



# **Data protection information on the SÜDPACK whistleblower system**

In accordance with Art. 13, 14 GDPR we hereby inform you about the processing of the personal data you provide when using the whistleblower system, as well as any personal data we may collect and your rights in this regard.

SÜDPACK Verpackungen SE & Co. KG will only process personal data in connection with the whistleblower system in accordance with the applicable data protection regulations. This data protection information is supplementary to our general data protection information for the employment relationship.

Please take note of this data protection information carefully before submitting a report.

## I. Name and address of the controller

The controller within the meaning of the General Data Protection Regulation and other national data protection laws of the member states as well as other data protection regulations is SÜDPACK Verpackungen SE & Co. KG, represented by Erik Bouts (Spokesman of the Management Board), Carolin Grimbacher (Managing Partner), Tharcisse Carl (Managing Director).

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Phone: +49 7352 92501

E-Mail: [info@suedpack.com](mailto:info@suedpack.com)

Website: <https://www.suedpack.com>

## II. The data protection officer of the controller is

Mr. Helmut Dammann

SÜDPACK Verpackungen SE & Co. KG

Jägerstraße 23

88416 Ochsenhausen

E-Mail: [Datenschutzbeauftragter@suedpack.com](mailto:Datenschutzbeauftragter@suedpack.com)

## III. Categories of personal data

The use of the electronic whistleblower system of SÜDPACK Verpackungen SE & Co. KG is voluntary. We only process data related to your use of the whistleblower system. You can report information about actual or potential misconduct via the contact form or by audio recording.

This is also possible anonymously: in the contact form without providing any personal data of the person making the report; in the case of audio recording, the voice is distorted. In this case, no personal data about the person making the report is collected.

If you disclose your identity to us, the following data will be processed as part of the contact form: Details of the reporting person, such as name, telephone number

(optional), the report case description, i.e., the circumstances of their observation with details of the accused person(s) (e.g. name, the department associated with the case, details of the actual or alleged breach of conduct and the relevant facts, e.g. date and place of the actual or alleged breach, information on whether other persons are aware of the breach), the IP address or ID of the computer from which the issue is reported. In the case of a report by audio recording, the audio recording of your human voice is stored as well as details of the departments associated with the case.

If you upload documents/media, you should be aware that they may contain metadata that may reveal the identity of the reporting person. If you wish to submit your report anonymously, you should therefore ensure that all metadata has been removed from the documents/media before uploading them to the whistleblowing system.

## IV. Purpose of data processing

The purpose of data processing as part of the whistleblower system is to receive and clarify serious suspicions of breaches of regulations at SÜDPACK, in particular criminal acts in the area of white-collar crime and corruption.

## V. Legal basis for data processing

The processing of personal data within the context of the whistleblower system is generally carried out on the basis of Art. 6 para. 1 lit. c) GDPR in conjunction with § 12 HinSchG. In other cases, the processing of personal data in the whistleblower system is carried out on the basis of Art. 6 para. 1 lit. f) GDPR to safeguard the overriding legitimate interest of SÜDPACK Verpackungen SE & Co. KG. This legitimate interest lies in preventing and combating corruption and in processing serious suspected cases of other breaches of rules in connection with SÜDPACK Verpackungen SE & Co. KG and to protect SÜDPACK Verpackungen SE & Co. KG and its employees from potential damage. Since the reporting of violations helps to avoid legal consequences such as criminal prosecution, claims for damages and immense damage to our image, the interests of the data subjects worthy of protection in the exclusion of processing or use do not prevail.

## VI. Recipients / transfer of data

Only the responsible Compliance Officers and - if necessary - members of the Compliance Committee within our organization have access to the above-mentioned personal data that we process as part of the whistleblower system. Your personal data will not be passed on or otherwise transferred to third parties unless this

is necessary for the purposes of criminal prosecution. If required by law or orders from government bodies, personal data may be disclosed to them. There are no transfers of data to third countries.

## **VII. Duration of data storage**

We adhere to the principles of data avoidance and data economy.

Personal data is stored for as long as is necessary to clarify and conclusively assess the report. After completion of the investigations, the personal data will be deleted within a maximum of 3 years in accordance with the legal requirements. In the event that judicial and/or disciplinary proceedings are initiated, the data may be stored until the conclusion of the proceedings or until the expiry of the time limits for legal remedies. Personal data in connection with unsubstantiated reports will be deleted immediately.

## **VIII. Rights of the data subjects**

You have the right to obtain information from SÜDPACK Verpackungen SE & Co. KG about the personal data stored about you in accordance with Art. 15 GDPR.

The identity of the person providing the information is generally excluded from this right. If the exercise of this right jeopardizes the clarification of the facts or the securing of necessary evidence, SÜDPACK Verpackungen SE & Co. KG is permitted to exercise this right at a later date.

You also have the right to have incorrectly stored personal data corrected in accordance with Art. 16 GDPR and the right to erasure (Art. 17 GDPR) or to restriction of processing (Art. 18 GDPR), a right to data portability (Art. 20 GDPR) and a right to object to processing (Art. 21 GDPR).

You also have the right to lodge a complaint with the supervisory authority if you are of the opinion that the processing of your personal data violates data protection regulations (Art. 77 GDPR).



# Whistleblower Policy of the SÜDPACK Group

## Scope of this Policy

This policy applies to all employees, executives and managers of the SÜDPACK Group. The SÜDPACK whistleblower service is available to anyone, but in particular to all employees, customers, contractors, suppliers and other third parties to report actual or alleged misconduct.

## Purpose of this Policy

This policy sets out how to report actual or alleged misconduct within the SÜDPACK Group confidentially and without fear of retaliation. The policy further describes how the SÜDPACK Group investigates reports about actual or alleged misconduct and how it protects the person reporting (whistleblower).

## Definition of „Whistleblower“

A whistleblower is any natural person who, whether anonymously or not, reports in good faith actual or alleged misconduct.

## What concerns or observations can be reported as part of whistleblowing?

Any actual or alleged misconduct within the SÜDPACK Group and within the SÜDPACK Group supply chain can be reported..

## Definition of misconduct

Misconduct is defined as any violation

- and environmental regulations),
- of the Code of Conduct of the SÜDPACK Group,
- the internal regulations of the SÜDPACK Group, and
- regulations that apply to persons who have a business relationship with the SÜDPACK Group (in particular the Code of Conduct for Suppliers).

Examples of misconduct that may be addressed include, but are not limited to:

- fraudulent acts, embezzlement, theft and other property crimes,
- corrupt actions such as granting, accepting, offering, promising or demanding undue benefits (such as money, goods, services),
- violation of competition and antitrust regulations,
- violation of public procurement regulations and state aid regulations,
- violation of human rights (such as child labor, forced labor, slavery or disregard for occupational health and safety),
- improper or illegal actions related to accounting (such as accounting and financial reporting) and related auditing procedures,
- violation of environmental protection regulations

- such as illegal waste storage or disposal or illegal pollution of water or soil,
- violation of anti-money laundering, anti-terrorist financing or sanctions regulations,
- conduct that jeopardizes health and safety or violation of health protection regulations,
- violation of the SÜDPACK Group Code of Conduct and other SÜDPACK guidelines,
- discriminatory behavior such as sexual harassment, bullying or unequal treatment that is not objectively justified on the basis of age, gender, religion, political opinion, origin, physical or mental impairment or other personal characteristics,
- threatening or taking retaliatory measures against persons who provide information about actual or alleged misconduct to the SÜDPACK Group,
- deliberately obstructing the investigation of a report of actual or alleged misconduct,
- violation of internal rules on conflicts of interest,
- improper use of SÜDPACK Group resources (e.g. mismanagement),
- unlawful disclosure of business secrets, trade secrets and other confidential information,
- violation of regulations on the protection of privacy and personal data,
- jeopardizing the security of the SÜDPACK Group's network and information systems.

## What cannot be reported under the SÜDPACK Group whistleblower system?

The following concerns or reports do not relate to misconduct within the meaning of this whistleblowing policy and are not to be reported via the whistleblowing system of the SÜDPACK Group:

- Complaints relating to the employment relationship
  - à these are to be addressed to the respective manager or the HR department.
- Personal disputes with employees or managers
  - à these are to be addressed to the respective manager or the HR department.
- Complaints concerning purchased SÜDPACK products
  - à these are to be submitted to the relevant Customer Service department.
- Information that the person making the report knows to be false
  - à Reporting deliberately false information may

have disciplinary, labor law or criminal law consequences.

## Why are reports of actual or alleged misconduct in the SÜDPACK Group important?

As set out in the Code of Conduct, the SÜDPACK Group is committed to legally compliant and socially responsible corporate governance and to acting in an ethically responsible manner. This also includes protection against human rights and environmental risks and violations.

Nevertheless, it may happen that conduct is observed that violates or appears to violate laws, the SÜDPACK Group Code of Conduct or other internal rules. If this is the case, all employees of the SÜDPACK Group and all third parties are encouraged to inform the SÜDPACK Group of the actual or alleged violation. Persons providing information thereby support the SÜDPACK Group in fulfilling its obligation under the Code of Conduct. Reports of actual or alleged misconduct enables the SÜDPACK Group to investigate the reported actual or alleged misconduct. Misconduct can thus be identified and stopped at an early stage. This allows the SÜDPACK Group to protect its employees, its customers and third parties from major risks and damage. These risks and damages can arise in particular if misconduct remains undetected for a long time.

## Who can provide information about actual or alleged misconduct?

è All employees of the SÜDPACK Group

as well as

è all other natural persons or legal entities

can provide the SÜDPACK Group with information about actual or alleged misconduct.

For the purposes of this guideline, the following persons are considered to be employees of the SÜDPACK Group:

- all persons who receive or have received a salary from the SÜDPACK Group and persons who apply or have applied for a position with the SÜDPACK Group,
- all persons who are or have been employed by the SÜDPACK Group for the purpose of their vocational training,
- all persons who work voluntarily or in an internship or other temporary position in a company of the SÜDPACK Group (with or without remuneration for their work),
- all persons who are or have been members of the ma-

agement or supervisory body of a SÜDPACK Group company, and

- all persons who hold shares in the SÜDPACK Group.

For the purposes of this guideline other natural persons or legal entities are in particular:

- contractors of the SÜDPACK Group, such as suppliers, consultants and other persons who provide services for the SÜDPACK Group,
- customers of a company of the SÜDPACK Group,
- employees of contractors and customers, subcontractors and employees of subcontractors, and
- investors and residents.

## Where can information about actual or alleged misconduct be reported?

### Internal reporting channels for employees

The SÜDPACK Group enables its employees to report actual or alleged misconduct in the ways described below.

The reporting lines or complaint procedures in place within the SÜDPACK Group continue to apply and are not superseded by this policy. All employees are therefore encouraged to report any actual or alleged misconduct to their respective manager.

If reporting actual or alleged misconduct to the respective manager is not the right course of action for employees in a specific case (regardless of the reason), employees can address information about actual or alleged misconduct securely and – if desired – anonymously either verbally or in text form to the electronic SÜDPACK whistleblower system

<https://whistleblowersoftware.com/secure/suedpack>

Through this channel, persons providing information reach the local compliance officer of the respective SÜDPACK location or the compliance officer of the SÜDPACK Group without traceability of the identity of the person providing the information.

### Reporting channels for third parties

Third parties (i.e., persons who are not employees as defined in this policy) may also report actual or alleged misconduct securely and – if desired – anonymously either verbally or in text form to the electronic SÜDPACK whistleblower system

<https://whistleblowersoftware.com/secure/suedpack>

## Is there also a reporting office without a connection to the SÜDPACK Group (so-called external reporting offices)?

The SÜDPACK Group encourages everyone to report actual or alleged misconduct to one of the internal reporting offices provided by the SÜDPACK Group. This gives the SÜDPACK Group the opportunity to investigate reports of actual or alleged misconduct itself, in a targeted manner and without external pressure, in a confidential setting and – where necessary – to take the appropriate measures.

Whistleblowers can also report actual or alleged misconduct to external reporting offices. There are two ways to do that:

- 1. external ombudsperson (external law firm) who will not share the name of the whistleblower with SÜDPACK unless the whistleblower requests it: [suedpack-whistle@fgvw.de](mailto:suedpack-whistle@fgvw.de) or telephone call (English/German) to Dr. Hendrik Thies, Dr. Jan Henning Martens, Dr. Meike Kapp-Schwoerer, Dr. Johanna Hennighausen +49 761 21808 935 or +49 15116340961 or +49 151 15034 079 or
- 2. reporting actual or alleged misconduct to external reporting offices or reporting offices of institutions, bodies or other offices of the European Union. Information on such external reporting offices can be found on the Internet.

## Can a report be made anonymously?

Information about actual or alleged misconduct reported via the electronic whistleblower system of the SÜDPACK Group can also be submitted anonymously at

<https://whistleblowersoftware.com/secure/suedpack>

The SÜDPACK Group encourages all whistleblowers to submit reports stating their identity. This facilitates the investigation of tips and the taking of follow-up measures. Under certain circumstances, anonymous reports cannot be followed up. This is the case, for example, if it is necessary to ask the reporting person about the facts of the case and this is not possible due to the anonymity of the person. Depending on local legislation, the submission of anonymous reports may be restricted. If this is the case, the provisions of local legislation take precedence over this policy.

## How is data protection handled in the event of a whistleblowing report?

When an incident is reported and investigated, the SÜDPACK Group collects personal data. The SÜDPACK Group

complies with national and European data protection regulations. Personal data is processed for the sole purpose of processing the report. Further information on data protection can be found in the privacy policy for the whistleblower system.

## How should information about actual or alleged misconduct be reported?

include all information available to the person making the report, and as far as possible provide answers to the following questions:

- alle Informationen enthalten, die der meldenden Person vorliegen, und
- soweit möglich, Antworten auf folgende Fragen geben:
  - **who** is or was involved in the actual or alleged misconduct?
  - **what happened?** (what is the actual or alleged misconduct and how is it or was it committed?)
  - **where** does the actual or alleged misconduct take place or where did it take place?
  - **when** does the actual or alleged misconduct take place or when did it take place?
  - **what evidence** does the reporting person have or know of?

All persons are encouraged to report actual or alleged misconduct at an early stage, even if the person making the report does not have all the information. The SÜDPACK Group does not expect whistleblowers to have all information regarding actual or alleged misconduct. The SÜDPACK Group also does not expect whistleblowers to be able to prove their report. This is the task of the SÜDPACK Group's compliance organization and any internal investigation that may follow a report.

Employees who report actual or alleged misconduct may seek advice from a member of the Compliance Committee before or after reporting. The Compliance Committee is composed of senior executives from the Management, Compliance, Finance/Controlling, Human Resources and Data Protection departments at SÜDPACK.

Whistleblowers should never investigate actual or alleged misconduct themselves or search for evidence of actual or alleged misconduct themselves. The SÜDPACK Group guarantees to protect all persons who report actual or alleged misconduct in good faith from unjustified disadvantages, insofar as they lie within the sphere of influence of the SÜDPACK Group. This also applies, in particular, if it emerges subsequently to a report that no

actual misconduct has occurred.

## Will the reports be treated confidentially?

The SÜDPACK Group treats all reports of actual or alleged misconduct as strictly confidential. This means that the identity

- of the person providing the report
- the persons who are the subject of the report, and
- of all other persons named in the report

will be disclosed only to a small group of individuals responsible for receiving reports and taking follow-up action (such as internal investigation of the report). To the extent that supporting persons (such as external consultants or internal specialists) are called in to receive or take follow-up action, the identity of the persons named above may also be disclosed to them.

The respective disclosure is always made only to the extent necessary for these persons to complete their tasks.

In certain cases, the SÜDPACK Group may be or become legally obligated to disclose confidential information to authorities. For example, the SÜDPACK Group may be required to disclose the identity of persons connected to the actual or alleged misconduct as part of investigations by law enforcement authorities or court proceedings. In addition, in the event of substantiated suspicion of criminal conduct, the SÜDPACK Group may, for example, involve law enforcement authorities and in doing so disclose the identity of persons connected to the actual or alleged misconduct.

Each whistleblower is requested to keep the submission and content of a report to himself/herself and not to discuss or share it with any other person. In this way, the person reporting supports the SÜDPACK Group in maintaining the confidentiality of information relating to the report.

The identity of individuals who knowingly report false information is not protected.

## How is a whistleblower protected from retaliation (reprisal)?

The SÜDPACK Group encourages all employees and third parties to report actual or alleged misconduct.

The SÜDPACK Group will not tolerate any retaliation against a whistleblower, regardless of the source or form of such retaliation. Similarly, the SÜDPACK Group will not tolerate the threat or attempt of retaliation against any person reporting an incident.

Accordingly, the SÜDPACK Group protects all employees who report actual or alleged misconduct in good faith. The SÜDPACK Group protects them from adverse effects on employment, reputation, professional advancement opportunities, career, responsibility or assigned tasks. This applies regardless of whether the reported actual or alleged misconduct can be confirmed in the investigation or not.

The SÜDPACK Group also strives to provide appropriate protection for third parties who provide information about actual or alleged misconduct. This protection is limited to the sphere of influence of the SÜDPACK Group.

The SÜDPACK Group also protects persons in an appropriate manner who confidentially assist the person providing the information in reporting actual or alleged misconduct in good faith (to the extent that the SÜDPACK Group's sphere of influence reaches).

Persons who pursue, threaten or attempt retaliation against whistleblowers violate the Code of Conduct of the SÜDPACK Group as well as this guideline and, if applicable, agreements with suppliers and service providers.

Reprisals are also prohibited by law. Violations of this legal prohibition may be punished by a fine.

The SÜDPACK Group encourages anyone who experiences or observes retaliation to report it through the SÜDPACK Group whistleblower system. Such a report will be treated like any other report about actual or alleged misconduct.

## What happens if the whistleblower system of the SÜDPACK Group is abused?

Reporting information that the reporting person knows or should know contains false, untrue or misleading information is a serious violation of the SÜDPACK Group's Code of Conduct and this policy. Such a report is abusive and may also constitute a criminal offense. In addition, a person who knowingly provides false information may be required to compensate for the resulting damage.

The SÜDPACK Group shows zero tolerance for abusive reports. The SÜDPACK Group will take appropriate action against a person who reports abusively.

## How are whistleblowers informed after reporting actual or alleged misconduct?

The SÜDPACK Group will confirm receipt of a whistleblower's report to the reporting office within seven days (provided the whistleblower can be contacted by the



SÜDPACK Group).

Within three months of this confirmation, the SÜDPACK Group will inform the person providing the information, insofar as this is legally permissible and appropriate under the circumstances (including the rights to privacy and confidentiality), of any follow-up measures taken and planned, as well as the reasons for this.

In providing this feedback, the SÜDPACK Group will not pass on any information that negatively affects the rights of the persons named in the report or who are the subject of the report. Likewise, the SÜDPACK Group will not pass on any information that affects internal investigations or inquiries. Persons providing information are thus generally informed about the status or the result of the investigation of a report. In particular, the SÜDPACK Group will inform whether the reported actual or alleged misconduct could be proven or not. Whistleblowers can in principle not receive details about the outcome of investigations and concrete measures taken.

### **How does the SÜDPACK Group deal with a report of actual or alleged misconduct?**

In a first step, the SÜDPACK Group subjects any reports of actual or alleged misconduct to a plausibility check. This includes an assessment of whether or not it is actual or alleged misconduct within the meaning of this policy.

Information that does not constitute actual or alleged misconduct within the meaning of this guideline will – as far as possible – be forwarded to the department in the SÜDPACK Group responsible for the respective information.

In the case of reports that do not contain sufficient information to determine plausible misconduct, the SÜDPACK Group will consult with the person reporting. The aim here is to obtain or identify missing information for plausibility testing of the reported actual or alleged misconduct. If there are sufficient indications, the SÜDPACK Group will also attempt to establish the plausibility of the reported misconduct by other means. Reports of actual or alleged misconduct that cannot be made plausible will be documented and not pursued further.

Reports that indicate plausible misconduct within the meaning of this guideline will be documented by the SÜDPACK Group and investigated promptly, confidentially and objectively, and a preliminary legal assessment will be made. The scope of the investigation of a reported actual or alleged misconduct depends on the amount of information provided by the person making

the report and on the estimated severity and damage potential of the actual or alleged misconduct.

If it is not yet clear whether plausible misconduct has occurred or who is responsible for it, the SÜDPACK Group will conduct an internal investigation into the reported actual or alleged misconduct. The aim of the internal investigation is in particular to determine whether actual misconduct has occurred, who is involved in this misconduct and who is responsible for it.

The SÜDPACK Group either conducts this internal investigation internally with specially trained employees. Or the SÜDPACK Group commissions external experts (e.g. lawyers, auditors) to conduct it. These external experts are subject to strict confidentiality obligations.

As part of such an internal investigation, persons providing information may be questioned about the reported actual or alleged misconduct or asked for further information. This also applies to the persons who are the subject of the report as well as all other persons connected with a reported actual or alleged misconduct. The SÜDPACK Group may cooperate with law enforcement and other competent authorities in the event of substantiated suspicion of misconduct relevant under criminal law.

The SÜDPACK Group ensures that internal investigations – whether conducted internally or externally<sup>o</sup> – are conducted independently, fact-based, fairly and confidentially for all persons concerned.

### **Who at the SÜDPACK Group is responsible for investigating reports of actual or alleged misconduct?**

The plausibility check of a reported actual or alleged misconduct is always carried out by the reporting office that received the report.

The internal investigation of reported misconduct is generally conducted by the Compliance Officer of the SÜDPACK Group (CO). The CO may – depending on requirements – delegate the internal investigation to a Local Compliance Officer. The CO may also form an ad-hoc team with one or more members of the Compliance Committee or with other experts from the SÜDPACK Group to conduct the internal investigation. The Compliance Committee is composed of senior executives from the SÜDPACK Group's Management, Compliance, Finance/Controlling, Human Resources and Data Protection departments. Employees who report actual or alleged misconduct may seek advice from a member of the Compliance Committee prior to or after reporting.

The CO may also engage external experts to conduct the internal investigation.

At its own discretion, the CO may also bring a report to the attention of the Chairman of the Advisory Board of the SÜDPACK Group or another member of the Advisory Board.

Depending on the individual case, one or more representatives of the Compliance Committee who were not involved in the internal investigation of the actual or alleged misconduct specifically reported shall decide on the outcome of the internal investigation, possible follow-up measures and sanctions.

## According to which basic principles does the SÜDPACK Group investigate reports of actual or alleged misconduct?

The SÜDPACK Group has established the following six basic principles for investigating reports of actual or alleged misconduct:

Principles	Explanations
<b>Zero Tolerance</b>	The SÜDPACK Group investigates every plausible report of actual or alleged misconduct. The SÜDPACK Group takes the necessary and appropriate measures and sanctions if actual misconduct has been identified.
<b>Fair and unbiased procedure</b>	The investigation must be fair and unbiased. Fair means, in particular, that facts must also be sought that exonerate the accused person.
<b>Maintaining confidentiality</b>	All non-public aspects of a report and report investigation shall be kept confidential.
<b>Right to be heard</b>	The person accused of actual or alleged misconduct will be given an opportunity to respond to the allegations.
<b>Presumption of innocence</b>	The person accused is presumed innocent until it is determined that the person is guilty of actual misconduct.
<b>Avoiding conflicts of interest</b>	Individuals with conflicts of interest related to a reported actual or alleged misconduct shall not be involved in the investigation of leads.

## What happens if actual misconduct is identified?

The SÜDPACK Group will take the necessary and appropriate measures if actual misconduct is identified.

To this effect, the SÜDPACK Group may take disciplinary measures or measures according to labor law, which in serious cases may lead to the termination of an employment relationship or the dissolution of a contractual relationship. The SÜDPACK Group may also take further accompanying measures to prevent the repetition of the misconduct identified.

In addition, the SÜDPACK Group may file criminal charges in the event of criminal misconduct. If misconduct leads to damage, the SÜDPACK Group can claim compensation from persons who are held responsible for the damage.

## Where can more information about the SÜDPACK Group's whistleblower system be found?

Any questions regarding the whistleblower system of the SÜDPACK Group or this policy can be directed to

<https://whistleblowersoftware.com/secure/suedpack>

at any time.

## Entry into force of this guideline

This policy shall enter into force with effect from August 2023.