

**Data Privacy Statement**  
**according to art. 13 and 14 Data Protection Regulation (EU) 2016/679 (GDPR)**

In accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the national legislation, Eurac Research, as Data Controller, hereby provides you, (hereinafter “data subject”) with information about how your data is processed.

The present statement may be integrated by guidelines/ internal regulations.

**1. Identity of the Controller and DPO**

Data Controller: Eurac Research, Viale Druso 1, 39100 Bolzano, represented by its president and legal representative *pro tempore*

You can contact the DPO under the following e-mail Address: [privacy@eurac.edu](mailto:privacy@eurac.edu)

**2. Purpose and legal basis for the Processing**

The personal data of which the Data Controller will come in possession within the context of whistleblowing reporting, will be processed for the following purposes:

- a) receiving and processing reports;
- b) processing and preliminary verification of whether the facts presented in the report are well-founded;
- c) examination of the described facts in the report and taking measures;
- d) official communications;
- e) any communications following the report;
- f) a personal meeting with the whistleblower and any other persons who can report on the facts reported, and meeting minutes;
- g) to comply with legal and contractual obligations;
- h) defending or starting a judicial or extrajudicial claim.

Personal data that is obviously not useful for the handling of the report will not be collected, or if collected by mistake, it will be deleted immediately.

The legal basis of the data processing constitutes: the fulfillment of legal and statutory obligations (Art. 6.1.c GDPR), consent pursuant to Art. 6.1.a GDPR (in relation to disclosure of identification data and in relation to special category of personal data pursuant to Articles 9 and 10 GDPR) and the legitimate interest (Art. 6.1.f GDPR) of Eurac Research.

**3. The categories of data collected and used for the processing operations**

In the context of the present processing, it is possible to become aware of the following personal data: personal data, contact details, contractual relations with the Data Controller and any other personal data provided by the data subject in the report.

The Data Controller may also process and become aware of special categories of personal data pursuant to Articles 9 and 10 of the GDPR.

**4. Modalities of the processing**

The processing of personal data shall be carried out in a secure and confidential manner. Personal data may be processed in paper form (e.g. meeting minutes) and/or with electronic and/or telematic tools (e.g. whistleblowing platform).

**5. Information on the retention period of personal data**

Personal data will be kept for the entire duration of the processing and any subsequent investigation and as long as is strictly necessary to comply with legal obligations, after which it will be destroyed or made anonymous. Internal whistleblowing reports and related documentation will be retained for as

long as is necessary to process the report, but in any case for a maximum of five years from the date of notification of the final outcome of the whistleblowing procedure, in accordance with confidentiality obligations.

Data contained in the whistleblowing platform is kept by the platform operator for a period of twelve months by default, expired reports automatically deleted securely.

#### **6. Obligatory or voluntary nature of providing the requested data and possible consequences of failure to provide such data**

The communication of personal data is voluntary. Any refusal may result in:

- no protective measures can be recognized for whistleblowers;
- the report may no longer be followed up.

#### **7. Recipients of the data processed**

Personal data may be processed by the expressly appointed processors (Whistleblowing Solutions I.S. S.r.l. and its sub-processors: Seeweb S.r.l. and Transparency International Italia).

The Responsible for Corruption Prevention and Transparency (RPCT) shall forward the outcome of his investigation for further investigation or measures within their competence:

(a) to the Head of Human Resources as well as to the Head of Institute/Service of the author of the violation so that disciplinary measures may be taken;

b) to the competent bodies of Eurac Research so that they can take further measures and/or actions which also serve to protect Eurac Research;

c) where appropriate, to the Judicial Authority, the Court of Auditors and ANAC (National Anti-Corruption Agency). In these cases as well as in criminal proceedings, the identity of the whistleblower shall be subject to confidentiality in the manner and within the limits of art. 329 of the Code of Criminal Procedure; in proceedings before the Court of Auditors, the identity of the whistleblower shall not be disclosed until the preliminary investigation is completed; in disciplinary proceedings, the identity of the whistleblower shall not be disclosed if the allegation of the disciplinary charge is based on a separate and additional investigation into the report, even if it results from it. If the charge is based in whole or in part on the report and knowledge of the identity of the whistleblower is essential for the defense of the accused, the report may only be used for the disciplinary proceedings, if the whistleblower has consented to the disclosure of his/her identity.

Should the RPCT engage Eurac Research staff in handling the report, they must be explicitly authorized to process such personal data and consequently follow the instructions given as well as the more specific instructions regarding the respective processing given by the RPCT for this purpose.

This is without prejudice to the compliance of legal obligations on the part of the RPCT and/or those persons who, for official reasons, need to know the identity of the whistleblowers and in relation to whom the whistleblowers cannot invoke their right to anonymity, but here too, the confidentiality of whistleblowers' identity must be guaranteed.

The RPCT lists the number of reports received and their progress in his annual report pursuant to Art. 1 para. 14 Legge n. 190/2012.

#### **8. Transfer of data outside the European Union**

Your data is stored within the European Union and Eurac Research does not intend to transfer your data to third countries or international organizations. Some personal data could be transmitted to third countries outside of the EU but only if the transmission of personal data is connected to the performance of the institutional activities of Eurac Research. Where data is transferred to a third

country, this will be done on the basis of the European Commission's standard contractual clauses (SCC) with supplementary measures and in accordance with the legal requirements.

#### **9. Data Subject's Rights**

At any time, the Data Subject has the right to request from the controller access to and rectification or erasure of personal data or restriction of processing as well as the right to data portability and the right to lodge a complaint with a supervisory authority. Where the processing is based on the consent, the Data Subject has the right to withdraw consent at any time. The Data Subject may also exercise all other rights pursuant to current data protection regulations (artt. 15 et seq. GDPR) by writing to email [privacy@eurac.edu](mailto:privacy@eurac.edu)

However, the rights under Art. 15 et seq. GDPR can only be exercised within the framework of Art. 2-undecies of D.lgs. n. 196 of 30 June 2003, without prejudice to the right to lodge a complaint with the competent national Authority for data protection ([www.garanteprivacy.it](http://www.garanteprivacy.it)).