

DATA PROTECTION POLICY – WHISTLEBLOWING CHANNEL

Please read this data protection policy carefully. It contains essential information about the processing of your data through the Whistleblowing Channel used by HOTEL PLAYA ESPERANZA and your rights as recognised in current legislation.

The Whistleblowing Channel exists to protect anyone who, in a workplace or professional context, detects a serious or very serious breach or infraction, whether criminal or administrative, and proceeds to communicate this via the Whistleblowing Channel, and is governed by the provisions set out in Law 2/2023 of the 20th of February, for the protection of those who inform about these infringements of regulations and the fight against corruption, and this Policy.

Any person that submits information through the Whistleblowing Channel guarantees that any personal data that may have been supplied, is true, accurate, complete, and current. They are obliged to inform us of any change to said data. False or malicious statements submitted will be subject to the corresponding sanctions, without prejudice to any civil or criminal liabilities that may arise under current legislation.

In forms where there are fields marked as mandatory, these must be completed to process the information submitted, however, the information may be submitted anonymously if marked as such on the form.

We reserve the right to update our data protection policy at any time to reflect internal decisions, or to comply with changes in legislation or jurisprudence. Should you have any doubts or need further information regarding our data protection policy or your rights, please contact us via the channels indicated below.

Who is responsible for processing your data?

Data Controller: HOTEL PLAYA ESPERANZA, S.L.U. (HOTEL PLAYA ESPERANZA)

Postal address: Avenida de la Albufera, nº 4, 07458 Playas de Muro, Mallorca, Balearic Islands, Spain.

You can contact the **Data Protection Manager** at the HOTEL PLAYA ESPERANZA on: rrhh@playaesperanza.com.

Why do we process your data and on which legal basis?

Investigation of reported facts and prevention of infractions and criminal activity: The information submitted in reports presented through the Whistleblowing Channel, together with that obtained via the corresponding investigations and the results thereof, within the framework of the Whistleblowing Channel, will be processed to investigate the reported facts and to prevent possible criminal offences or infractions being committed by staff or business collaborators as specified by the current legislation on the matter and in HOTEL PLAYA ESPERANZA's Whistleblower Code.

The categories of data processed will depend upon the nature of the reported facts or matter, and may include, among others:

- Contact details.
- Sensitive or very personal data.

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- Identifying data: name and surname, in your case.
- Specific data categories (for example, data relating to health, lifestyle or sexual orientation, ethnicity or race, political opinion, and philosophical or religious beliefs).

Processing the necessary personal data to manage the Whistleblowing Channel is covered by Article 24 of Law 3/2018, of the 5th of December, on Personal Data Protection and the Guarantee of Digital Rights (hereinafter “LOPDGG”), related to Article 30 of Law 2/2023 of the 20th of February, regulating the protection of persons who report infringements of legislation and the fight against corruption.

The special data categories that may be processed are contained in Article 9.2 of the GDPR.

We would like to remind you that the purposes for data processing are conducted guaranteeing the confidentiality and anonymity of the data, along with the presumption of innocence and the right to dignity of those affected by the complaints.

Who can we share your data with?

Access to the data received via the Whistleblowing Channel is restricted to the persons responsible for managing the Channel, and, if necessary, to the persons expressly indicated as follows:

- The HR manager, or staff with management and Human Resources control responsibilities, when there could be a need to adopt disciplinary measures against a member of staff, said access will be granted.
- Those advisors or external suppliers when their intervention is necessary to manage the Whistleblowing Channel. In this instance, the appropriate confidentiality agreement and data processing contract will be formalised.
- Access may also be granted to the competent administrations or judicial authorities, to legal professionals dealing with the case, and to judges and tribunals.
- The Data Protection Officer.

Furthermore, access to the data may be necessary for persons other than those foreseen under Article 32.1 of Law 2/2023, of the 20th of February, regulating the protection of persons who report infringements of the law or the prevention of corruption and investigation of the reported facts, or even their communication to third parties when it is deemed necessary to apply corrective measures at the HOTEL PLAYA ESPERANZA or to process sanctions or any criminal proceedings where appropriate.

The HOTEL PLAYA ESPERANZA has implemented technical and organisational measures to protect the identity and guarantee the confidentiality of data relating to the persons affected by the information received via the Whistleblowing Channel. To this end, the identity of the complainant will remain confidential throughout every stage of the process, and it will not be revealed to any third party, whether it be senior management or the person incriminated in the complaint.

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Notwithstanding, it is important to note that, if the reported facts are part of sanctioning or criminal proceedings, it may be necessary to share your identity if it has been disclosed to us and if knowledge of it becomes necessary to proceed with such proceedings.

In any event, every person involved in the investigations is obliged to sign a confidentiality agreement before the support is provided.

How long do we store your data?

The data collected will be stored in the Whistleblowing Channel only for the length of time required to decide whether an investigation into the reported facts should proceed. If an investigation proceeds, the data will be stored for the period required to complete the corresponding investigation.

In any case, when three months have elapsed following receipt of the complaint, and no investigative action has been taken, the data will be deleted, unless it is necessary to leave operational evidence of the Whistleblowing Channel, in which case, all data that exceeds that purpose will be deleted.

The personal data included in the register book provided for in Article 26.1 of Law 2/2023, on the 20th of February, regulating the protection of persons who inform about infringements of legislation and the prevention of corruption and investigation of the reported facts, will only be kept for the period necessary and proportioned to comply with this Law. Under no circumstances will the data be stored for longer than ten years.

Reports that have not been followed up can only be recorded as anonymous, without applying the blocking mandate foreseen in Article 32 of Law 3/2018, of the 5th of December.

Finally, we inform you that personal data which is not pertinent to any fact that could constitute an infringement or criminal offence, as well as all data collected accidentally, will be deleted without delay unless the lack of veracity of the facts reported could constitute an offence.

What are your rights?

You have the right to confirm if we are processing your data and, if that is the case, to access that data. You may also request correction of the data if it is inaccurate or that data is incomplete, you may also request deletion of your data if it is no longer necessary for the purposes for which it was collected.

In certain circumstances, you may request restrictions on the processing of your data. In which case, we will only process the data concerned with the formulation, exercise, or defence of any claims, or to protect the rights of other people.

On occasion, and for reasons relating to your circumstances, you may also oppose the processing of your data. In this instance, we will desist from processing your data unless there is a compelling legitimate reason which prevails over your rights, freedoms, or interests, or to formulate, exercise, or defend a claim. If the person to whom the reported facts of the complaint or public disclosure relate is the person opposing the data processing, it will be presumed that, unless it is proved to the contrary, there are legitimate legal reasons to justify the processing of their data.

Under certain circumstances, you may also request the portability of your data to be transferred to another data controller.

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You may revoke the consent given for certain purposes, without this affecting the legitimacy of the processing based upon the consent before its withdrawal.

You also have the right to object to the use of automated individual decisions that result in legal effects on you or may similarly affect you, when this right is provided for in Article 22 of Regulation (EU) 2016/679.

The exercise of these rights by the respondent is guaranteed, although the respondent will not be informed of the identity of the informant, or of the person who has made the public disclosure, under any circumstances.

To exercise your rights, you must send a request, by post or by email, accompanied by a copy of your passport, ID document, or other document that certifies your identity to the addresses indicated in the '**Who is responsible for processing your data?**' section.

Further information regarding your rights and how to exercise them can be found on the Spanish Data Protection Agency website: www.aepd.es or via the data protection authorities in your home country. You can consult the list and contact details of the European data protection agencies on the European Commission website: http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080.