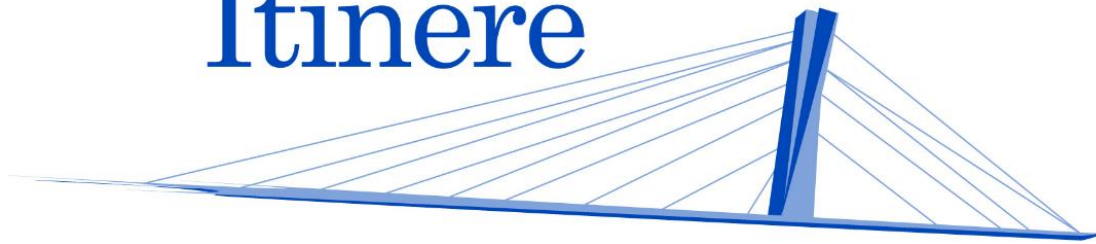


# RIGHT TO DIGITAL DISCONNECTION

# Itínere



Version:	Made by:	Reviewed by:	Approved by:	Date:	Status:
1	CCO	General Counsel	Compliance Unit	21/05/2020	Active

SGRP-Policy-Right to Digital Disconnection



<b>Policy</b>		
<b>Policy on the Right to Digital Disconnection</b>		
<b>SGRP-Policy-Right to Digital Disconnection</b>	<b>V.1</b>	<b>21/05/2020</b>

## **ITÍNERE GROUP INTERNAL REGULATORY POLICY ON THE RIGHT TO DIGITAL DISCONNECTION**

### **I.- CONTEXT**

On 7th December 2018, Organic Law 3/2018 of 5th December, on Personal Data Protection and Guarantee of Digital Rights (hereinafter "Data Protection Law") came into force. Among other legal provisions, this amended the consolidated text of the Statute of Rights for Workers Law (hereinafter "Workers' Statute") by including a new article, nº 20 a).

To regulate rights and freedoms in the digital environment, as well as security and digital education rights, the right to digital disconnection has been acknowledged for the first time in Spanish regulation within the framework of the right to privacy in the use of digital devices in the workplace.

Article 88 of the Data Protection Law sets out companies' obligation, after meeting with representatives of the workers, to establish an internal policy for the areas in which the right to digital disconnection can be exercised.

The article establishes the right to digital disconnection as a procedure that should guarantee working people respect for their rest time, days off and holidays, as well as their personal and family privacy, outside their working day, as set by law or industry-wide collective bargaining.

It also makes it mandatory to establish an internal policy for workers, not excluding senior management, and makes provision for protecting digital disconnection in those cases where work is carried out entirely or partly remotely, as well as in the worker's home, relating to the use for professional purposes of IT tools. This internal policy will have to include training and awareness campaigns on the use of IT tools, aimed at avoiding tech fatigue.

The 13th final provision of the Data Protection Law adds a new article to the Workers Statute, article 20 a). This gives wide and generic recognition to the right to privacy in the use of workers' digital devices, the right to digital disconnection and the right to privacy from the use of video surveillance and geolocation devices, leaving both sides a wide margin of discretion as to how to go about regulating these.

To provide a response to the requirement to establish a clear boundary between working and leisure time for ITÍNERE Group employees, this internal policy commits to driving through measures to safeguard rest time once the working day is over, recognising the right to digital disconnection as a fundamental factor in achieving better organization of work time with a view

**ITÍNERE INFRAESTRUCTURAS S.A.**, is the owner of this document. Without the express and written authorization of the company, the total or partially reproduction is prohibited. The active version of this document is updated on the organization's intranet or published on the website. Any printed copy will be considered an **Uncontrolled Copy**.



Policy		
Policy on the Right to Digital Disconnection		
SGRP-Policy-Right to Digital Disconnection	V.1	21/05/2020

to respecting private and family life, improving the work/life balance and contributing to optimising occupational health for all working people.

With the aim of complying with the regulation on the right to digital disconnection, these provisions will set out the measures to ensure respect for the rest time and holidays of workers, as well as respect for family and personal privacy, whatever the duration of the standard working day, subject to mandatory compliance by the company that employs them.

Notwithstanding the above, the agreements that have been reached or that are reached in the future through collective bargaining in the various companies that form part of the ITÍNERE Group must be upheld.

## II.- MEASURES

**Clause 1.** – The ITÍNERE Group (hereinafter ITÍNERE) will guarantee its employees the right to digital disconnection once the working day is over.

ITÍNERE's employees will have the right to not reply to any communication, whatever the medium used (email, WhatsApp, telephone, etc.), once their working day is over, except for those scenarios covered in the Fifth measure of this internal policy.

**Clause 2.** - Workers agree to the appropriate use of the IT software and devices made available to them by the company, avoiding as far as possible their use outside the stipulated working day.

It is especially important that those with responsibility over a team of people should comply with digital disconnection policies, since these individuals are a point of reference for the teams they coordinate. As such, those in positions of hierarchical superiority will abstain from requiring a response to communications sent to workers outside working hours or close to the end of the day, whenever this could entail the recipients having to engage in work that can be expected to go beyond the end of the working day, invading their rest time. People receiving the communication are entitled to not reply to the message until the beginning of the next working day.

Should a communication be sent that may require a response outside the established working day, the sender will expressly assume that the response can wait until the next working day.

**Clause 3.** – For the purposes of guaranteeing the right to digital disconnection in terms of achieving a good work/life balance, the convening of work meetings, whether internal or those taking place outside the workplace, as well as obligatory training, will take into account their



<b>Policy</b>		
<b>Policy on the Right to Digital Disconnection</b>		
<b>SGRP-Policy-Right to Digital Disconnection</b>	<b>V.1</b>	<b>21/05/2020</b>

approximate duration and, preferably, will not go on beyond the end of the normal working day, so as not to affect the rest time of workers.

On an exceptional basis, and providing that the scenarios covered in the Fifth measure prevail, the paragraph above will not apply.

**Clause 4.** – ITÍNERE will guarantee workers the right to digital disconnection during their holidays, days off, daily and weekly rest periods, illness and sabbaticals under the same conditions, including those not covered in the collective bargaining agreements.

Workers are required to leave a notification on their email mentioning their "absence", indicating contact details for the worker assigned by the company as a replacement, as well as the days that the above-mentioned authorised absences will last.

**Clause 5.** – Since communication routes with tolls are considered a public service, as are the conservation and maintenance of other types of thoroughfare without tolls, and since it generally accepted that citizens' accessibility and road safety should be guaranteed, measures guaranteeing the right to digital disconnection will not apply in cases of force majeure, or where there is serious, imminent or clear harm to the company or to the public service being supplied by the ITÍNERE Group, where the urgency of the issue unavoidably requires an immediate response.

In these scenarios, the Group company requiring a response from the worker, once the latter's working day has ended, will contact them, preferably by telephone, to report the urgent situation which gives rise to the need. Thus, the time required to be worked can be classified as overtime, according to the terms agreed for the working day and/or overtime policy in the labour framework of the company where that employee works.

The right to digital disconnection is not applicable to those workers who are on call with their employer, and who receive an extra or additional payment of a similar nature for being on call, on the understanding that, during the period in which they have made themselves available, the worker will be required to answer ITÍNERE's communications, in accordance with the regulations that apply to those on call in each of the group's companies.

**Clause 6.** - ITÍNERE will guarantee the right to digital disconnection both to workers who are physically present during their working day, and those who perform part or all of their work remotely, as well as in the home of the worker as this relates to the use of digital devices for working purposes.

**Clause 7.** - ITÍNERE will implement measures to create awareness among those covered by the right to digital disconnection. To this end it will inform and train workers about the need for the protection afforded by this right, bearing in mind the working and personal circumstances of all

ITÍNERE INFRAESTRUCTURAS S.A., is the owner of this document. Without the express and written authorization of the company, the total or partially reproduction is prohibited. The active version of this document is updated on the organization's intranet or published on the website. Any printed copy will be considered an **Uncontrolled Copy**.



<b>Policy</b>		
<b>Policy on the Right to Digital Disconnection</b>		
<b>SGRP-Policy-Right to Digital Disconnection</b>	<b>V.1</b>	<b>21/05/2020</b>

workers; to do this it will make available to them all the information and/or training they need so that they understand and apply the protective measures entailed in their right to digital disconnection.

Team leaders and workers' line managers are responsible for promoting and educating in the responsible use of digital telecoms, in order to comply with the right to digital disconnection.

**Clause 8.** – ITÍNERE may not impose disciplinary penalties on workers when the latter exercise their right to digital disconnection within the terms set out in this policy. Exercising their right to digital disconnection will not have negative repercussions on workers' professional advancement.

**Clause 9.** – ITÍNERE recognises and formalises digital disconnection as a right, although not an obligation, that applies to all workers. This expressly implies that those workers who do communicate outside their working hours as established in this policy may also do so with complete freedom; however, they must assume that they will not receive a reply until the next working day. The only exceptions will be those set out in measure FIVE of this policy; to ensure the intervention or reply from a worker, the mechanisms described in that measure must be used.

**Clause 10. - SCOPE OF APPLICATION.** This policy applies to workers in all the companies owned by the ITÍNERE Group in Spain, with the exception provided for in measure FIVE for workers who receive an extra payment for being on call or similar.

**Clause 11.** – For the effects of overseeing the provisions in this corporate policy, ITÍNERE Group's Compliance Unit will function as the supervisory body.