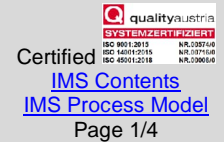




BeMo Tunnelling
Integrated Management System

**MA9159 – Processing of personal data within the
framework of the whistleblower system in accordance
with Art 13 GDPR**



Note: Printouts/copies of this file are not subject to the change service (valid only at the time of printing)!

Contents:

Objectives.....	1
Information.....	1
1. Purpose of data processing.....	1
2. Categories of data processing within the framework of the whistleblower system	1
3. Legal basis of data processing	2
4. Recipients of data and transfer to third-party countries (EU/EEA abroad).....	2
5. Duration of processing, deletion of data.....	3
6. Technical advice on using the whistleblower system	3
7. Rights of data subjects according to GDPR.....	3
8. Controller in the sense of data protection law.....	4
Other applicable documents:	4

Responsible:	Data protection officer
Contributors:	Director for data protection and all employees

Objectives
To protect personal data within the scope of the whistleblower system

Information

The purpose of the following is to inform you about the **processing of personal data by BeMo Tunnelling (hereafter referred to as “BeMo”) within the framework of the whistleblower system** and also the **statutory data protection regulations, expectations and rights.**

BeMo uses a web-based software, which is a cloud solution hosted in Germany and assists with the identification corporate shortcomings. By introducing this kind of system, criminal, illegal, morally reprehensible or unfair practices can be identified at an early stage and also prevented. Consequently, incalculable material and immaterial damage and reputational damage can be averted.

1. Purpose of data processing

BeMo processes the personal data of the whistleblower, providing the information was not provided anonymously, and also the personal data of the incriminated person(s), such as name and additional communication and content data, exclusively for the purpose of receiving information about criminal, illegal, morally reprehensible or unfair practices in a safe and confidential manner and to follow this up.

2. Categories of data processing within the framework of the whistleblower system

- Information about the whistleblower (where this person does not wish to remain anonymous) and the incriminated person, such as
 - o First and last name
 - o Function/title
 - o Contact details
 - o Other personal data acquired based on the work relationship
- Personal information identified in the reports of the BeMo Compliance Function (see figure 4), including details about the accusations raised and the evidence in support of this
- Date and time of the calls (when the information was received via the telephone hotline)
- All other information identified in the findings of the investigation and during the procedure following the report, e.g. information about criminal behaviour or data on illegal or inadmissible behaviour, where this was reported.



Note: Printouts/copies of this file are not subject to the change service (valid only at the time of printing)!

3. Legal basis of data processing

The personal data of the whistleblower is acquired when information is not provided anonymously based on a consent to processing which is given by transmitting the data (implied consent) (Art. 6 para. 1 p. 1 lit. a GDPR).

The acquisition, processing and forwarding of personal data of the persons named in the notification, serves to safeguard the legitimate interests of BeMo (Art. 6 para. 1 p. 1 lit. f GDPR). It is in the legitimate interests of BeMo to uncover, process, eliminate and impose penalties for legal infringements and serious neglect of duty on the part of employees centre-wide and with a high degree of confidentiality, and therefore avoid penalties and the associated losses and liability risks for BeMo (Sections 30, 130 of law on regulatory offenses (OWiG)).

The Directive (EU) 2019/1937 (“EU Whistleblower Directive”) or the future (currently in the draft phase) whistleblower protection act are also supporting the set up of a whistleblower system to give employees and third parties the opportunity to provide information with impunity on statutory violations at the company.

It may be necessary to forward personal data to other recipients where the information is not provided anonymously due to a statutory obligation (Art. 6 para. 1 p. 1 letter c GDPR).

4. Recipients of data and transfer to third-party countries (EU/EEA abroad)

All personal data acquired via the web-based software is made available to the people with a legitimate need to process this data due to their function.

The BeMo Compliance Function for Combating Corruption deals with initial processing of the incoming information.

If the information is received via the telephone hotline: +49 69 99 99 88 39, this is recorded in the whistleblower system in such a way that the whistleblower remains anonymous. The hotline employees are obliged to maintain secrecy (see below).

BeMo Tunnelling GmbH is responsible for the use of personal data on this website. The company LegalTegrity GmbH, Platz der Einheit 2, 60323 Frankfurt, is responsible for operations as contractor within the framework of a data processing agreement and is bound by the directions of BeMo Tunnelling GmbH.

The BeMo data protection officers can be contacted by e-mail at the address: datenschutz@bemo.net.

In a number of cases the company is obliged to share the data with authorities (such as those who have legal or supervisory responsibility in relation to the client, prosecuting authorities and legal bodies) or external advisers (such as accountants, auditors, attorneys-at-law).

If the whistleblower provided his/her name or other personal data (information not provided anonymously), the identity – whenever legally possible – is not disclosed and safeguards put in place to ensure that the identity of the whistleblower cannot be second-guessed.

No conclusions can be drawn about the identity of the whistleblower from the uploaded data, as files are converted to PDF format and Metadata is not adopted.

If personal data is processed by external service providers, this is based fundamentally on the data processing agreements according to Art. 28 GDPR. In these cases we make sure that personal data is processed in compliance with the provisions of the GDPR and all persons authorised to process personal data are bound to maintain confidentiality or are subject to an appropriate statutory duty of secrecy.

The whistleblower system is operated on our behalf by LegalTegrity GmbH, Platz der Einheit 2, 60327 Frankfurt/Main.

Personal data is not transferred to third countries (EU/EEA abroad).

In exceptional cases we reserve the right if necessary

- to transfer personal data in the event of a notification from a third country to the location in the third country in which the incident took place in order to be able to start investigations locally into the event



Note: Printouts/copies of this file are not subject to the change service (valid only at the time of printing)!

- to give a few selected employees of BeMo Tunnelling in this location access to the personal data.
- to protect personal data within BeMo Tunnelling when transferring to a third country we have taken appropriate measures to protect your personal data in the third country in the form of binding internal data protection regulations.

5. Duration of processing, deletion of data

The personal data is retained during the relevant procedure for as long as it takes to clarify and subsequently assess the case, a legitimate interest on the part of BeMo exists or it is legally necessary to do so. This data is then deleted in line with the legal requirements. The duration of storage particularly depends on the seriousness of the allegations and the possible breach of duty that has been reported.

6. Technical advice on using the whistleblower system

Your computer communicates with the whistleblower system via an encrypted connection (SSL). The IP address of your computer is not saved when you are using the whistleblower system. To maintain the connection between your computer and the whistleblower system, a cookie which only contains the session ID is saved on your computer. The cookie is only valid until the end of your session and becomes invalid when you close the browser.

7. Rights of data subjects according to GDPR

You have the following rights in relation to the processing of the personal data relevant to you:

- In accordance with Art. 7 GDPR you have the right to withdraw your consent to data processing at any time. Withdrawing your consent does not affect the legitimacy of the processing carried out due to you providing your consent until it is withdrawn.
- In accordance with Art. 14 GDPR, if your data is acquired without your knowledge (because you as the accused person are involved in a procedure to clarify the information provided, for example) you have the right to be informed about the saving, the type of data, the purpose of processing and the identity of the person responsible and, if applicable, the whistleblower (if the information was not provided anonymously). If, however, there is a significant risk that by making you aware of this the capability of BeMo to effectively investigate the accusation or to gather the necessary evidence would be significantly compromised, according to Art. 14 para. 5 p. 1 lit. b GDPR, this can be postponed for as long as the risk is present. This information must subsequently be provided as soon as there is no longer a reason to withhold it.
- In accordance with Art. 15 GDPR, you have the right to request information about the personal data that BeMo is processing about you as a person.
- In accordance with Art. 16 GDPR, if the data we have saved is incorrect or incomplete, you have the right to request that it is amended immediately.
- In accordance with Art. 17 GDPR you have the right to request erasure of the personal data relevant to you that we have saved if the processing of this data is not required to exercise the right of freedom of expression and information, to fulfil a legal obligation on the part of BeMo to carry out a task which is in the public interest, or to assert, exercise or defend legal claims.
- In accordance with Art. 18 GDPR you can request that restrictions be imposed on the processing of your personal data if you are disputing the correctness of this data or if this data is being wrongfully processed.
- In accordance with Art. 20 DSGVO you have the right to receive the relevant personal data in a structured, commonly used and machine-readable format and to transfer this data to another controller without hindrance or have it transferred by us.
- In accordance with Art. 21 GDPR you have the right on the grounds relating to your personal situation to object to the processing of your personal data. Your data will then no longer be processed, unless BeMo can demonstrate that it has compelling legitimate grounds for processing that override the interests, rights and freedoms of the data subject, or serves to assert, exercise or defend legal claims.
- In accordance with Art. 77 GDPR you have the right to lodge a complaint against BeMo with the relevant supervisory authority. This is the relevant data protection authority:
 - o Austrian Data Protection Authority - Austria
 - o Federal Commissioner for Data Protection and Freedom of Information - Germany
 - o Information Commissioner (IC) – United Kingdom



*BeMo Tunnelling
Integrated Management System*

**MA9159 – Processing of personal data within the
framework of the whistleblower system in accordance
with Art 13 GDPR**


Certified
IMS Contents
[IMS Process Model](#)
Page 4/4

Note: Printouts/copies of this file are not subject to the change service (valid only at the time of printing)!

8. Controller in the sense of data protection law

The controller responsible for processing the above personal data and applications and requests submitted in relation to it is:

BeMo Tunnelling GmbH
Bernhard-Höfel-Str. 11
A – 6020 Innsbruck
Austria
T: +43 512 33110
E: office@bemo.net

If you have questions with regard to data protection, please contact our authorised person for data protection under:

datenschutz@bemo.net

Other applicable documents:

Document nos.	Brief description
As referred to in the text	
Processed by/date:	Thaler/Unterweger, 07/06/2022
Amendments relative to previous version:	New document created