

Whistleblowing mechanism

Guide and procedure

I. PREAMBLE

APL DATA CENTER has set up a whistleblowing mechanism to detect internal malfunctions, in accordance with current legislation, and to encourage their solving.

The whistleblowing mechanism has several targets, including:

- To guarantee protection against any possible reprisals if the report is made in good faith;
- To ensure that any concerns reported are investigated in detail, and that, following investigations, actions are taken if necessary.

Concerns that may be reported under the whistleblowing mechanism may relate to a variety of issues, such as illegal behavior, financial malpractice or a dangerous situation (for the company and its employees, for the public or for the environment).

II. WHAT IS THE SCOPE OF THE WHISTLEBLOWING MECHANISM?

The whistleblowing mechanism applies to all company employees, as well as to employees of service providers and partners.

Specifically, the aim of this mechanism is to help identify malpractices, abusive and reprehensible acts committed within the company¹. This may include:

- An illegal or criminal act (e.g. theft, slanderous or defamatory statements);
- Violation of the company's Anti-Corruption Policy and, more generally, any unethical behavior;

¹ Including current and former employees, trainees and apprentices

- Health and safety risks, including for the public and third parties (e.g. inadequate safety equipment);
- Unauthorized use of the company's funds;
- Inappropriate or incorrect behavior (e.g. abuse of power or harassment);
- Damage to the environment (e.g. pollution);
- Serious risks to the company's IT security or disclosure of strictly confidential strategic information;
- Any discrimination based on race, color, beliefs, ethnic or national origin, disability, age, sex or sexual orientation;
- Cases where there are suspicions of corruption or fraud within the company.

III. WHAT IS A WHISTLEBLOWER?

A whistleblower is an employee or occasional external associate who reports, in a disinterested way and in good faith, a concern or a situation as described above, of which he or she has personal knowledge, using the whistleblowing mechanism.

To qualify for whistleblower status, it is necessary that the whistleblower acts in a disinterested manner, i.e. without benefiting any advantage, including a financial advantage, and in good faith, i.e. with reasonable grounds for believing in the truthfulness of the reported situation.

Therefore, the whistleblower status does not protect the individual against possible sanctions where bad faith or malicious intent is proven.

In the event of slander or defamation, personal civil liability may arise, as may criminal liability.

IN PRACTICE, it is highly recommended to report any situation of concern, provided that it is done:

- **in good faith;**
- **ensuring that the information supporting the situation is reasonably true (and can be proven true).**

IV. WHAT PROTECTION FOR WHISTLEBLOWERS?

APL DATA CENTER undertakes to ensure that **no employee will be punished, dismissed or subjected to any other direct or indirect discriminatory measure for having, in a disinterested manner and in good faith, raised an alert concerning facts of which he or she has personal knowledge.**

APL DATA CENTER also undertakes to ensure that the mechanism implemented to gather alerts guarantees the **strict confidentiality of the identity of the author of the alert**, in compliance with applicable laws and regulations.

The use of the mechanism in good faith, even if the facts subsequently prove to be inaccurate or do not give rise to any further action, will not expose its author to the risk of disciplinary sanction.

This means that a person who issues an alert in good faith will benefit from the protection provided by the whistleblowing mechanism. This protection applies against any form of retaliation or sanction, such as:

- being "blacklisted";
- being forced to quit;
- being denied career development/promotion;
- being suspended.

In any case, the identity of the whistleblower remains confidential, and cannot be disclosed without his or her consent.

NOTE: at least once a year, the Chief Legal, CSR & Compliance Officer presents an anonymized report to the Executive Committee on the alerts received and the actions taken.

V. HOW TO ISSUE AN ALERT?

The whistleblowing mechanism is complementary and is not intended to replace other reporting methods that are already available within the company, even without a formal procedure (hierarchical channel, Human Resources Department, Compliance Department, etc.).

In addition to the more "traditional" internal reporting channels, people wishing to report in good faith can:

- Send an e-mail to the following address: alerteAPL@anders-avocats.com

OR

- Send a letter in a "CONFIDENTIAL" envelope to the following address: APL Alert - 139 Boulevard Haussmann 75008 Paris

Reporting may or may not be anonymous.

On the one hand, non-anonymous reporting is generally considered to have several advantages:

- It helps to protect the (identified) whistleblower;

- It makes it possible to gather additional information and to carry out a more precise investigation;
- It can help to avoid slippage towards slanderous denunciation.

On the other hand, an anonymous alert will generally only be considered valid if the report makes it possible to establish with certainty the seriousness of the facts, and provides sufficient and detailed factual elements.

IN PRACTICE, the conditions for the admissibility of an alert are as follows:

- **The reported situation must be serious, and the alert must be issued in good faith and in a disinterested manner.**
- **The report must describe objectively and as precisely as possible the facts that the whistleblower has personally witnessed or been the victim of, indicating, if possible, the dates, the entity concerned, and the names of the people involved.**
- **The issuer of the alert provides information or documents, in whatever form or on whatever medium, to support the alert.**

The person issuing the alert may also, if he or she so wishes, refer the matter to external authorities (French Anti-Corruption Agency, Autorité des Marchés Financiers, etc.).

VI. GATHERING AND PROCESSING ALERTS

In all cases, the company undertakes to process reports confidentially and in the appropriate way.

Whether directly or indirectly (via a service provider that is subjected to a confidentiality obligation), APL DATA CENTER:

- Registers the alert and acknowledges receipt within 7 working days;
- Decides on the admissibility of the alert, investigates the alert and initiates appropriate measures within a few days of the alert being registered;
- Strictly respects confidentiality: the identity of the whistleblower will not be divulged to anyone without his or her consent;
- Informs the whistleblower of the progress of the investigations carried out and the measures put in place;
- Informs of the conclusions and specifies whether further investigations are necessary and, if so, why.

Depending on the nature of the alert, APL DATA CENTER may:

- Request more information or evidence from the whistleblower;

- Launch an internal investigation and verification procedure;
- Take disciplinary actions;
- Launch an independent investigation;
- Hand the case over to the relevant authorities.

VII. PERSONAL DATA PROTECTION

The data subjects may exercise all the rights they have under the applicable regulations on personal data protection, and in particular:

- Their right of access, their right to rectification or erasure, and their right to restrict processing,
- Their right to object to the processing for legitimate reasons,
- Their right to lodge a complaint with a supervisory authority.

The data subject may under no circumstances obtain, based on his or her right of access, information concerning the identity of whistleblower.

IN PRACTICE, personal data processed will only be kept for as long as is necessary for the investigation. After that, they will be deleted.

VIII. APPENDIX: DIAGRAM OF THE PROCEDURE FOR GATHERING AND PROCESSING ALERTS





