



MANAGEMENT,  
INVESTIGATION AND RESOLUTION PROTOCOL  
FOR COMMUNICATIONS RECEIVED THROUGH THE ETHICS  
MAILBOX

Version	1
Approval	LUCTA, S.A. Ethics Committee 9 November 2017

## 1. PURPOSE OF THE PROTOCOL.

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The purpose of this protocol is to regulate the management, investigation and resolution of communications received by LUCTA, S.A. (hereinafter "LUCTA" or "the Company") through the Ethics Mailbox enabled for this purpose.

## 2. COMMUNICATIONS THROUGH THE ETHICS MAILBOX.

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### 2.1 OBLIGATIONS OF NOTIFICATION

The employees, directors and managers of LUCTA, as well as third parties with whom the company maintains commercial relationships, are **obligated** to notify the Company immediately about possible acts and/or conduct that may constitute **breaches of current laws, of the Code of Ethics and the internal regulations of the Company** or that **contravene LUCTA's principles and ethical values.**

In particular, all acts and/or conduct that relate to the actions of LUCTA personnel in the exercising of their roles and/or provision of services (including directors and managers), as well as the actions of any person acting on behalf of or for the benefit of the Company, must be reported.

Likewise, this Protocol will regulate the investigation of possible illicit and/or irregular conduct of which LUCTA has become aware as a result of communications sent by public bodies and/or the initiation of administrative and/or judicial proceedings that affect the Company and/or employees, directors, managers and/or persons authorized to act on behalf of LUCTA.

### 2.2 COMMUNICATION CHANNEL

The communications described in the previous section must be sent to the LUCTA Ethics Mailbox whose management corresponds to the LUCTA Ethics Committee, by means of the corresponding form that must be sent through the physical mailboxes enabled for this purpose, or by electronic means through the following link: [buzon.etico@lucta.com](mailto:buzon.etico@lucta.com)

The communications sent to the Ethics Mailbox must contain at least the following:

- i. **Name and surname(s) of the person sending the communication.**  
Anonymous communications are not permitted and LUCTA is committed to

guaranteeing the private and confidential treatment of the information received, in accordance with the provisions of current legislation on data protection.

- ii. **Name and surnames of the person(s) to whom the acts and/or conduct is attributed.**
- iii. **Date of the acts and maximum possible information** thereof.
- iv. Possible **documentation** or other means of proof available that demonstrate the veracity of the acts and/or conduct that is the subject of the communication.

### 3. COMMUNICATION MANAGEMENT PROCEDURE

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#### 3.1 RECEIPT OF COMMUNICATIONS AND PRELIMINARY ANALYSIS

The LUCTA **Ethics Committee** is in charge of managing the Ethics Mailbox, the communications received and proceeding with any potential investigation.

Upon receipt of any communication through the Ethics Mailbox, the Ethics Committee will **acknowledge receipt** of it as soon as possible and will open the corresponding case file.

In response to the communication received and the data provided therein, the Ethics Committee will carry out an initial analysis in order to verify the entity of the information, its sufficiency and plausibility, the credibility of the informant and the relevance of the reported events, determining whether they constitute an infringement of any laws or of LUCTA's internal regulations.

For these purposes, and if it considers that the information received through the communication is insufficient, the Ethics Committee may request more information and/or clarification from the informant in order to be able to adopt a preliminary decision in the terms indicated in the following section.

Notwithstanding the foregoing, if the **communications** are **about possible cases of harassment in the workplace**, the Ethics Committee's functions will be limited exclusively to the receipt of said communication, its acknowledgment of receipt and **immediate referral to the HR Department**, advising the informant of such measures.

In this regard, the HR Department will be the body responsible for opening, processing and resolving the corresponding case file in accordance with the provisions of LUCTA's "*Protocol against harassment in the workplace*", so neither the Ethics Committee will have the powers to investigate this matter, nor will the content of this protocol be applicable to these cases.

### 3.2 PRELIMINARY DECISION ON THE INFORMATION RECEIVED

After the preliminary analysis of the information contained in the corresponding communication, the Ethics Committee may adopt any of the following decisions, which must be reasoned and which will be recorded in writing in the corresponding case file:

- a) **Archiving the case file**, when (i) the reported facts are manifestly irrelevant and/or do not constitute a breach of current legislation and/or LUCTA's internal regulations; (ii) the information is insufficient to proceed with any additional action; (iii) the reported facts are implausible or the informant lacks any credibility.

In this case, the Ethics Committee will advise the informant about the decision taken on the case file, as well as any additional measures agreed, notwithstanding the possibility of reopening the case if there is new information that is relevant for such purposes.

- b) **Starting the investigation procedure**, in accordance with the provisions of this Protocol.

## 4. INVESTIGATION PROCEDURE.

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### 4.1 APPLICABILITY OF THE INVESTIGATION AND RESEARCH BODY

The investigation procedure regulated in this Protocol is applicable in all those cases in which, after a preliminary analysis of the information received, the Ethics Committee deems it appropriate to investigate the facts and/or conduct detailed in the communication.

The Ethics Committee is the only body authorized to carry out internal investigations in the Company, notwithstanding that it may:

- i. Ask or require the occasional support of other LUCTA employees and/or departments for the complete substantiation of the investigation or for reasons of specialization.

In particular, the Ethics Committee may request the collaboration of the Human Resources Department when necessary for the proper conduct of the investigation or for the possible adoption of precautionary measures regarding the persons investigated.

- ii. Outsource all or part of the investigation procedure, depending on whether the circumstances of the case so require or if it is advisable in cases where the investigation may require a special level of confidentiality.

## 4.2 PROCESS OF THE INVESTIGATION

Within a maximum period of 15 working days from the opening of the case file, the Ethics Committee will contact the person(s) against whom the communication is directed, informing them in writing of the acts and/or behaviors attributed to them, as well as the subsequent actions that will be carried out within the framework of the internal investigation procedure.

In order to guarantee the confidentiality of the communications sent through the Ethics Mailbox, in no case will the persons investigated be notified of the identity of the informant. Likewise, the Ethics Committee will preserve the privacy of the person(s) against whom the communication is directed, as well as the private and confidential nature of the information obtained during the internal investigation procedure.

The investigation will include all those actions that are appropriate for the clarification of the facts and the responsible persons, including:

- a. Holding an **interview with the informant** in order to obtain more information about the events and/or behaviors contained in the communication.
- b. Holding an **interview with the person(s) against whom the communication is directed.**
- c. Conducting **questionnaires and/or confidential interviews** with potential witnesses and/or with any person of the Company that the Ethics Committee considers relevant for the clarification of the facts, as well as with third parties outside LUCTA that may be related to the facts under investigation.

In all the interviews carried out by the Ethics Committee, a written record will be taken of the relevant facts therein, incorporating them into the minutes, which must be signed by the parties appearing and by a representative of the Ethics Committee.

- d. **Collecting** as much **information** as possible through the documentation available to the Company.
- e. Adopting surveillance measures, when it is essential for clarifying the facts, through computer, telematic or audiovisual means, provided that they meet criteria

of reasonableness, suitability and proportionality, ensuring at all times the right to privacy of the person(s) against whom the communication is directed and the right to the confidentiality of communications.

- f. Requesting advice from professionals outside the Company.

#### 4.3 FINAL REPORT OF INVESTIGATION AND POSSIBLE PROPOSAL OF SANCTIONS

Once all the investigative procedures have been completed, the Ethics Committee will prepare a report of its conclusions within a maximum of 15 working days, which will contain a brief description of the following aspects:

- a. **Nature of the incident:** identification, as far as possible, of the parties involved, the nature of the events, the date, the place and the circumstances in which they allegedly took place, the legal precepts or internal regulations that have been breached or put at risk.
- b. **A list of relevant facts and discoveries:** the most relevant facts collected during the investigation procedure will be listed, distinguishing between those obtained from the documentation in possession of LUCTA and the information provided by the informant or from the interviews held with the investigated parties and witnesses.
- c. **Conclusions and assessment of the facts:** the conclusions drawn by the Ethics Committee will be specified, as well as its assessment of the facts reported, proposing two possible actions:
  - a. **Termination of the procedure**, if it is considered that the act does not constitute an infringement, that its perpetration is not sufficiently proven or that the perpetrator has not been identified.
  - b. **Proposal to continue the procedure**, if it is considered that the proceedings have sufficiently substantiated the commission of an infringement or an irregularity by the investigated party in the terms set forth in this Protocol.

In the latter case, the report will include **proposed sanctions** liable to be adopted against the parties responsible for the acts, as well as any other type of additional measures, including possible compensatory actions that may be taken with respect to any injured party.

## 5. RESOLUTION.

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### 5.1 HEARING PROCEDURE AND RESOLUTION OF THE CASE FILE.

After issuing the final report, the Ethics Committee will communicate to the investigated person(s) the result of the internal investigation, granting them a period of **10 working days to formulate in writing the statements** they deem appropriate and to provide the documents they consider of interest.

Once the aforementioned deadline has elapsed without any statements having been made by the interested party, the Ethics Committee will resolve the case, adopting one of the following decisions:

- i. **Archiving the case file.**
- ii. **Declaring the commission of a breach and/or irregularity** in LUCTA, adopting the sanctions and/or additional measures that may be appropriate, after mandatory consultation with the Director of the Human Resources Department.

In the event that the interested party presents allegations, and prior to the archiving of the file or the resolution of the case, the Ethics Committee may carry out additional actions aimed at clarifying the facts, taking into account the content of such allegations.

The decision adopted by the Ethics Committee will be communicated in writing to the person under investigation, with confirmation of receipt. Said communication may also be addressed to the person in charge or hierarchical superior of the investigated person, when the circumstances of the case so require and provided that it does not contain private and/or confidential data or information obtained during the internal investigation procedure.

### 5.2 SANCTIONS AND OTHER APPLICABLE MEASURES.

The sanctions that may be imposed in each case will be those provided for in the Workers' Statute and/or the Collective Agreement that may be applicable. Such sanctions will be weighted according to the seriousness of the acts committed, taking into consideration circumstances such as recidivism, the damage caused, the circumstances of the victim if applicable, etc.

Likewise, the Ethics Committee may adopt other additional reaction and response measures, such as:

- a. Reporting the facts to any authority with jurisdiction over them, whether administrative or judicial.
- b. Proposing, adopting and/or improving prevention measures of any kind.
- c. Investigating mediation measures aimed at promoting trust and understanding among LUCTA employees.

## **5. CONSERVATION OF DOCUMENTATION AND DATA PROTECTION.**

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### 5.1. CONSERVATION PERIOD

All the actions carried out in the framework of communications of non-compliance and the processing of the corresponding case file will be documented in writing.

The documentation regarding case files about non-compliance issues will be kept by the Ethics Committee and for a reasonable period of time of 2 months from the end of the procedure.

However, in the event that the facts investigated constitute a possible crime, and for the purpose of collaborating as much as possible with the Courts and Tribunals and competent Public Administrations that may be informed of the investigation thereof, the term of conservation shall be extended at least until the statute of limitations of the alleged crimes.

In all cases, the data will be stored in a blocked manner, that is, it will be identified and protected in order to prevent its processing except when making it available to Public Administrations, Judges and Courts. After the aforementioned deadlines, the case file and all documentation related to the investigated facts will be deleted.

### 5.2. PERSONAL DATA PROTECTION

The rights of access, rectification, cancellation and opposition may be exercised, in the terms specified by current legislation, against LUCTA, by means of written communication *via email - [buzon.etico@lucta.com](mailto:buzon.etico@lucta.com) - or mail - Carrer de Can Parellada, 28, 8170 Montornès del Vallès-, with subject "Data Protection"*) and attaching a photocopy of the National ID Card, indicating the specific right being exercised.

The persons who send a communication through the communication channels declare and guarantee that the personal data provided is true, accurate, complete and up-to-date, and will hold LUCTA harmless from any liabilities that may derive from the breach



of said statements and guarantees. In all cases, the data related to any investigated event will be kept in the terms included in the previous section.

Only if the reported event gives rise to administrative or judicial proceedings will the data provided be communicated by LUCTA to the competent authorities for investigation and sanction, where applicable.

When holding meetings or interviews during the investigation procedure, the participants must expressly consent to the use and processing of the data provided.