacex implements and maintains appropriate technical and organizational measures to ensure an appropriate level of security based on prior risk analysis. More specifically, it has established all the technical means at its disposal to prevent the loss, misuse, alteration, unauthorized access and theft of the data you provide.

Furthermore, the Tubacex Group has carried out an analysis of the different existing data protection risks with respect to processing identified in this document. Based on the necessity and proportionality of the processing to be carried out with respect to its purpose, this assessment evaluates the risks to the rights and freedoms of the Informant, the accused and any other data subject involved in the claim or query, and considers the measures contemplated to address, manage and try to mitigate them, thus ensuring personal data protection.

The issues analyzed take into account aspects related to the volume of data in each processing, the participation of third parties, the evaluation of personal aspects of individuals, categorization and segmentation, the contracting of external suppliers, possible data transfers, the legitimization of the different processing operations and the possibility of exercising data protection rights by data subjects, among others.

Following the analyses, the Tubacex Group has carried out the corresponding Data Protection Impact Assessments, based on the previously performed risk analyses. Any additional information regarding can be requested at gdpr@tubacex.com



10.

Information to the parties involved

The parties involved in the queries or claims received will be duly informed of the legal conditions in terms of Privacy under which their personal data will be processed. To do so, Tubacex will arbitrate the necessary mechanisms to ensure that the recipients of this channel are aware of the privacy rules contained in this policy and are available to them in a simple, accessible and understandable way free of charge.

Likewise, each time a claim or query is made, the Tubacex Group will specifically inform the individuals involved about the collection and subsequent processing of their personal data. However, the way in which this will be done will be on a case-by-case basis. Therefore, regardless of the fact that this Policy is accessible on the Tubacex Group website, in order to reinforce and guarantee compliance with this duty to inform, the following measures will be carried out (depending on whether the Informant, the accused or a third party is involved):

- **Informant:** If the Informant identifies himself/herself when making the claim, he/she will also be informed of the processing of his/her data in the communication sent to acknowledge receipt of the submission of his/her claim or query, with a link to this Privacy Policy.
- **Accused:** As a general rule, the accused shall be informed of the filing of a claim against him/her within thirty (30) days of its admission for processing. However, it will be necessary to assess on a case-by-case basis whether informing him/her within this period could jeopardize the proper conduct and success of the investigation. In this case, should it be decided, finally and exceptionally, not to inform the accused within this period, such a decision shall be duly documented and justified.
- **Any other interested party involved in the claim or query:** Finally, third parties involved in the claim or query will be informed prior to their participation in the process: for example, a potential witness prior to his or her interview or statement being taken.



11.

Security and confidentiality measures. Potential anonymity of the informant

The Tubacex Group will ensure that all necessary technical and organizational measures are taken to preserve the security of the data collected in order to protect it from unauthorized disclosure or access.

In this respect, Informants may decide whether or not to identify themselves when submitting a claim. Anonymous claims are therefore accepted. However, Informants are encouraged to identify themselves in order to obtain more information about the facts reported. In any case, maximum confidentiality will be guaranteed regarding the identity of the Informant who finally wishes to identify himself/herself. Likewise, and as a measure to guarantee the confidentiality of the Informant, it is hereby stated that the exercise of the right of access by the accused shall not automatically imply access to the identity of the Informant.

The identity of the Informant may only be disclosed to the administrative and judicial authorities, when legally required to do so, for the proper processing of any administrative or judicial proceedings that may arise from the claim filed.

Finally, it should be noted that all individuals who, as a result of the functions they perform, have knowledge of the claims submitted, are obliged to maintain the confidentiality of all information to which they have access.



12.

Who is the Tubacex data protection officer?

Tubacex has appointed a person from its Group as “Data Protection Officer”, to ensure the protection of personal data of the users of the Whistleblowing Channel, among other interested parties, as well as to guarantee that all legal requirements of Spanish and European personal data protection regulations are complied with.

This person will be in charge of providing users with all the information they need regarding personal data. Channel users can contact him at the following e-mail address **gdpr@tubacex.com**.



www.tubacex.com