

ANNEX I. PROTOCOL FOR PREVENTING AND ADDRESSING HARASSMENT AND VIOLENCE BASED ON SEXUAL ORIENTATION AND/OR GENDER IDENTITY/EXPRESSION

1. PREAMBLE

The Spanish Constitution establishes as one of its main tenets respects for the dignity of the person and the free development of the personality (Article 10(1)). Without doubt, these lay the foundation for fundamental rights such as the right to equality and non-discrimination (Article 14), the right to life and physical and moral integrity (Article 15) and the right to honour, personal and family intimacy and own image (Article 18(1)).

Law 4/2023 of 28 February 2023, for the full and effective equality of transgender people and for the guarantee of LGBTI rights, provides that, within the remit of their competences, public authorities shall implement all the measures needed to recognise, safeguard, protect and promote equal treatment and non-discrimination based on the sexual orientation, gender identity/expression or sex characteristics of LGBTI individuals and their families (Article 4). In this context, the Law requires firms with more than fifty employees to have in place a series of measures and resources designed to achieve the real and effective equality of LGBTI individuals, including a protocol for addressing harassment and violence directed at LGBTI individuals (Article 15(1)).

Royal Decree 1026/2024 of 8 October 2024, which was published on 9 October 2024, implements Article 15 of Law 4/2023 and establishes the scope and measures subject to collective bargaining.

Harassment based on sexual orientation and/or gender identity/expression is a psychosocial occupational risk that can affect the health and safety of victims. Accordingly, firms are required to adopt such measures as needed to safeguard the health and safety of their workers in the workplace (Article 14 of Law 31/1995 of 8 November 1995 on the prevention of occupational risks).

In addition, it should be noted that harassment on the above grounds of fellow workers constitutes a breach of contract that may result in the disciplinary dismissal of the offender (Article 54(2) of Royal Legislative Decree 2/2015 of 23 October 2015, approving the consolidated text of the Workers' Statute Law).

2. STATEMENT OF PRINCIPLES

At the Banco de España, we consider that if our institution is to truly engage with society, our organisation has to reflect it. For this reason, ensuring equal opportunities and protecting the rights of LGBTI individuals is one of the premises that we must incorporate into the daily management of our institution, to become more plural, so as to reflect the society we serve.

Moreover, all organisations are enriched by incorporating different perspectives, and for an institution like ours that is based on human capital, this is essential. Creating a safe and open work environment, where everyone can express themselves freely, is key to maximising productivity and, in turn, the professional and personal development of Bank employees.

The Banco de España has a zero-tolerance policy towards acts of harassment and violence directed at LGBTI individuals or that discriminate against sexual diversity, and it is committed to providing the necessary support to the people affected while respecting privacy and confidentiality at all times.

Accordingly, with a view to implementing specific procedures to prevent such conduct and providing channels for any potential complaints or grievances in this respect, the Banco de España and staff representatives have negotiated this protocol for preventing and addressing harassment and violence based on sexual orientation and/or gender identity/expression (the “**Protocol**”), thus fulfilling the mandate set forth in Law 4/2023 of 28 February 2023 for the full and effective equality of transgender people and for the guarantee of LGBTI rights.

The Banco de España has undertaken to publicise the Protocol’s existence and ensure it is complied with, in order to effectively integrate it into the institution’s day-to-day operations. This entails monitoring the implementation of its provisions, safeguarding the people concerned and applying proportionate disciplinary measures in response to any discriminatory conduct, in accordance with prevailing legislation and the Bank’s internal regulations.

In addition to establishing the Protocol as a mechanism to prevent and address harassment based on sexual orientation and/or gender identity/expression, measures will be put in place to promote a positive and affirmative environment within the organisation. These measures will aim to ensure that LGBTI individuals can work with dignity in a truly diverse and safe setting where their right to be recognised and treated in accordance with their freely expressed sexual orientation and/or gender identity/expression is respected, without being subjected to pressure or discrimination.

This reflects both our ethical responsibility and our duty to comply with legal regulations while reaffirming our role as active participants in the construction of a fairer and more equal society.

3. SCOPE

In accordance with the provisions of Article 2(4) of Royal Decree 1026/2024 of 8 October 2024, this Protocol shall apply to:

- (i) The Banco de España’s workforce and other individuals who have a non-employment relationship with the Bank (such as self-employed persons, people on non-employment traineeships and internship students), providing their activity is organised by the institution. The Banco de España shall inform all such individuals of the existence of the Protocol.

- (ii) The staff of external contractors hired by the Banco de España whenever they provide their services at a Bank workplace, within the context of cooperation between undertakings under Article 24 of Law 31/1995 of 8 November 1995 on the prevention of occupational risks.

The Banco de España shall inform the external contractors of the Protocol's existence and provide them with a copy of it, so that they can in turn inform their staff of the requirement to observe the Protocol and of the Bank's zero-tolerance policy towards any type of harassment based on sexual orientation and/or gender identity/expression. In the event of such conduct, two-way communication channels shall be established to discuss the circumstances of the case, with a view to application of the most suitable measures to resolve the issue with urgency.

Furthermore, in the relevant tender specifications, the Banco de España shall require external contractors to inform their workers of the existence of this Protocol and of the obligation to observe and comply with it, which shall also apply to any subcontractors involved in the performance of the contract, in accordance with the provisions of Article 34 of the Public Sector Contracts Law. In addition, the Bank shall make the text of this Protocol available to all external contractors whose staff provide services at Bank facilities.

- (iii) Other individuals having a relationship with the Bank at any time, such as job applicants, temporary agency workers, service provider staff, members of the general public attended to or served by the Banco de España and visitors.

4. DEFINITIONS

For the purposes of Law 4/2023 of 28 February 2023 for the full and effective equality of transgender people and for the guarantee of LGBTI rights, the following definitions are used:

a) Direct discrimination: a situation in which an individual or group they are part of is treated less favourably than another is, has been or would be treated in a similar or comparable situation on the grounds of their sexual orientation, gender identity/expression or sex characteristics.

The denial of reasonable accommodation for people with disabilities shall be considered direct discrimination. For these purposes, reasonable accommodation refers to the necessary and appropriate modifications or adaptations, tailored to the individual case, to the physical, social or attitudinal environment. Without imposing a disproportionate or undue burden, such measures shall effectively and practically facilitate the accessibility and participation of people with disabilities by ensuring that they can enjoy and exercise all rights on an equal basis with others.

b) Indirect discrimination: this occurs when an apparently neutral provision, criterion or practice puts or would put one or several persons at a particular disadvantage compared with others, on the ground of their sexual orientation, gender identity/expression or sex characteristics.

c) Multiple and intersectional discrimination: multiple discrimination describes situations where a person is discriminated against in a simultaneous or consecutive manner, based on two or more of the grounds envisaged in this Law and/or other grounds envisaged in Comprehensive Law 15/2022 of 12 July 2022 for equal treatment and non-

discrimination. Intersectional discrimination happens when two or multiple grounds in the foregoing paragraph operate simultaneously or interact, producing a distinct and specific form of discrimination.

d) Discriminatory harassment: any conduct related to any of the discriminatory grounds provided for in this Law that takes place with the purpose or effect of violating the dignity of a person or group they are part of and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

e) Discrimination by association and discrimination by assumption: discrimination by association occurs when an individual or group they are part of suffers discrimination due to their relationship with another individual who is subject to any of the discriminatory grounds based on sexual orientation, gender identity/expression or sex characteristics.

Discrimination by assumption is discrimination against an individual or individuals based on an incorrect assumption as to their characteristics.

f) Positive action measures: differences in treatment geared towards preventing, eliminating and, where appropriate, compensating for any form of discrimination or disadvantage that affects a group or society as a whole. Such measures shall be applicable for as long as the discrimination or disadvantages justifying them exist, and must be reasonable and proportionate relative to the means available for their implementation and the objectives sought.

g) Intersexuality: the condition of people born with biological, anatomical or physiological characteristics, a sexual anatomy, reproductive organs or a chromosome pattern that do not correspond to the socially established notions of male or female bodies.

h) Sexual orientation: physical, sexual or emotional attraction towards a person. Sexual orientation may be heterosexual (when an individual feels physical, sexual or emotional attraction only towards people of the opposite gender); homosexual (when an individual feels physical, sexual or emotional attraction only towards people of the same gender); or bisexual (when an individual feels physical, sexual or emotional attraction towards people of different genders, not necessarily at the same time, in the same way, to the same extent or with the same intensity).

Homosexual people may be either gay (if they are male) or lesbian (if they are female).

i) Gender identity: each person's deeply felt internal and individual experience of gender, which may or may not correspond with the gender assigned at birth.

j) Gender expression: each person's manifestation of their gender identity.

k) Transgender person: individual whose gender identity does not match the gender assigned at birth.

l) LGBTI family: a family where one or more members are LGBTI individuals, encompassing same-sex families, i.e. those comprising lesbian, gay or bisexual individuals with dependent minors under stable guardianship, custody or parental authority, or with adult dependents with disabilities.

m) LGBTIphobia: any attitude, conduct or discourse of rejection, repudiation, prejudice, discrimination or intolerance towards LGBTI individuals on the basis of their real or perceived sexual orientation, gender identity and/or expression.

n) Homophobia: any attitude, conduct or discourse of rejection, repudiation, prejudice, discrimination or intolerance towards homosexual individuals on the basis of their real or perceived sexual orientation, gender identity and/or expression.

ñ) Biphobia: any attitude, conduct or discourse of rejection, repudiation, prejudice, discrimination or intolerance towards bisexual individuals on the basis of their real or perceived sexual orientation, gender identity and/or expression.

o) Transphobia: any attitude, conduct or discourse of rejection, repudiation, prejudice, discrimination or intolerance towards transgender individuals on the basis of their real or perceived sexual orientation, gender identity and/or expression.

p) Incitement, order or instruction to discriminate: any incitement, order or instruction to discriminate based on any of the grounds set forth in this Law is discriminatory. Incitement must be specific, direct and effective to provoke discriminatory behaviour in another person.

5. MEASURES TO PREVENT HARASSMENT AND VIOLENCE BASED ON SEXUAL ORIENTATION AND/OR GENDER IDENTITY/EXPRESSION

Preventive measures are aimed at raising awareness among workers of the importance of maintaining a work environment that is respectful of individual freedom and dignity.

Particular attention shall be paid to the preventive measures and recommendations included in the pertinent workplace risk assessments, especially as regards psychosocial matters.

To this end, it is important to have in place active measures as regards communication, training and dissemination of the zero-tolerance policy towards harassment on the grounds of sexual orientation, gender identity and/or expression, and to provide comprehensive information about the channels and procedures available for reporting possible cases of harassment in the organisation.

This Protocol shall be disseminated through the onboarding schemes for new staff and on common communication platforms, the corporate intranet (Bdenred) and the public website www.bde.es. An adapted form will also be made available to the different vulnerable groups, according to their specific characteristics.

In addition, training activities will be provided aimed at preventing harassment on the grounds of sexual orientation, gender identity and/or expression.

6. CONDUCT CONSIDERED HARASSMENT OR VIOLENCE BASED ON SEXUAL ORIENTATION AND/OR GENDER IDENTITY/EXPRESSION

Examples of behaviour that could be considered harassment or violence based on sexual orientation and/or gender identity/expression include, but are not limited to:

- Using degrading expressions or making pejorative, insulting or offensive comments about the physical appearance, sexual orientation or gender identity of an LGBTI individual, or publicly displaying symbols or objects that incite violence, discrimination or homophobia, biphobia or transphobia against them or their family members.
- Behaving in a way that isolates, rejects or publicly undermines an individual on the grounds of sexual orientation and/or gender identity/expression.
- Creating an intimidating, hostile or humiliating work environment characterised by sexism or discrimination against LGBTI individuals.
- Acting in a manner that is hostile or undermines an individual's personal or professional worth – such as making a disrespectful, unfair or biased assessment of their work, assigning tasks that are meaningless, unachievable or with unreasonable deadlines or deliberately withholding access to the appropriate means to perform their work (information, documents, equipment, etc.) – on the grounds of sexual orientation and/or gender identity/expression.
- Explicit or implicit conduct seeking to influence decisions that restrict or limit a person's access to employment (or their ongoing employment), occupational training, remuneration or any other work-related matter, on the grounds of their sexual orientation and/or gender identity/expression.
- Abuse, in any form (intimidation, persecution, retaliation, aggression or unwelcome physical contact), of an individual on the grounds of their real or perceived sexual orientation and/or gender identity/expression or of colleagues who have a good relationship with someone discriminated against on those grounds.

In order to be able to offer an accurate evaluation of the aforementioned behaviours and uphold all guarantees for the parties involved, all concurrent external circumstances (wilfulness, context, repetition, prevalence, vulnerability of the individual being harassed, etc.) shall be taken into consideration.

7. PROCEDURES FOR RESOLVING COMPLAINTS ABOUT HARASSMENT AND VIOLENCE BASED ON SEXUAL ORIENTATION AND/OR GENDER IDENTITY/EXPRESSION

In accordance with the provisions of Law 2/2023 of 20 February 2023, regulating the protection of persons reporting legislative infringements and the fight against corruption, the Banco de España has created an Internal Whistleblowing System (“SIIBE” by its Spanish initials), which incorporates all the Bank's internal reporting channels. Internal Circular 1/2024 of 25 November 2024 sets out the procedure for handling information received from whistleblowers through SIIBE relating to irregularities on the part of the Banco de España or its staff that has come to their attention within the context of an employment or professional relationship with the Banco de España (the “Internal Circular”).

The following channels are available to the workforce to make complaints:

- 1) A digital office on the Bank's website for making complaints, inter alia, of harassment based on sexual orientation and/or gender identity/expression directed either at the employee in question or at a colleague.
<https://bde-canalinterno.integrityline.com/>
- 2) A physical channel for submitting information, by post (Att. Trabajo Social) or in person at the Bank's Registry.

- 3) A physical box provided in the Employee Assistance office (Cibeles, 2nd floor of the Old building).
- 4) A confidential email address (canaldenunciasLGTBI@bde.es), handled by the head of the Workplace Health and Safety Division and Employee Assistance.

People coming within the scope of this Protocol who are not Banco de España staff may make complaints using the channels referred to in points (1) (SIIBE digital office on the Bank's website: <https://www.bde.es/wbe/es/para-ciudadano/gestiones/canal-de-denuncias-del-banco-de-espana/>) and (2) (the Bank's Registry). They may also send a complaint by email to: canaldenunciasLGTBI@bde.es.

This Protocol includes a standard form (available on the Bank's intranet and website) for submitting complaints through channels (2), (3) and (4), although complaints submitted without using the form shall also be processed.

If the events reported do not fall within the personal and material scope envisaged in the Internal Circular, the corresponding communications and complainants shall not be processed as set out in the Internal Circular, but rather in accordance with the specific regulations or procedures by the relevant department.

In the case of complaints handled through the procedure set out in the Internal Circular, the following provisions shall apply:

Complaints may be made anonymously and shall provide as much information as possible, to facilitate their handling.

Alternatively, if the complainant so wishes, the complaint may be made at an in-person meeting with Employee Assistance, the Compliance Division or the SIIBE Committee representative, which shall be held within seven calendar days of such meeting being requested. The content of the complaint must be documented, with the complainant's prior consent, through a recording of the conversation on a secure, durable and accessible format. If a meeting with the Compliance Division or the SIIBE Committee representative is requested, it must be attended by Employee Assistance and/or, if necessary, the head of the Workplace Health and Safety Division.

All complaints of harassment based on sexual orientation and/or gender identity/expression not made through the digital office (i.e. through channels (2), (3) or (4) or at an in-person meeting with Employee Assistance) and those made to staff of other facilities shall be referred immediately, and in any case within two working days, by email to the SIIBE Committee representative (siibe_responsable@bde.es or the relevant email address at the time) for manual recording in the digital office, to ensure their uniform and secure treatment, in accordance with the provisions of Article 26 of Law 2/2023.

Once the complaint has been recorded in the digital office, confirmation of receipt shall be sent to the complainant, as provided for in Article 11 of the Internal Circular, and a preliminary evaluation shall be conducted to ascertain whether the information received is within the scope of this Circular and whether the complaint should be admitted for consideration or rejected, under the terms envisaged in Article 12.

To this end, at the proposal of the Workplace Health and Safety Division and Employee Assistance, the Compliance Division shall, within five working days of receipt of the complaint, submit to the SIIBE Committee (or its delegated representative) a proposal to admit the complaint for consideration or reject it, which the Committee must approve within ten working days of receipt of the complaint. The resolution by the SIIBE Committee (or its delegated representative) shall be communicated to the complainant, the head of the Workplace Health and Safety Division and Employee Assistance within five working days of its adoption (in accordance with Article 12(1) of the Internal Circular). If the complaint is admitted for consideration, the head of the Workplace Health and Safety Division and Employee Assistance shall continue processing of the complaint, initiating the actions envisaged within the processing stage as soon as possible and, in any event, within five working days of notification of the decision to admit it, provided that the person concerned (if they did not directly make the complaint) has ratified the complaint and given their express and informed consent.

The initial evaluation of the content of the complaint shall primarily seek to identify, through an investigation, whether the alleged events form part of a pattern of harassment based on sexual orientation and/or gender identity/expression, and to determine whether the case in question could constitute such a situation or if there are other personal or work-related problems. The sole and exclusive purpose of the initial evaluation shall be to take the appropriate measures to immediately neutralise the alleged harassment based on sexual orientation and/or gender identity/expression, in the event of there being indications of any such situations.

To this end, the resources deemed most appropriate shall be used, taking care to ensure confidentiality and maintain secret any information that becomes known.

A written record shall be kept of all actions taken so that it can be demonstrated at any time that the necessary follow-up took place, which may subsequently serve as evidence, with the aim of resolving the issue immediately and confidentially and demanding that such conduct cease.

If necessary, emotional support shall also be provided to the person concerned, including basic advice on externalising and handling the problem and, where appropriate, recommendations about seeking medical advice from Bank or third-party specialists.

The persons concerned shall be informed of the actions or omissions attributed to them, and a list of the events reported. Under no circumstance shall they be informed of the identity of the complainant or given access to the complaint.

In addition, the persons concerned shall be informed of the processing of their personal data and of their right to make written submissions and provide any evidence that they consider appropriate and relevant, not less than 15 calendar days after the corresponding information is provided to them.

During this verification procedure, hearings shall be held with the individuals concerned, and the necessary steps taken to check the plausibility of the alleged events and that the complaints are not unfounded. Both the complainant (if anonymity is not maintained) and the respondent may be accompanied in these hearings by a legal or trade union representative for staff or by another member of staff of their choice. In the latter case, the selected member of staff shall be subject to the same confidentiality rules as regards the proceedings as the other persons involved.

The parties involved shall maintain strict confidentiality during the verification procedure, which shall not last for more than 15 working days.

All the staff involved in the process have a duty of secrecy. They shall also be given training on harassment based on sexual orientation and/or gender identity/expression, and on victim support.

Following the investigation, and within the aforementioned 15-working day timeframe, Employee Assistance and/or the head of the Workplace Health and Safety Division shall draw up and send a conclusions report to the Compliance Division, which shall be submitted to the SIIBE Committee under the terms of Article 14 of the Internal Circular. This report shall propose one of the following measures:

a) Proposal for closing the complaint, for any of the following reasons.

- Withdrawal of the complaint by the complainant (unless it continues to be processed ex officio due to clear indications of potential harassment based on sexual orientation and/or gender identity/expression).
- Lack of grounds or insufficient indications.
- Resolution of the content of the complaint owing to the prior implementation of any type of measures (conciliatory, mediatory, organisational or other), providing it is not certain that a punishable or sanctionable act has been carried out by any member of staff.
- Absence of harassment based on sexual orientation and/or gender identity/expression. In these circumstances, the report shall set out the conclusions about the true nature of the problem leading to the complaint and the possible ways to resolve it.

b) Proposal for other procedural and, if appropriate, disciplinary actions, if there are found to be indications of harassment based on sexual orientation and/or gender identity/expression.

Based on the investigation conclusions report drawn up by Employee Assistance and/or the head of the Workplace Health and Safety Division, the Compliance Division shall issue a final report with the content indicated in Article 14 of the Internal Circular. This report shall be submitted to the SIIBE Committee by the Committee representative.

The SIIBE Committee's resolution shall be formally communicated to the complainant and, where appropriate, the person concerned, as well as to any authorities or bodies specified in the report, in accordance with the Internal Circular.

If the investigation identifies indications of harassment based on sexual orientation and/or gender identity/expression, and the SIIBE Committee resolves to refer the conclusions to the Director General Strategy, People and Data and the head of the Labour Relations Unit within the People Department in accordance with Article 14(1)(d)(iv) of the Internal Circular, it shall do so in general within five working days of the Compliance Division receiving the conclusions report drawn up by Employee Assistance and/or the head of Workplace Health and Safety Division. Thus, it can be decided whether to initiate the pertinent disciplinary proceedings or summary disciplinary procedure, in accordance with the final subparagraph of Article 174 of the Banco de España Conditions of Employment, or to impose a sanction, without initiating proceedings, as appropriate.

In the event that it is decided to conduct disciplinary proceedings or a summary disciplinary procedure, an Investigation Committee shall be set up, comprising at least two people: one to act as investigator and another as secretary, who shall both be appointed by the General Secretary. This Committee shall investigate the alleged events with full freedom of judgement, while maintaining absolute confidentiality and secrecy as regards the proceedings. When gathering information, the Investigation Committee may use the resources it considers most suitable for the case, and request the documentation and interview the individuals it deems appropriate. Both the complainant and the respondent may attend the interviews, accompanied by a legal representative for Banco de España staff or another individual of their choice.

Irrespective of whether the harassment based on sexual orientation and/or gender identity/expression is substantiated, the Investigation Committee shall draw up a report at the earliest opportunity with the proven facts and, where appropriate, their proposed classification. This report shall be submitted to the Director General Strategy, People and Data, who shall take any disciplinary or other measures deemed appropriate, based on the seriousness of the events.

The limitation period for harassment-related misconduct shall be subject to the legal and judicial criteria prevailing from time to time. Similarly, in accordance with the Banco de España's internal labour regulations, the initiation of disciplinary proceedings or a summary disciplinary procedure shall interrupt the limitation period of behaviours that may constitute misconduct. The limitation period shall be reactivated when the Investigation Committee submits the corresponding report to the Directorate General Strategy, People and Data.

From when a complaint about harassment based on sexual orientation and/or gender identity/expression is made and until the procedure is concluded, and providing there are sufficient indications of the existence of such harassment, the Bank shall take the appropriate actions to ensure that the alleged victim and the respondent do not coincide in the same work area, prioritising the protection of the alleged victim.

If, at any point during the proceedings, an analysis of the case revealed indications of other misconduct having been committed that does not constitute harassment based on sexual orientation and/or gender identity/expression but is defined under prevailing legislation, the appropriate disciplinary or other measures shall be taken.

Likewise, any false imputation, accusation or complaint in relation to such behaviour is considered reprehensible and deserving of reproach, and may even warrant disciplinary action. The appropriate measures shall be taken as necessary.

8. GUIDING PRINCIPLES AND SAFEGUARDS FOR THE PROCEDURE

The guiding principles and safeguards for the procedure provided for in the Protocol are key to guarantee an ethical, inclusive and effective approach in its implementation. These principles and safeguards include:

Confidentiality of the investigation: no information may be disclosed or shared about the content of the complaints filed or the investigation process. All the individuals and departments involved in the process shall be required to maintain strict confidentiality and shall be identified in the case file.

Timely process: the procedure for addressing potential cases of harassment shall be prompt and efficient, while respecting the privacy, confidentiality and dignity of the persons concerned.

Protection of the alleged victim: efforts shall be made to safeguard the health and safety of the alleged victim, taking into account the possible physical and psychological effect of the situation and paying particular attention to their work circumstances. Repeated declarations by the alleged victim shall be avoided wherever possible.

Impartiality: in all cases, impartial and fair treatment shall be guaranteed for all the individuals concerned, and the principle of contradiction shall be observed.

Precautionary measures: if there are sufficient indications of the existence of harassment, precautionary measures shall be adopted where advisable to ensure that the respondent and the alleged victim do not coincide in the same work environment from when the complaint is filed until the procedure has concluded. To this end, the protection of the alleged victim shall be prioritised, and the specific circumstances shall be analysed to take the most suitable decision for the case in question.

Protection against retaliation: any adverse treatment of, or negative consequences for, an individual due to a complaint, claim, report, legal action, appeal or testimony of any type, made or filed by them in response to harassment based on sexual orientation and/or gender identity/expression, shall also be considered discrimination on the grounds of sexual orientation and/or gender identity/expression.

Victim restitution: if the harassment resulted in changes to the victim's working conditions, the firm must restore their previous conditions, if so requested.

False complaints: any false imputation, accusation, testimony or complaint in relation to such behaviour is considered reprehensible and deserving of reproach, and may even warrant disciplinary action, with appropriate measures taken as necessary. False complaints shall be understood to be those made in bad faith or for the purpose of adversely affecting a member of staff.

Abstention: if the individuals tasked with the investigation have any family connection, close friendship, manifest enmity or direct hierarchical relationship with the complainant or respondent, they shall abstain from participating in the proceedings, and the Bank shall appoint other individuals who can offer the due guarantees of impartiality.

9. PERSONAL DATA PROTECTION

Handling complaints about harassment based on sexual orientation and/or gender identity/expression entails processing the personal data of the individuals concerned. In the case at hand, this is limited to the "Medical services and psychosocial care for employees" processing activities (for which the functional controller is the Workplace Health and Safety Division) and, where appropriate, to the "Internal whistleblowing channel (SIIBE)" processing activities (for which the functional controller is the Compliance Division).

Personal data shall be processed in strict compliance with the applicable legislation on personal data protection and, in particular, the following principles and requirements set out in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ("GDPR") and in Organic Law 3/2018 of 5 December 2018 on personal data protection and guarantee of digital rights:

Lawfulness and transparency principle

Consent shall not be required from the persons concerned whose personal data are processed in the handling of a complaint about harassment based on sexual orientation and/or gender identity/expression, inasmuch as the processing of their personal data is necessary for the performance of a task carried out in the public interest, as regulated in Article 24 of Organic Law 3/2018.

However, the persons concerned must be informed of the processing of their personal data under the following terms:

"The personal data provided shall be processed by the Banco de España with the sole purpose of handling and resolving complaints about situations that may constitute a case of harassment on the grounds of sexual orientation and/or gender identity/expression. You may exercise your rights of access to and rectification and erasure of personal data, and your right to object to data processing, along with the other rights set out in the [Privacy Policy](#) available at www.bde.es. This may be done in person, by post addressed to C/ Alcalá 48, 28014, Madrid (Att. Delegada de Protección de Datos) or online following the procedure available to staff on [Bdenred](#) or, for people not employed by the Banco de España, through the procedure available at the [Banco de España's Virtual Office](#). For more information, please consult our [Records of processing activities](#), available at www.bde.es."

The above informative clause shall be included, together with the corresponding links, in the footnote of the form made available for filing complaints. It shall also be included by the Workplace Health and Safety Division in communications sent to the persons concerned while the corresponding complaint is handled.

Individuals who submit a complaint through the SIIBE digital office shall be informed of the processing of their personal data through the informative content already provided in the digital office.

Purpose limitation principle

The personal data collected may only be used for handling and resolving the corresponding complaint and, where appropriate, for adopting disciplinary measures or conducting any judicial proceedings that may arise. They may not be used for additional purposes.

Data minimisation principle

The personal data collected shall be limited to what is strictly necessary and relevant in relation to the aforementioned purpose. To the extent that complaints may be anonymous, under no circumstance shall complainants be required to provide data relating to their identity.

Storage limitation principle

The personal data processed in the handling of complaints may be stored solely for the time necessary to decide whether to initiate an investigation into the events reported. In particular, the personal data associated with the information received and the internal investigations conducted in this regard shall be retained for up to ten years, even if no investigation measures are undertaken, for the purpose of evidencing the system's functioning.

If it were proven that all or part of the information provided is untrue, the personal data shall be immediately erased once this becomes known, unless this lack of veracity may constitute a criminal offence, in which case the information shall be conserved for the time necessary for the judicial proceedings. Further, only anonymised records may be kept of complaints for which no action was taken, and the blocking obligation provided for in Article 32 of Organic Law 3/2018 of 5 December 2018 on personal data protection and guarantee of digital rights shall not apply.

In any event, pursuant to the provisions of Internal Circular 3/2017, on the management of documents and records and on the file system at the Banco de España, the anonymisation of personal data and the erasure of documentation containing such data must be authorised beforehand by the Banco de España's Documentary Policy and Assessment Committee.

Integrity and confidentiality principle

Access to the personal data included in the complaint shall be limited solely to the Workplace Health and Safety Division and the Compliance Division for the purpose of complying with the record-keeping obligations provided for in Article 26 of Law 2/2023. In cases that may require disciplinary measures, the People Department and other individuals whose involvement is needed for resolution may access the complaints and the personal

data contained therein. However, the data processed may be communicated to other members of staff or third parties when needed for the purpose of taking corrective or disciplinary measures, notifying the competent authorities of events that constitute a criminal or administrative offence or conducting any judicial proceedings that may arise.

In any event, the systems and channels set up for handling complaints shall be equipped with the proper technical and organisational measures to guarantee the confidentiality of the data of the persons concerned and of any other third party mentioned in the information provided, especially as regards the complainant's identity if provided.

To this end, the following security measures shall be implemented:

- All communications for handling complaints shall be sent via encrypted email wherever possible.
- Access to the mailbox `canaldenunciasacoso@bde.es` and to the content of complaints shall be restricted to authorised users, who shall be identified in the case file.
- Complaints shall be handled and stored solely in the appropriate information system, and printing documentation or retaining paper copies shall be avoided.
- Pseudonymised data (for example, initials) shall be used for the persons concerned when possible.

10. ENTRY INTO FORCE

This Protocol shall enter into force on the date of signing the series of measures designed to ensure the equality and non-discrimination of LGBTI people, of which it shall form part, without prejudice to its inclusion as an annex to the Banco de España's next collective bargaining agreement.

COMPLAINT FORM

FORM FOR MAKING COMPLAINTS ABOUT OR REPORTING HARASSMENT OR VIOLENCE BASED ON SEXUAL ORIENTATION AND/OR GENDER IDENTITY/EXPRESSION

DETAILS OF THE COMPLAINANT (OPTIONAL)

NAME AND SURNAME(S): _____

EMPLOYEE NUMBER: _____

DEPARTMENT: _____

DETAILS OF THE RESPONDENT

NAME AND SURNAME(S): _____

DEPARTMENT: _____ EMPLOYEE NUMBER (if known): _____

DETAILS OF THE PERSON CONCERNED (IF NOT THE COMPLAINANT)

NAME AND SURNAME(S): _____

DEPARTMENT: _____ EMPLOYEE NUMBER (if known): _____

DESCRIPTION OF THE EVENTS

IS ANY EVIDENCE PROVIDED?

YES ☐

NO ☐

DOCUMENTARY EVIDENCE COMPRISING:

Date and signature of the complainant.

PUBLIC

GUIDELINES FOR FILLING OUT THE FORM

- 1.) The form may be used to submit a complaint through channels (2), (3) and (4) mentioned in section 7 of the Protocol.
- 2.) Please include any documentation and information you consider appropriate to support your complaint, providing as much detail as possible and a description of specific incidents (dates, duration, location of the events), as well as the identity of the respondent(s) and any potential witnesses.
- 3.) Complaints shall not be processed if they do not identify the person allegedly concerned by the harassment (when that person is not the complainant) or the respondent.
- 4.) Any false imputation, accusation, testimony or complaint in relation to such matters is considered reprehensible and deserving of reproach, and may even warrant disciplinary proceedings, with appropriate measures taken as necessary. False complaints include, inter alia, evidently malicious complaints.

The personal data provided shall be processed by the Banco de España with the sole purpose of handling and resolving complaints about situations that may constitute a case of harassment on the grounds of sexual orientation and/or gender identity/expression. You may exercise your rights of access to and rectification and erasure of personal data, and your right to object to data processing, along with the other rights set out in the [Privacy Policy](#) available at www.bde.es. This may be done in person, by post addressed to C/ Alcalá 48, 28014, Madrid (Att. Delegada de Protección de Datos) or online following the procedure available to staff on [Bdenred](#) or, for people not employed by the Banco de España, through the procedure available at the [Banco de España's Virtual Office](#). For more information, please consult our [Records of processing activities](#), available at www.bde.es.