



## ETHICAL DIAGNOSTIC CHANNEL

Article 31.bis of the Penal Code talks about the liability of the legal person, in it, not only are the criminally responsible persons determined, but in point 5, the requirements that must be met by the crime prevention management models to be implemented in organizations are established. One of these requirements is the existence of a means to report possible non-compliances:

*"They will impose the obligation to report possible risks and non-compliance to the body in charge of monitoring the operation and observance of the prevention model."*

On the other hand, and in accordance with the provisions of Law 2/2023, of 20 February, regulating the protection of persons who report regulatory breaches and the fight against corruption, specifically in its article 10 (private sector) and article 13 (public sector), the obligation to establish internal reporting channels is imposed.

**DIAGNÓSTIQA CONSULTORÍA TÉCNICA, S.L.** (hereinafter **DIAGNÓSTIQA**), informs:

**LEGAL GUARANTEES OF THE ETHICAL CHANNEL.** This whistleblowing channel guarantees compliance with the provisions of the doctrine derived from the *Prosecutor's Office Circular 1/2016, of 22 January* and the provisions of the aforementioned Law 2/2023.

Likewise, the established external ethics or whistleblowing channel is managed by a qualified trust service provider that complies with the specifications set out in Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and Law 6/2020, of 11 November, regulating certain aspects of electronic trust services.

The objective of using a qualified trust service provider is to guarantee the presumption of veracity and authenticity of the evidence, establishing the burden of proof on the one who challenges the document, in accordance with the provisions of Article 326 of Law 1/2000, of 7 January, on civil procedure.

In any case, the qualified trust service provider will comply with the instructions established by DIAGNÓSTIQA and always in accordance with current legislation on data protection, guaranteeing compliance with the obligations set forth in Article 28 of the GDPR.

**ANONYMOUS COMPLAINTS AND PERSONAL DATA.** Complaints will generally be anonymous and will be answered through the same channel through which they were received. Anonymity shall be lifted only with the express consent of the whistleblower or where it constitutes a necessary and proportionate obligation imposed by Union or national law in the context of an investigation carried out by national authorities or in the context of judicial proceedings, in particular to safeguard the rights of defence of the person concerned.

During the process, compliance with current data protection legislation (LOPD and GDPR) will therefore be guaranteed.

**USE OF THE ETHICAL CHANNEL.** The ethical channel must be used in those situations in which there is knowledge of a conduct or an event that may constitute a criminal activity, infringement of the company's internal regulations and any other illegal activity that contravenes the interests of DIAGNÓSTIQA, i.e. actions or omissions that may constitute a serious or very serious criminal or administrative infraction and, in any case, all serious or very serious criminal or administrative offences that involve economic damage to the Public Treasury and Social Security.

The ethical channel is not the ideal channel for issues related to their employment conditions. In that case, you must follow the policies established in the organization. More specifically, by way of example, without constituting a closed list of cases, it will not be the ideal channel to:

- Claims relating to wages, overtime claims or any labour issue that do not constitute infringements of labour law in the field of occupational safety and health, without prejudice to the provisions of their specific regulations.
- Complaints or claims related to the state of the material provided by the company for the performance of the work and/or the state of the facilities provided that they do not pose a risk to health and safety at work.



In the event that any of these questions are received, or any other that is not within the objective scope of Law 2/2023, they will be immediately archived, once the information provided by the body responsible for the DIAGNÓSTIQA system has been assessed. Subsequently, it will be processed through the appropriate procedural channel.

When you go to file a report, you will notice that it is directed to an online tool external to the DIAGNÓSTIQA domain. The message will be transmitted to the tool of the qualified trusted provider and thus be able to guarantee the anonymity and protection of the whistleblower's data.

Therefore, this tool may be used by any DIAGNÓSTIQA employee or any other third party who may have knowledge of unethical, fraudulent or illicit conduct committed within our Organization.

**EXTERNAL COMMUNICATION CHANNELS:** Communications can also be made externally through external information channels to the competent authorities in the matter and, where appropriate, to the institutions, bodies, offices or agencies of the European Union.

These channels can be:

- Independent Authority for the Protection of Whistleblowers (A.A.I.).
- Before the corresponding authorities or regional bodies.
- Public Prosecutor's Office.
- European Public Prosecutor's Office, in the event that the facts affect the financial interests of the European Union.
- State Security Forces and Corps (FFCCSE).
- Competent Anti-Fraud Agency.
- Other competent bodies.

*LINK ACCESS FORM TO THE ETHICAL CHANNEL*

*CHANNEL USE MANUAL LINK*

*The data controller is DIAGNÓSTIQA CONSULTORÍA TÉCNICA, S.L., which, in compliance with a legal obligation provided for in Law 2/2023, of 21 February, regulating the protection of persons who report regulatory breaches and the fight against corruption, will process the information for the purpose of managing the complaints received through the channel, ensuring the confidentiality of the whistleblower's data by keeping them anonymous without disclosing them to third parties unless their identification constitutes a necessary and proportionate obligation imposed by EU or national law in the context of an investigation carried out by national authorities or in the framework of a judicial process, in which case it must be communicated to the competent authorities in the case.*

*Your data will be kept for a maximum period of 3 months from the entry of the data in the channel, after which it will be removed from the channel, but it may remain blocked when necessary to demonstrate the operation of the crime prevention model or may be required by the competent authority to initiate the corresponding investigation of the facts.*

*For more information on the processing of your data or how to exercise your rights, please refer to our [Privacy Policy](#).*