

Privacy Policy

TERGEN - Operação e Manutenção de Centrais Termoeléctricas, S.A. ("TERGEN") whistle-blower channel was created to report any violation of National and European Union standards identified in Law No. 93/2021, of December 20, establishing the general regime for the protection of whistleblowers and transposed the Directive (EU) 2019/1937 of the European Parliament and of the Council, of October 23, 2019, on the protection of persons that denounce violations of European Union Law, as well as to report violations of TERGEN internal procedures, policies and regulations, and current legal obligations with an ethical dimension.

The whistle-blower channel must be used responsibly and prudently. Under the law, the whistle-blower must proceed in good faith and refrain from submitting unfounded allegations.

The complaint can be filed anonymously. Without prejudice to the fact that, in any case, the information contained in the complaint is confidential and is protected against unauthorized access.

If the complaint is not anonymous, the operation of the whistle-blower channel implies the processing of the whistle-blower's personal data by TERGEN. This Privacy Policy is therefore intended to inform the whistle-blowers about the processing of their personal data collected through the aforementioned whistle-blower channel.

Data from the denounced may also be collected. The communication of privacy information to the denounced will be made at the time of the first contact with him/her, considering the confidentiality of the complaint until that moment. If the complaint does not contain sufficient elements to proceed with the analysis or is not considered valid, no contact will be made with the denounced.

1. What personal data is collected and processed?

The following personal data may be collected:

- From the whistle-blower (if the report is not anonymous): full name, email, mobile phone number and any other data included in the description of the report.
- Of the denounced: the data that the whistle-blower indicates in the description of the complaint.

2. Who is the «responsible for the processing» of personal data?

The responsible for the processing of personal data is TERGEN - Operação e Manutenção de Centrais Termoeléctricas, S.A., legal entity registered at the Commercial Register Office under company registration number 505 643 626 with registered office at Vale do Carregado, Carregado (Portugal).

3. Does TERGEN have a Data Protection Officer?

Yes. The Data Protection Officer may be contacted through the email address dpo.pt@edp.com.

4. What is the purpose and legal basis applicable to the processing of personal data?

The whistle-blower's personal data will be processed by TERGEN for the purpose of analysing, forwarding and responding to the whistle-blower, as well as its eventual referral to the competent authorities.

The processing of personal data is necessary for the fulfilment of legal obligations incumbent on TERGEN, namely regarding the protection of whistle-blowers of infringements, prevention of corruption and combating money laundering and the financing of terrorism.

The name and email data provided by the whistleblower may also be used to propose surveys to assess their satisfaction with the quality of the whistleblowing management process, based on EDP's legitimate interest in obtaining information to analyze and improve its performance. The whistleblower has the right to oppose these surveys at any time through the means indicated below or when contacted for this purpose.

The data may also be processed and kept for statistical purposes, although limited to the minimum necessary for this purpose.

5. To which entities will personal data be communicated?

Personal data may be communicated to the competent national and European authorities to investigate the reported infringement, to the extent that it is necessary for the follow-up of the complaint and permitted by law.

The whistle-blower's personal data may be communicated to a reputable service provider, which will process the data exclusively for the purposes established and in compliance with the instructions issued by the latter, strictly complying with the legal rules on personal data protection, information security and other applicable rules, pursuant to a written agreement between the parties. If the whistle-blower wants specific information about the subcontractors at this headquarters, he/she may request more information by sending a written request to the email address mentioned in point 3 of this Policy.

6. How long will personal data be kept?

According to the Law, complaints related to non-compliance with applicable legal and regulatory norms will be kept for the period of 5 (five) years from the closing date of the treatment of the complaint, and, regardless of this period, the complaints will be kept for the duration of any judicial or administrative proceedings related to them. The remaining complaint will be kept for the same period.

Any data that is not considered relevant for the handling of the complaint will be immediately deleted.

For statistical purposes, the data may be kept beyond the aforementioned periods, being anonymized for this purpose.

7. What rights of access to personal data exist?

The whistle-blower, as the data subject, has the right to request access to personal data concerning him/her, as well as its rectification, deletion after the retention period imposed by law, limitation of treatment, opposition to treatment (namely to the treatments carried out based on the legitimate interest of TERGEN), as well as the right to data portability, all of this under the terms of the legislation in force regarding personal data.

In order to exercise the aforementioned rights, or for any question related to this Privacy Policy, the whistle-blower may contact the data protection officer (DPO) of TERGEN, whose email address is dpo.pt@edp.com.

The whistle-blower also has the right to file a complaint with the competent Authority (Comissão Nacional Protecção de Dados – www.cnpd.pt) if he/she considers that the rights over his/her personal data have been infringed.

8. Will there be international data transfers?

TERGEN will seek to ensure that the processing of personal data takes place entirely within the European Economic Area. Exceptionally and when strictly necessary for the pursuit of the processing purposes described in this Policy, TERGEN may transfer the personal data collected to third countries or international organizations for which there is an adequacy decision by the European Commission or the transfer is subject to appropriate safeguards provided for by law, such as the conclusion of standard contractual clauses for the transfer of personal data (under Article 46 of the GDPR). When transferring data to third countries or international organizations based on adequate safeguards, TERGEN will take additional measures to ensure that personal data has a level of protection essentially equivalent to that existing in the European Union.

TERGEN may update or change this Privacy Policy, in which case, it will publish the new policy on the whistleblowing platform, making it available for consultation.

January, 2024