

**Policy for Reporting Anomalies within SC PCM ROM SRL**  
**(Public Interest Whistleblower Protection Policy)**

This policy sets out how PCM ROM SRL supports you so that you can disclose the reported misconduct with impact on the company, so that you can safely express your concerns, know who to contact, what is the specific way of reporting and what are the rights you benefit from as a whistleblower in public interest (informer), and what are the safety measures that are applicable to you in case you carry out such reporting.



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## Chapter I. Introduction. Aim of the Policy. Legislative Milestones

PCM ROM SRL is committed to the highest standards of transparency, ethics, probity and responsibility, which represent true company values. These elements are imperative to the maintenance of the company's reputation and the success it currently enjoys.

A key aspect of ensuring these values is a mechanism to enable staff and collaborators to raise concerns about misconduct in the work environment, whether already committed or likely to occur, in a responsible and effective manner. The foundation of any employment or cooperation relationship is the ability of each employee or collaborator to faithfully serve the employer/partner and not to disclose its confidential information in an uncontrolled manner. However, if an individual discovers information that he/she considers to be of nature to represent a violation of the law, the rules of conduct or the provisions of internal regulations, internal policies or procedures or the ethical standards promoted at PCM ROM SRL, this information should be disclosed internally without fear of retaliation.

Directive (EU) 2019/1937 of the European Parliament and of the Council of October 23, 2019 on the protection of persons who report breaches of Union law provides legal protection to persons who report such conduct that is not in line with the values of society, but also disregard legal provisions, protection against dismissal, disciplinary sanctions or termination of contractual relations by PCM ROM as a result of disclosure to the persons designated to deal with the cases brought to their attention. PCM ROM has approved the provisions of this Policy to ensure that no staff member or collaborator will be disadvantaged in the context of reporting inappropriate behavior or actions or omissions, but also to provide whistleblowers with an efficient reporting procedure.

This Policy is intended to provide whistleblowers who have obtained information about breaches in a professional context and who have reasonable grounds to believe that the information about the reported breaches is true at the time of reporting with an effective means of reporting such information. It is not designed to question the financial or business decisions made by PCM ROM, nor should it be used arbitrarily or as a vexatious tool to target the company's human resources.

People who work for a private organization, independently of the form of collaboration, or who are in contact with such an organization in the context of carrying out professional activities, are often the first to learn about facts with significant impact on the organization. By reporting such breaches, such individuals act as whistleblowers and therefore play an essential role in exposing and preventing such wrongdoing. However, potential whistleblowers are often discouraged from reporting their concerns or suspicions for fear of retaliation. For this reason, the company has developed this Whistleblowing Policy, which is an important element in detecting corrupt, illegal behavior or other behavior that is undesirable and contrary to the company's interests. In this regard, the company encourages the human resources to initiate the related reports in situations where there are suspicions about or has been made aware of the commission of violations or deviations from the legal norms, as well as from the internal provisions of the PCM ROM under the guarantee of whistleblower protection in cases where it is found that they have reasonable grounds to believe that the information on the reported violations is true at the time of reporting and that





the information reported falls under the scope of this Policy.

### Legislative milestones taken into account in drafting this Whistleblowing Policy

- DIRECTIVE (UE) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2019 on the protection of people who report breaches of Union law;
- Law no. 361/2022 on the protection of whistleblowers in the public interest;
- REGULATION no. 679 of April 27, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/CE (General Data Protection Regulation);
- Labor Code - Law no. 53/2003 - republished;
- Law no. 21 of April 10, 1996, on competitors;
- New Civil Code;
- Law no. 71/2011 for the implementation of Law no. 287/2009 on the Civil Code;
- Request on reconsideration of the Law on the protection of public interest warnings, sent on July 28, 2022, by the President of Romania, Klaus Iohannis, for reconsideration to the Parliament.

## Chapter II. Definitions

- a) „**violations**” are facts consisting of an action or inaction that constitute non-compliance with legal provisions, acts that disregard the provisions of internal regulations and represent disciplinary offenses, contraventions or crimes, or that contravene the object or the purpose of the law, acts that disregard internal policies and procedures applicable at PCM ROM SRL, actions or omissions representing a violation of ethical standards or conduct or company's values.
- b) „**breach – related information**” means information, including reasonable suspicions, about potential or actual breaches that have occurred or are reasonably likely to occur in the organization in which the whistleblower works or has worked or in another organization with which the reporting person is or has been in contact through his or her activities, and about attempts to conceal such breaches;
- c) „**reporting**” means the oral or written communication of information regarding violations within the company. Internal reporting is realized by means provided by PCM ROM SRL for breach reporting, as will be detailed below, these being the internal reporting channels;
- d) „**public disclosure**” means making available, in any way, in the public space information on violations;
- e) „**whistleblower in public interest/ reporter**” means an individual who makes a report or publicly discloses information about violations of the law, obtained in a professional context;
- f) „**facilitator**” means an individual who assists the reporting person in the reporting process in a professional context, and whose assistance should be confidential;





- g) „**professional context**” means current or former professional activities of any nature, paid or unpaid, carried out within the company, on the basis of which individuals may obtain information about violations of the law and may suffer retaliation for reporting them;
- h) „**worker**” means an individual who is in an employment relationship or service relationship, under the provisions of common or special law on the subject and performs work for remuneration;
- i) „**collaborator**” means an individual in a contractual relationship with PCM ROM SRL, independently of the contractual form of collaboration or payment of remuneration;
- j) „**person named in the report**” is the individual or the legal person referred to in the report or in the public disclosure as the person to whom the violation of the law is attributed or with whom that person is associated;
- k) „**retaliation**” means any action or omission, direct or indirect, occurring in a professional context, which is prompted by reporting or public disclosure, and which causes or is likely to cause harm to the whistleblower in the public interest;
- l) „**subsequent actions**” means any action taken by the addressee of an internal report or by the competent authority to resolve the report and, where appropriate, to remedy the reported breach;
- m) „**informing**” means the transmission of information about subsequent actions and the reasons for such actions to the whistleblower in the public interest;
- n) „**authority competent to receive reports of violations of the law**” is:
  - i. public authorities or public institutions which, according to special legal provisions, receive and resolve reports of violations of the law, in their field of competence;
  - ii. National Integrity Agency, hereinafter referred Agency;
  - iii. other public authorities and public institutions to which the Agency forwards the reports for competent solution;
- o) „**designated person/ team**” is represented by the responsible/ responsible team for receiving, recording, examining, carrying out subsequent actions and resolving the reports, which acts impartially and is independent in the exercise of these powers. For PCM ROM SRL, the designated person with the receipt of whistleblower's reports is Lawyer MILITARU ANDREI-MIHAI who has signed with the company a Confidentiality agreement having as object, in the first place, the identity of whistleblowers, in the situation in which they do not operate for anonymity, but also the information they become aware of the context of the fulfillment of the assumed tasks.
- p) „**feedback**” means the provision, to the reporting person by the designated person, of information concerning actions envisaged or undertaken as follow-up actions and the reasons for such follow-up actions;
- q) „**the management of the company**” is represented by the Administrator/ General Manager of PCM ROM or any other persons with managerial functions that the Administrator or the General Manager has authorized for this purpose;
- r) „**direct discrimination**” are those acts and facts of exclusion, distinction, restriction or



preference, based on sex, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnicity, religion, political opinion, social origin, disability, family situation or responsibility, membership or trade union activity, which have as their purpose or effect the denial, restriction or removal of the recognition, use of exercise of rights provided for in labor legislation;

- s) „**indirect discrimination**” refers to acts and facts apparently based on criteria other than sex, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnicity, religion, political opinion, social origin, disability, family status or responsibility, membership or activity in a trade union, but which produce the effects of direct discrimination;
- t) „**harassment**” means a situation in which unwanted conduct related to a person’s gender, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnicity, religion, political opinion, social origin, disability, family status or responsibility, membership or activity in a trade union, having the purpose or effect of violating the dignity of the person concerned and creating an intimidating, hostile, degrading, humiliating or offensive environment;
- u) „**sexual harassment**” means a situation where unwanted conduct with a sexual connotation, expressing physically, verbally or non-verbally, is manifested, with the purpose or effect of violating the dignity of a person and, in particular, of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- v) „**sex discrimination**” means direct or indirect discrimination, consisting of any unwanted conduct, defined as harassment or sexual harassment, of one person toward another person at work or any other place of work, with the purpose or effect of:
  - i. creating an intimidating, hostile or discouraging environment at work for the person concerned;
  - ii. to adversely affect the employee’s situation in terms of career advancement, remuneration or income of any kind or access to training and professional development, in the event of his/her refusal to accept unwanted conduct related to sex life;



- w) „multiple discrimination” refers to any act of discrimination based on two or more grounds of discrimination;
- x) „personal data” means any information relating to an identified or identifiable individual („data person”). An identifiable individual is a person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, identification number, location data, an online identifier or one or more specific elements specific to the physical, physiological, genetic, mental, economic, cultural or social identity;
- y) „processing” means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automatic means, such as collection, recording, organization, structuring, storage, adaptation or modification, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- z) „GDPR” stand for Regulation (UE) 2016/679 of the European Parliament and of the Council of April 27, 2016 in the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.

### Chapter III. Principles

The principles governing the protection of breach reporting that underlie this Policy are as follows:

- a) **The principle of legality**, according to which PCM ROM has the obligation to respect fundamental rights and freedoms, by ensuring full respect for, among others, the freedom of expression and information, the right to protection of personal data, the freedom to conduct a commercial activity, the right to a high level of consumer protection, the right to a high level of human health protection, the right to a high level of environmental protection, the right to an effective remedy and the right to defense;
- b) **The principle of accountability**, according to which the whistleblower in the public interest has the obligation to present data or information on the reported facts;
- c) **The principle of impartiality**, according to which the examination and settlement of reports are made without subjectivity, regardless of the convictions and interests of the responsible persons for resolving them;
- d) **The principle of good administration**, according to which the company is obliged to carry out its activity in the realization of its interest, with a high degree of professionalism, in conditions of efficiency and effectiveness in the use of resources;





- e) The principle of **balance**, according to which no person may take advantage of the provisions of this Policy to mitigate the sanction for a more serious offense unrelated to the reporting.

## Chapter IV. Scope of the Whistleblowing Policy

### Personal scope

This Procedure applies to whistleblowers, as defined above, and who have obtained information about breaches, as defined above, in a professional context. This category includes the following:

- a) the workers;
- b) self-employed persons within the meaning of Article 49 of the Treaty on the Functioning of European Union;
- c) shareholders and persons who are members of the company's administrative, managerial or supervisory bodies, including non-executive members of the board of directors, as well as paid or unpaid volunteers and trainees;
- d) any person working under the supervision and direction of PCM ROM SRL on the basis of a contract, its subcontractors and suppliers;
- e) whistleblowers in case they report information on violations obtained in an active employment relationship, which has ended in the meantime, or which has not yet started if the information in violations was obtained during the recruitment process or other pre-contractual negotiations.

This Policy also applies to:

- a) facilitators;
- b) third parties connected with the whistleblowers who might suffer reprisals in a professional context, such as colleagues or relatives of the reporting persons; and
- c) the legal entities which the whistleblowers own, for which these persons work or with which they have other types of links in a professional context.

The Whistleblowing Policy also applies to people who make reports, including anonymous ones, through the online reporting channel provided by the company which concern information on violations obtained including during the recruitment process or other pre-contractual negotiations or, in cases where the employment or service relationship is ongoing or has ended.





## Cases where this Policy does not apply

This Policy is not applicable in the cases described below. If the information is found to have been disclosed in one of these contexts, the reporter will not benefit from the rights mentioned herein.

- a) reporting information that is already in the public domain (e.g. newspaper articles, information made public, unsubstantiated rumors or rumors heard but not verified, trivial findings, gossip or information that is not related to the fulfilling whistleblowers' duties;
- b) disagreements on the content of company policies, on the rules or obligations imposed on staff members or collaborators, questions about individual performance or that of another colleague/ collaborator, as well as any other matters related to the human resources of PCM ROM SRL and which are of strictly personal interest of a whistleblower;
- c) violations of public procurement or defense and national security rules.

## Chapter V. Reporting Procedure. Key Elements of Legal Reporting

The company will make available to all potential whistleblowers a special form (attached) the use of which makes reporting to the Corruption Prevention Officer easier and more responsive to the requirements of this procedure. The form is available to all on the company website <https://www.p-csystem.com>, where this policy is also published.

Thus, any person to whom this Policy is applicable and who becomes aware of facts of a nature to disregard legal, ethical provisions or contained in internal procedures and policies or internal regulation, applicable at company level, has available an effective tool for reporting such facts.

### What do we report?

The whistleblowers are encouraged to report violations that have occurred or are likely to occur at PCM ROM SRL, about which they have obtained information in a professional context and which concern:

- a) provisions of the law, independently of its nature (criminal, civil, contravention, violations of labor law, environmental law, anti-competitive acts, actions or omissions that affect the safety and compliance of products, services, financial products and markets, as well as actions on prevention of money laundering and terrorist financing, public health, consumer protection, protection of privacy and personal data and security of networks and information systems, etc.);



- b) the provisions of Internal Regulation applicable in the company;
- c) the provisions contained in the policies and procedures applicable at the level of PCM ROM SRL and which may relate to (exemplificative, non-exhaustive: behavior at work, working conditions or practices at work, etc.);
- d) harassment of any kind, discrimination or aggression in the work environment;
- e) conflicts arising or likely to arise in the workplace.

### When do we report?

The human resources of PCM ROM SRL or the collaborators of this company are encouraged to report when:

- a) finds that violations as defined in this Policy have occurred;
- b) finds that a number of violations are likely to occur at the PCM ROM level;
- c) There are reasonable reasons to believe that the reported breach information is true at the time of reporting and that the information falls within the scope of the Policy.

### What elements should the report contain?

The report will include at least the following elements:

- a) the professional context in which the information was obtained;
- b) the data subject, if known;
- c) description of the fact likely to constitute violation within PCM ROM SRL .;
- d) the legal provisions/ regulations and internal policies considered to be violated;
- e) evidence in support of the whistleblowing report, including documents (in case the whistleblower does not have access to the evidence, the type of evidence or its location should be indicated);
- f) the date on which the violation was committed or established;
- g) the place where the violation was established;
- h) the measures to be taken in order to sanction the breach/prevent its occurrence;
- i) contact data, first name and surname of the reporter, but only if he/she decides to make this data known, is this letter not a mandatory element of the report.





## How do we report?

PCM ROM SRL makes available to its staff and collaborators an efficient, secure and legally compliant reporting tool.

Breach reports may be made in writing, by telephone or face-to-face with the person designated to receive the report. The report **must include at least the following elements**: name and surname, contact details of the public interest whistleblower, the professional context in which the information was obtained, the person concerned, if known, a description of the fact likely to constitute a breach of the law within our company, and, where appropriate, the evidence supporting the report, the date and signature, if applicable.

Reports made with malice or gross negligence or that are found to be false, unsubstantiated, defamatory, or made with the intent to cause damage to our company, the person reported, or other parties involved in the report expose the whistleblower to civil and criminal liability.

Personal complaints cannot be subject of a report within the meaning of the law.

Reports made anonymously can only be considered if they are adequately substantiated and provide details of the breach. These reports may be subsequently integrated with the whistleblower's details.

The person designated to receive the reports of the warnings is the lawyer **Mr. MILITARU ANDREI-MIHAI**, from the Giurgiu Bar, with office in Giurgiu, str. P-ța. 1848, bloc 48, sc. C, ap. 36, jud. Giurgiu; email: [adimilitaru76@yahoo.com](mailto:adimilitaru76@yahoo.com); tel. 0721.993.856.

In this way, the reports will be communicated directly to lawyer Militaru Andrei-Mihai (at the office address, by email or by phone), ensuring the confidentiality of the identity of the whistleblower and of any third party mentioned in the report, also the protection of personal data.

After communication of the report, the whistleblower shall receive confirmation of receipt of the report and information on the status of the procedure following the report within a maximum of 3 months from the confirmation of receipt of the report. Thereafter, the whistleblower and the management of the company will be informed of how the report will be dealt with.

The whistleblower may also communicate the report through the external channel, respectively, to the authorities in charge of dealing with reports of violations of the law, as well as the National Integrity Agency.

Any further information about the application of Law no. 361/2022 on the protection of whistleblowers in the public interest can be obtained by contacting the person designated for this purpose, lawyer Militaru Andrei-Mihai.



1. The person in charge of receiving and solving the report is obliged not to disclose the identity of the whistleblower or any information that could allow his/her direct or indirect identification, unless there is an express consent for this. However, the identity of the whistleblower and any other information referred to above may be disclosed only where this is an obligation imposed by law, subject to the conditions and limits stipulated therein. This obligation does not exist if the disclosure jeopardizes investigations or legal proceedings. The information contained in the reports which constitute business secrets may not be used or disclosed for purposes other than those necessary for the resolution of the report.
2. There is no obligation to maintain confidentiality if:
  - i. the whistleblower intentionally disclosed his/her identity in the context of public disclosure.
3. The obligation to maintain confidentiality is also maintained in the event that, by mistake, the report reaches another person in PCM ROM SRL, other than the designed person. In this case, the report is immediately forwarded to the designated person.
4. The designated person will send to the whistleblower a confirmation of receipt for the report maximum 7 calendar days of its receipt.
5. The whistleblower will be informed about the status of the subsequent actions in maximum 3 months at the latest from the date of confirmation of receipt of the report or, in case where receipt of the report has not been confirmed, from the expiration of the 7 calendar days mentioned above, and, thereafter, whenever developments in the follow-up actions are recorded, unless the information could jeopardize their progress.
6. The designated person will inform the managers of PCM ROM SRL on how to resolve the report.
7. The designated person will also inform the whistleblower on how to resolve the report.





## Chapter VI. Filing of the Reports

The report is classified when it does not contain the mandatory elements set out in this Policy, other than the identification data of the whistleblower (name, surname, e-mail address, etc.), and the designated person has requested to complete it, without the whistleblower having fulfilled this obligation within 15 days.

If a whistleblower makes more than one report on the same subject, they are linked, and the whistleblower will receive only one piece of information from the designated person. If a new report on the same subject is received, without providing additional information justifying a different subsequent action, the report is filed.

The designated person may decide to close the procedure if after examination of the report it is found that the reported act is clearly a minor violation and does not require further subsequent additional actions, other than closing the procedure.

However, the obligations to maintain confidentiality, to inform the whistleblower on the actions taken, and is without prejudice to any other obligations or other applicable procedures for remedying the reported breach, are maintained.

Any closure solution will be communicated to the whistleblower through the online platform, indicating the legal basis.

## Chapter VII. Solving the reports

Any report addressed will be treated seriously by the designated person to analyze thoroughly all the issues raised in order to determine the need and nature of subsequent actions.

The reports submitted through the form available on the online platform are managed under secure conditions to protect the confidentiality of the identity of the reporter on any third party and to prevent unauthorized access of PCM ROM SRL staff members to the data and information subject to attention.

The reception, registration, examination and solution of the reports are in the competence of lawyer MILITARU ANDREI MIHAI.



The designated person will assess, as soon as possible, the report impartially, objectively and considering all the elements and circumstances to determine whether it contains sufficient evidence to support the information on the violations mentioned.

Any investigation will be conducted promptly and efficiently, the duration of which may vary from case to case, respecting the fairness of the investigation, impartiality and equality of all parties involved, according to the procedure indicated above at the section "How do we report?".

Not every report will generate subsequent actions, but only those substantiated ones, which contain sufficient information about the reported breach, i.e. sufficient evidence to support the issues described in the report.

### **Chapter VIII. Advice, information and assistance of the whistleblowers**

Counseling and information on protection measures, rights, procedures and remedial measures applicable to whistleblowers are provided by the designated person, lawyer Av. Militaru Andrei Mihai.





## Chapter IX. Protection of the identity of the data subject and third parties

Confidentiality of identity is a main factor for PCM ROM. Thus, the protection of the identity of the data subject and third parties referred to in the report is ensured by maintaining its confidentiality.

The person designated to resolve the report has an obligation not to disclose the identity of the data subject or third parties, nor any information that would entail their direct or indirect identification. The designated person is not bound by this obligation if he/she has the express consent of the data subject or third parties to the disclosure of their identity, as stated above.

However, identity and identifying information may be disclosed if legally required to do so, subject to specific conditions and limitations. In this situation, subject to jeopardizing the investigation or legal proceedings, the person concerned will be informed in advance and in writing about the disclosure of the identity and the reasons for disclosure.

The identity of the data subject shall be protected as long as for as long as the actions following the public reporting or disclosure are in progress, unless, following the resolution of the public reporting or disclosure, it is found that the data subject is not guilty of the violations of the law that were the subject of the public reporting or disclosure.

Data subjects have the right of defense, including the right to be heard and the right of access to their own file.

## Chapter X. Whistleblower's obligations

Whistleblowers have the following rights:

1. to submit data or information on the facts reported;
2. not to make a report based on facts that they know are not true;
3. to include in the report at least the information detailed above, except for identification data;
4. to transmit the additional information requested by the designated person, within 15 days from the date of communication of the request, under penalty of filing the report;
5. had reasonable grounds to believe that the reported breach information was true at the time of reporting and that the information was within the scope of the reporting;
6. in order to qualify for protection, the whistleblower must have made an internal or external report or public disclosure, and the information about the violations must have been obtained in a professional context.



*NOTA: The liability of whistleblowers may be incurred under common law provisions only for acts or omissions that are unrelated to public reporting or disclosure or that are not necessary to disclose a violation of the law.*

## Chapter XI. Record of reports

The reports are entered in a register, which must be kept by the designated person in electronic format and which contain the registration code assigned to the whistleblower, the subject of the report and the method of resolution.

Records of all reports received shall be kept, subject to confidentiality requirements for a period of 5 years. After this period, they shall be destroyed regardless of the storage.

## Chapter XII. Whistleblower's rights

The Whistleblower benefits from the following rights recognized by the relevant registration:

- a) the right to free speech;
- b) right to information;
- c) the right to protection of personal data;
- d) the right to have your confidential data kept confidential and the right to protection of your identity;
- e) the right to an effective remedy;
- f) the right to defense;
- g) the right to have the report examined and resolved without subjectivity, regardless of the beliefs and interests of the designated person appointed to resolve it;
- h) the right to be informed about the status of the subsequent actions, at the latest within 3 months from the date of confirmation receipt of the report or, if the receipt has not been confirmed, from the expert 7 days calculated from the moment when it should have been confirmed, and, subsequently, whenever there are developments in the subsequent actions, unless the information could jeopardize their progress;
- i) the right to be informed about the way to resolve the report;
- j) the right to receive the closure solution when the report is filed;
- k) the right not to be subject to retaliation;
- l) the right to have the request answered within the legal deadline, with diligence and professionalism.

The rights of whistleblowers may not be waived or limited by contract, regardless of its form or conditions of employment, including an arbitration agreement prior to a dispute.

Any transaction that seeks to limit or waive the rights provided by this policy is void.





### Protection, support and remedial measures. Requirements.

To benefit from the protective measures, the whistleblower must meet the following cumulative requirements:

- a) to be one of the persons who carry out internal reporting at the level of PCM ROM SRL and who has obtained information about violations of the law in a professional context;
- b) to have had good reasons to believe that the information about the reported violations was true and the report was required at the time it was made;
- c) to have carried out internal reporting at PCM ROM SRL level through the channel implemented at company level.

In order to benefit from the remedial measures, the whistleblower must cumulatively fulfill the above conditions, to which is added the condition that the retaliation is a consequence of the report.

The measures provided for in this Chapter shall also apply to:

- a) facilitators;
- b) third parties who have links with the whistleblower and who might suffer retaliation in a professional context, such as colleagues or relatives;
- c) legal entities owned by the whistleblower or for which the whistleblower works or with which has other types of links in a professional context;
- d) the whistleblower who reports to the competent institutions, bodies, offices and agencies of the European Union.

In order to protect against retaliation, the whistleblowers benefit from remedial measures, such as those set out above in this chapter.

The whistleblower who makes a report of information concerning a violation of the law shall not be liable for the public reporting or disclosure of such information, provided that the whistleblower has made a public report or disclosure under the terms of this law and had reasonable reasons to believe that the reporting or disclosure was necessary to disclose a violation of the law.

The liability of whistleblowers for acts or omissions that are unrelated to the public reporting or disclosure or that are not necessary to disclose a violation of the law is subject to the provisions of common law.

### Chapter XIII. Prohibition of retaliation. Dispute settlement for the retaliatory measures.

Any form of retaliation against whistleblowers is expressly forbidden, those concerning:

- a) the suspension or termination of the individual labor contract or the employment relationship or the contract on which the collaboration with PCM ROM SRL is based
- b) dismissal;



- c) modification of the employment contract or the employment relationship or of the contract on which the collaboration with the company is based;
- d) reduction of salary / allowance and/ or change of working hours;
- e) demotion or prevention of promotion in employment and professional development, including through negative assessments of individual performance or negative recommendations for the professional activity;
- f) application of any other disciplinary sanctions;
- g) coercion, intimidation, harassment or ostracization;
- h) discrimination, create another disadvantage or being subjected to unequal treatment;
- i) refusing to convert a fixed - term employment contract into a contract of indefinite duration, where the employee had legitimate expectations that he/she would be offered a permanent post;
- j) refusing to renew an employment/ collaboration contract for a fixed period or early termination of such a contract;
- k) causing damage, including damage to the reputation of the person concerned, in particular on social media platforms, or financial loss, including loss of business opportunities and loss of income;
- l) inclusion on a negative list or database, based on a formal or informal sectoral or industry-wide agreement, which may imply that the person concerned will not find future employment in that sector or industry;
- m) early termination or cancellation of a contract for goods and services;
- n) cancellation of a license or permit;
- o) request of psychiatric or medical assessment.

### Dispute settlement for the retaliatory measures

The whistleblower may contest the measures falling into the above categories by an application addressed to the competent court, in whose territorial district he/she is domiciled. In such litigations, the burden of proving that the contested measure is justified by reasons other than those related to reporting or public disclosure belong to PCM ROM SRL.

If the court finds that the measure ordered against the whistleblower takes the form of retaliation, applied as a result of the reporting or public disclosure of a violation of a law, it may order, as appropriate, the annulment of the measure, the reinstatement of the parties in the previous situation, compensation for damages, the termination of the measure and its prohibition in the future, as well as any other measures to stop the forms of retaliation.

The court may order, by way of a presidential order, even if there is no judgment on the merit, the suspension of the above measures applied to the whistleblower.





#### Chapter XIV. Condition regarding disciplinary investigation

Disciplinary investigation shall be carried out in accordance with the conditions stipulated by the updated Labor Code and Internal Regulations of the company.

The whistleblower will benefit from all the rights provided by the legislation in the field of disciplinary investigation, not being subject to arbitrary measures or decisions.

At the request of the whistleblower under disciplinary investigation following on internal report, the disciplinary committees may invite the press and a representative of the trade union or professional association or a representative of the employees, as the case may be. The announcement shall be made by means of a notice on the authority's or the company's website at least 3 working days before the meeting, under penalty of nullity of the report and the disciplinary sanction imposed.

#### Chapter XV. Processing of personal data

Information and details on the processing of personal data incident to this Policy will be found in the *Note informing the data subjects about the processing of personal data in the context of reporting to PCM ROM SRL, Annex no. 1 to this Policy.*



## **Annex no.1 to the Whistleblowing Procedure – Information Note Regarding Processing of Personal Data in the Context of Reporting at PCM ROM SRL**

SC PCM ROM SRL, headquarter in Giurgiu, Soseaua Portului, nr.1, Giurgiu County, registered with the Trade Register/ Public Administration Authorities of Giurgiu, under number J52/14/2013, Fiscal Code RO 31085090, hereby informs you about the processing of personal data as a data subject and about the rights you have in accordance with the applicable legal provisions, namely Regulation 2016/679 of the European Parliament and of the Council of April 27, 2016 (hereinafter referred „GDPR”) and Law no. 190/2018 on measures for the implementation of Regulation 2016/679.

### **1. Who Processes Personal Data?**

PCM ROM SRL (hereinafter referred as „the Employer” or „the Company”) acts as a Personal Data Controller.

If there are any questions regarding the content of this information, the data subject is requested to send a written request by e-mail or by post to the management of the company, respectively to the Data Protection Officer (DPO) designated at PCM ROM SRL, specifying that he/she is an employee or collaborator of the company.

Persons sending such requests to the PCM ROM are kindly requested to mention in the subject of the e-mail/ in the envelope information such as „data protection of the whistleblower in the public interest”, in this way there is a guarantee that the request will be treated with priority.

As the data subject, you will receive a reply within 30 days from the communication of the document to the PCM ROM, an extension of this deadline can only operate in exceptional situations. In these cases, we assure you that you will be duly informed of this deadline.

### **2. Purpose of the Information Note**

This document is intended to provide information on the processing of personal data in the context of reporting to the PCM ROM, according to the Whistleblowing Policy.





### 3. Definitions

- a) „**Personal data**”: any information relating to an identified or identifiable natural person. An identifiable natural person is a person who can be identified, directly or indirectly, by reference to an identifier such as an image, physical characteristics, surname and forename, etc.
- b) „**Data subject**”: the reporter, data subject or third party to PCM ROM as defined in the Whistleblowing Policy.
- c) „**Person named in the report**”: the natural or legal person mentioned in the report or in the public disclosure as the person to whom the violation of the law is attributed or with whom that person is associated;
- d) „**Public interest Whistleblower**”: an individual who makes a report or publicly discloses information about violations of the law obtained in a professional context;
- e) „**Reporting**”: the oral or written communication of information regarding violations within the company. Internal reporting is realized through the means made available to PCM ROM SRL for reporting violations, as will be detailed in the following, which constitute the internal reporting channels;
- f) „**Data Controller**” or „**Controller**”: the company PCM ROM SRL, through the designated person who processes personal data through the internal reporting channel;
- g) „**Person empowered by the operator**” means any natural or legal person, any public authority, any agency or other body which processes Personal Data on behalf of a Data Controller or at the request of another person empowered by the operator acting on behalf of a Data controller;
- h) „**Recipient**” means the natural or legal person, public authority, agency or body to whom personal data are disclosed, whether or not it is a third party;
- i) „**Third party**” means a natural or legal person, public authority, agency or body other than the data subject, the operator, the person empowered by the operator and the persons who, under the direct authority of the operator or the person empowered by the operator, are authorized to process personal data ;
- j) „**Processing**”: means any operation or set of operations which is performed upon personal data or sets of personal data, such as: collecting, recording, organizing, structuring, storing, adapting or altering, extracting, consulting, using, disclosing by transmitting, disseminating or otherwise making available, lining up or combining, restricting, erasing or destroying the data obtained in the context of internal reporting;
- k) „**GDPR**”: Regulation (UE) 2016/ 679 of the European Parliament and of the Council of April 27, 2016 on the natural persons with regard to the processing of personal data and on the free movement of such data repealing the Directive 95/46/CE (Regulation).





#### 4. Purpose of processing Personal Data

Personal data will be processed only for specified, explicit and legitimate purposes in accordance with the provisions of Article 5 of the GDPR and will not be further processed in a way incompatible with those purposes. Personal data that is clearly not relevant to the processing of a particular report shall not be collected or, if collected incidentally, shall be deleted without undue delay.

The categories of data processed are adequate, relevant and limited to what is necessary in relation to the purposes of the processing, PCM ROM ensuring compliance with the principle of data minimization.

Personal data will be processed, through the internal reporting channel described in the Whistleblowing Policy, in order to fulfill legal obligations and the legitimate interest of the Data controller to prevent and manage legal violations in the workplace or in the context of business partnerships.

PCM ROM assures data subjects that the personal data, as described in this information, will be processed only in strictly regulated situations, the Operator respecting the right to life of any data subject.

#### 5. Basis of Processing

Data processing is carried out on the basis on *art. 6, para. (1), lett. c) of the GDPR*, the processing being necessary in order *in to fulfill a legal obligation incumbent the Operator*, specifically for PCM ROM to fulfill its obligation of implementation of a internal channel of reporting breaches to prevent any other events with negative impact on data subjects, the company, the investigation of any such facts, but also to protect the staff, assets and activity of PCM ROM.

PCM ROM also processes personal data on the basis of *art. 6, para. (1), lett. f) of the GDPR*, specifically *on the basis of its legitimate interest*, which reserves the right to prevent violations of legal provisions, events likely to jeopardize the company's activity, as well as other situations that may have a negative impact on the operator and its staff or collaborators.

#### 6. Processed Data Categories

Through the submission of a report, the following categories of personal data may be processed, non-exhaustive, as the case may be:

- name, first name, if applicable;
- nickname;
- position;





- e-mail address;
- telephone number;
- images that capture the targeted person;
- voice;
- data contained in documents, files, i audio-video recordings, etc. representing evidence;
- any other data made available to the Team appointed by the Whistleblower.

## 7. Categories of data recipients

PCM ROM does not transmit the data processed through the reports to third parties, but in the event that, following the investigation, it is found that a crime has been committed, the Operator will take the necessary measures to contact the authorities and institutions and start the legal proceedings.

PCM ROM guarantees to each reporter / data subject that the disclosure of personal data is made only on the basis of the applicable legal provisions, the Operator making every effort to ensure a secure data transfer.

*! Note: In case of express request from the criminal investigation bodies or authorities having competence to investigate violations, the Operator will make the requested data available to them, for the purpose of prevention, investigation, detection and prosecution of offenses or execution of penalties, including for protection against threats to public safety and prevention thereof.*

## 8. International Personal Data Transfer

The personal data of data subjects processed through the reporting will not be transferred internationally, except in situations requiring such transfer.

## 9. Personal Data Storage Period

The storage period of the data obtained through the reporting is 5 years, proportional to the purpose for which they are processed and in compliance with legal provisions regarding the record of reports, except in situations expressly regulated by law or in duly in justified cases.



## 10. Rights of the data subject

In accordance with the GDPR Regulation, applicable as of May 25, 2018, you have the possibility to exercise the following rights in relation to data processing, depending on the circumstances:

Note! In view of the policy on internal reporting, data subjects may not avail themselves of all the rights provided by the GDPR Regulation because, by the nature of the reports submitted and depending on the information actually transmitted to the designated Team by the reporting person, the content of the report may not be subject to change.

- **THE RIGHT TO BE INFORMED**, provided by the art. 13 - 14 of GDPR: This information notice provides all the necessary information on the processing of personal data in the context of internal reporting carried out at the level of PCM ROM . According to art. 14, para. (3), the Operator will transmit information on the processing of personal data within a reasonable period of time after obtaining the personal data, but not exceeding one month, taking into account the specific circumstances in which the personal data are processed. Last but not least, if the personal data are intended to be disclosed to another recipient, the data subject shall be informed no later than the date on which the personal data are first disclosed.
- **RIGHT OF ACCESS TO DATA**: According to the art. 15 of the GDPR, you may request in writing a confirmation that your personal data are processed by PCM ROM , and if they are processed, you will be provided with a copy of these data, as well as additional information about their processing.
- **THE RIGHT OF RECTIFICATION**: You may request the rectification of inaccurate, incomplete or mended personal data on the basis of art. 16 of GDPR. Especially in the context of the reporting procedure, PCM ROM is not obliged to comply with the request for rectification of data, in which case the refusal will be reasoned.
- **THE RIGHT TO DELETE**: Also in this case, given the particularity of the internal reporting procedure, PCM ROM is not obliged to comply with the request to delete the data, in which case the refusal will be motivated.
- **THE RIGHT TO RESTRICTION OF PROCESSING**: PCM ROM is not obliged to comply with the request for deletion of data, in which case the refusal will be motivated.
- **THE RIGHT TO DATA PORTABILITY**: PCM ROM is not obliged to grant the request, in which case the refusal will be motivated.
- **THE RIGHT TO OPPOSE**: PCM ROM is not obliged to grant the request, in which case the refusal will be motivated.
- **THE RIGHT NOT TO BE SUBJECT TO A DECISION BASED SOLELY ON AUTOMATED PROCESING, INCLUDING PROFILING**: You may object at any time to a decision based solely on automated processing, including profiling, but only where that decision produces legal effects that concern you or affect you to a significant extent. As a matter of principle, in the employment relationship within the PCM ROM there are no fulfilled the legal requirements for exercising that right. However, the operator provides the





necessary means to exercise this right based on the fulfillment of the requirements of GDPR.

- **RIGHT TO COMPLAINT:** According to art. 77 of the Regulation, you have the right to lodge a complaint with the National Supervisory Authority for the Processing of Personal Data at any time, if you consider that the processing of personal data violates the provisions of the Regulation, as well as the right to apply to the courts.

General Manager,  
Eng. Pena Bogdan Narcis

