

## PRIVACY NOTICE IN RELATION TO REPORTS OF BREACHES OF EUROPEAN UNION LAW AND NATIONAL LEGISLATION (SO-CALLED WHISTLEBLOWING)

Medical Microinstruments, Inc., a Delaware Corporation, with headquarters at 1209 Orange Street, Wilmington, Delaware 19802, and secondary seat at via Egidio Giannessi 52/54/56 - 56121 Montacchiello (PI), Italy (hereinafter “**Company**”), provides below information regarding the processing of personal data acquired in relation to the handling of reports of breaches of European Union law and national regulatory provisions (hereinafter “**Report**”), pursuant to and on the basis of the applicable law dictated by the EU and national legislators.

### 1. DEFINITIONS

- “**Personal data**” means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- “**Processing**” means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### 2. IDENTITY OF THE DATA CONTROLLER

The Company is the data controller of personal data and can be contacted at the e-mail addresses [connect@mmimicro.com](mailto:connect@mmimicro.com) and [legal.mmi@mmimicro.com](mailto:legal.mmi@mmimicro.com).

### 3. CATEGORIES OF DATA SUBJECT AND PERSONAL DATA PROCESSED

The personal data processed concerns all individuals involved in any title in the Report (hereinafter and collectively the “**Data Subjects**”):

- The natural person mentioned in the internal or external Report or public disclosure as the person to whom the breach is attributed or as a person otherwise implicated in the reported breach (hereinafter “**Person Concerned**”);
- The individual who makes the Report or public disclosure of information about breaches acquired as part of its work context (hereinafter “**Whistleblower**”);
- The individual who assists the Whistleblower in the reporting process, operating within the same work context and whose assistance must be kept confidential (hereafter “**Facilitator**”);
- Individuals other than the Person Concerned but mentioned in the Report.

The following personal data are processed within the limits of the purposes and modalities defined in this privacy notice:

- Common personal data: first and last name, date and place of birth, contact details (telephone number and/or e-mail address) of the Whistleblower; in addition to these data, the processing of which is necessary for the handling of the Report, the Company may process any additional information that may be included within it concerning persons involved or mentioned therein (Person Concerned, Facilitator, any other third parties);
- Special personal data: the Company, independently of its own will, may process personal data falling into special categories that may be contained in the Report and/or in the acts and documents attached to it (by way of example but not limited to: those revealing racial or ethnic origin, religious or philosophical beliefs, political opinions, trade union membership, data relating to health or sexual life). Such data will be used exclusively for the handling of the Report, in full compliance with the principles of proportionality and necessity;
- Judicial personal data: the Company, independently of its own will, may process personal data related to criminal convictions, offences or related security measures that may be contained in the Report and/or in the acts and documents attached to it. Such data will be used for the handling of the Report, in full compliance with the principles of proportionality and necessity.

It is specified that anonymous reports (such that the Whistleblower is not identifiable), if they are punctual, circumstantiated and supported by appropriate documentation, will be equated by the Company to ordinary reports and, as such, not subject to the protections provided by the regulations.

### 4. SOURCE OF PERSONAL DATA

Personal data are collected either directly from the Data Subjects or from third parties, depending on whether they are:

- Data relating to the Whistleblower, in which case it will be collected directly from the Data Subject who submits his or her data by sending the Report;
- Data relating to other Data Subjects (such as the Person Concerned, a witness or any other person mentioned in the Report), in which case it will be collected from third parties, i.e. by the Whistleblower through the relevant Report.

## 5. PURPOSE OF PERSONAL DATA PROCESSING AND RETENTION PERIOD

The above personal data are processed by the Company for the following purposes:

a) **Management of the Report to comply with obligations under applicable regulations.**

The personal data processed for the above purpose will be only those useful for the handling of the Report (if manifestly not useful, they will not be collected; if accidentally collected, they will be deleted) and will be retained for as long as necessary for the handling of the Report (in any case, no longer than five years from the date of the communication of the final outcome of the Report).

b) **If necessary, to protect the contractual and pre-contractual rights of the Company or, in any case, arising from existing relationships.**

Data processed for this purpose will be kept for the periods described in the previous point.

**Note.** Should it be necessary to establish, exercise or defend the rights of the Company in court, the retention period may be extended until the end of the litigation.

## 6. LEGAL BASIS FOR PROCESSING

The processing of common and judicial personal data is based:

- Within the scope of the purpose under article 4(a), on the basis of a legal obligation;
- With respect to the purpose under article 4(b), on the basis of the legitimate interest of the Company.

Instead, the processing of special personal data is based:

- For the purpose referred to in article 4(a), on the performance of the obligations and exercise of the specific rights of the data controller or the Data Subjects in the field of employment and social security and social protection law;
- For the purpose referred to in article 4(b), on the need to establish, exercise or defend a right in court or whenever courts are acting in their judicial capacity.

## 7. NATURE OF PROVISION OF DATA

The provision of the identity and contact details of the Whistleblower for the above purposes is mandatory in order to benefit from the protections provided by the applicable laws: in fact, the failure to provide such data entails the removal of the Report from the scope of applicability of the legislation itself and its handling in the same way as an ordinary report.

The provision of additional categories of personal data by the Data Subjects is, on the other hand, optional with respect to the Report; however, partial or inexact provision could generate as a consequence the impossibility of handling it.

## 8. METHODS AND SCOPE OF PROCESSING

Personal data will be processed by paper and/or computerized and telematic means with logics related to the above-mentioned purposes and, in any case, in such a way as to guarantee their security and confidentiality, exclusively within the scope of the qualified relationship that the Data Subjects have with the Company.

## 9. SHARING DATA OUTSIDE THE COMPANY

The data acquired by the Company, within the scope of the above purposes, may be communicated externally for various reasons; in addition to any communications required in compliance with the law, the data may be made available to the Company's head office, to subjects in charge of the management of the Reports and authorized for this purpose, to subjects carrying out support activities for the Reports, to suppliers of the technological solutions used to make the Reports, to consultants, consulting companies, professional firms, as well as to other subjects who in any capacity collaborate - for the achievement of the above purposes - with the Company.

The complete and updated list of autonomous data controllers, data processors appointed by the Company and recipients of data in any capacity is made available at the offices of the Company.

## 10. EXTRA- EU PERSONAL DATA TRANSFER

The Company may transfer personal data to third parties as autonomous data controllers or data processors to enable the performance of the activities listed in this privacy notice. In the event that such transfer takes place to countries that do not

provide the same level of protection as provided by the applicable data protection legislation, or in any case do not ensure an adequate level of protection of personal data, the Company will ensure that each of those recipients undertakes specific contractual obligations in accordance with applicable data protection legislation, unless the Company can refer to any other legal basis for the transfer of such information.

In any case, the Data Subjects may at any time request more information regarding the transfer of their personal data by contacting the Company at the contact details indicated in section “**2. IDENTITY OF THE DATA CONTROLLER**”.

## **11. RIGHTS OF THE DATA SUBJECTS**

The Whistleblower, in relation to the personal data provided, is entitled to exercise at any time and in accordance with the provisions of the applicable legislation the rights set out therein and listed below:

- **Right of access:** right to obtain from the Company confirmation as to whether or not personal data is being processed and, if so, also to obtain access to such data and further information, such as purposes of processing, categories of data processed, recipients of communications and/or transfers of data (including their copy in intelligible form);
- **Right to rectification:** right to have inaccurate personal data rectified;
- **Right to erasure (‘right to be forgotten’):** right to delete personal data;
- **Right to restriction:** right to obtain restriction of processing, e.g. in case of contesting the accuracy of data or in case of unlawful processing.

The Whistleblower has also the **right to object** at any time, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her if it is based on legitimate interest.

The above rights may be exercised by writing to the Company at the contact details given in section “**2. IDENTITY OF THE DATA CONTROLLER**”. In the same manner, more information regarding the processing of personal data may be requested at any time. It is also specified that the exercise of rights cannot prejudice and/or infringe on the rights and freedoms of others.

The Company undertakes to respond to requests within a period of one (1) month, except in the case of particularly complex requests, for which it may take up to three (3) months. In any case, the Company will explain the reason for the wait within one (1) month of the request.

The outcome of the request will be provided in writing (upon request) or in electronic format (and, in this case, free of charge). The Company specifies that a possible contribution may be requested if the requests are manifestly unfounded, excessive or repetitive: in this regard, the Company will keep track of the requests.

Lastly, if the Whistleblower believes that his or her rights have been compromised or infringed, or that the processing of his or her data is contrary to the applicable legislation on the protection of personal data, he or she has the right to lodge a complaint with the territorially competent supervisory authority in accordance with the procedures defined by it.

## **12. LIMITS ON RIGHTS OF PERSON CONCERNED**

The Person Concerned (or the person involved or mentioned in the Report), according to the applicable legislation on the protection of personal data, may be subject to a limitation of the rights referred to in paragraph “**11. RIGHTS OF THE DATA SUBJECTS**” for as long as and to the extent that this constitutes a necessary and proportionate measure to safeguard the protection of the Whistleblower's identity confidentiality: this limitation arises from the fact that actual and concrete prejudice to the latter could materialize from the exercise of these rights.

As an immediate and direct consequence, the Person Concerned (or the person mentioned/involved in the Report) is precluded from addressing the Company and/or lodging a complaint with the territorially competent supervisory authority, even where it is believed that the processing concerning him/her violates the aforementioned rights.

## **13. CHANGES AND UPDATES**

The Company may also make changes and/or additions to this privacy notice as a consequence of any subsequent regulatory changes and/or additions. In such cases, the new version of this privacy notice will be communicated as soon as possible in such a way as to reach all the data subjects as quickly as possible.