

Privacy Policy

[Complaints Channel](#)

HERVÁS ABOGADOS, S.L.P

Law 2/2023, of 20 February, regulating the protection of persons who report regulatory infringements and the fight against corruption, incorporates into Spanish law Directive (EU) 2019/1937 of the European Parliament and of the Council, of 23 October 2019, on the protection of persons who report breaches of Union law, which regulates the minimum aspects that must satisfy the different channels of information through which a natural person who is aware of an infringement of European Union law can make known the existence of this. In this sense, this Law pursues two fundamental objectives: to protect informants and to establish the minimum standards for the information channels.

In this regulatory context, it is a priority for the Management of Hervás Abogados, S.L.P. (hereinafter, the Firm or Hervás Abogados) to approve its Procedures for information management and ensure compliance with the measures contained herein, creating an environment of adequate protection against possible retaliation, as well as promoting the culture of communication.

1. Infringements of European Union Law

Law 2/2023 transposes Directive (EU) 2019/1937 with the aim of reinforcing compliance with the regulations in the face of those infringements of EU law that are of most concern. These are those listed in Article 2.1 of the Directive and also included in Article 2.1.a of the Law. Therefore, through this procedure, protection measures are established for those who report on:

a) Actions or omissions that may constitute breaches of Union law provided that:

1. Enter within the scope of application of the acts listed in the Annex to the Directive, relating to the following areas:

- Public procurement.
- Financial services, products and markets, and prevention of money laundering and terrorist financing.
- Product safety and conformity.
- Transport safety.
- Environmental protection.

- Radiation protection and nuclear safety.
- Food and feed safety, animal health and animal welfare.
- Public health.
- Consumer protection.
- Protection of privacy and personal data, and security of networks and information systems.

2. Affect the financial interests of the European Union as referred to in Article 325 of the Treaty on the Functioning of the European Union (TFEU).

3. Infringements relating to the internal market, as contemplated in Article 26(2) of the TFEU, including infringements of the Union rules on competition and aid granted by the States, as well as infringements relating to the internal market in relation to acts that infringe the corporate tax rules or practices whose purpose is to obtain a tax advantage that distorts the object or purpose of the applicable corporate tax legislation.

2. Infringements of the Spanish legal system

Likewise, those who report on the following will be covered within the protection framework:

- Actions or omissions that may constitute a criminal offense.
- Serious or very serious administrative offenses.

When the facts reported do not constitute an infringement within the material scope of Law 2/2023 (i.e. when they do not constitute a serious or very serious criminal or administrative infringement, or an infringement of European Union Law, or the facts are not attributable to the Entity or its employees or managers), the corresponding communications shall be outside the scope of the SII and shall be managed, where appropriate, by its specific regulations or protocols.

3. Personal Scope

The SII constitutes an environment of protection against possible reprisals for those individuals who, within a work or professional context, communicate in good faith to the Entity information on possible infractions attributable to the Entity itself, its employees or senior managers. Therefore, for the purposes of this regulation, the natural or legal person who has obtained information on infringements in a labor or

professional context and who brings them to the attention of the specialized body of the Entity shall be considered an informant.

4. Internal Information System (SII)

The Internal Information System (SII) is the preferred channel for reporting the actions or omissions mentioned in sections 1 and 2 above.

The SII now integrates the different internal information channels existing in the Entity prior to the establishment of this SII.

The management body is responsible for the implementation in the Entity of an Internal Information System comprising the following resources:

- An Internal Information System Manager (RSII).
- The channel or channel for receiving information.

The internal channels for carrying out the communications referred to in section 2.1.

above are as follows:

a) Written communications:

The channel established for the written receipt of information is the Hervás Abogados Complaints Mailbox made up of the email address canaldenuncias@hervasabogados.com to which information or complaints shall be sent.

Any person wishing to report facts referred to in paragraphs 1 and 2 above, regardless of whether they resort to written or verbal communication, must provide the following information:

- Identification of the reporter, unless you wish to report anonymously.
- Identification of the person or persons concerned.
- Description of the facts in as much detail as possible, including dates, places and identification of third parties that could provide information.
- Indication, if known, of the regulations that have been violated.

When submitting the information, the informant may indicate an address, e-mail, or safe place to receive communications, unless he/she exercises the right not to maintain communications with the RSII.

In the event that there are rectifiable deficiencies in the communication made, the RSII shall proceed to request the correction of the same to the extent of its possibilities and the informant shall have a period of no more than 7 days to comply with the requirement.

b) Verbal communications:

Communications may be made in person upon request to the RSII. Requests must be made through one of the following channels:

- Telephone: 91 553 09 05 (Att. RSII)
- E-mail: canaldenuncias@hervas-abogados.com
- Mailing address: Calle Zurbano, 92 1ºIzquierda 28003 Madrid

When the information is not sent through the internal information channel and reaches persons other than the RSII, they are obliged to forward it immediately to the RSII, as well as the duty to preserve its confidentiality and refrain from any action that may directly or indirectly reveal the identity of the informant and the person concerned. However, the Entity shall carry out training actions for its personnel on this matter.

The disclosure by the third party recipient of the mere existence and, where appropriate, the content of the information, may involve a breach of the guarantees of confidentiality and anonymity, conduct classified as a very serious infringement in Article 63.1. c) of Law 2/2023.

5. Rights of informants

The Entity guarantees the following rights of informants, without prejudice to any other rights recognized by current legislation:

- To be able to make communications anonymously.
- To request a face-to-face meeting with the RSII.
- To indicate an address, e-mail address or safe place where to receive the communications made by the RSII.
- To waive the right to communicate with the RSII and, if applicable, to revoke such waiver at any time.
- To the preservation of your identity and the protection of your personal data.
- To confidentiality of communications.

- To protection and support measures under the terms provided for in Law 2/2023.
- To report through the external channel via complaint to the Independent Authority for Whistleblower Protection.

6. Data protection

The processing of personal data arising from the processing of this information management procedure shall be carried out in accordance with the provisions of Title VI of Law 2/2023.

The Internal Information System must prevent unauthorized access and preserve the identity and guarantee the confidentiality of the data corresponding to the persons concerned and to any third party mentioned in the information provided, especially the identity of the informant in case he/she has been identified.

The identity of the informant may only be communicated to the Judicial Authority, the Public Prosecutor's Office or the competent administrative authority in the context of a criminal, disciplinary or sanctioning investigation, and these cases shall be subject to the safeguards established in the applicable regulations.

If the information received contains special categories of data, it shall be deleted immediately, unless the processing is necessary for reasons of essential public interest as provided for in Article 9.2.g) of the General Data Protection Regulation, as provided for in Article 30.5 of Law 2/2023.

Personal data shall not be collected if it is not manifestly relevant to the processing of specific information or, if collected by accident, shall be deleted without undue delay.

In any case, after 3 months from the receipt of the communication without having initiated investigation actions, it must be deleted, unless the purpose of the conservation is to leave evidence of the operation of the system.

Communications that have not been followed up may only be recorded in anonymized form, without the obligation to block provided for in article 32 of Organic Law 3/2018, of December 5, 2018, on Personal Data Protection and guarantee of digital rights being applicable.