



Procedure for the Management of Whistleblowing (Whistleblowing, Legislative Decree No. 24 of 10/03/2023)

PROCEDURE FOR THE HANDLING OF WHISTLEBLOWING (WHISTLEBLOWING, Legislative Decree No. 24 of 10/03/2023)

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1. PURPOSE

The purpose of this procedure is to provide the necessary indications for the execution and management of reports concerning unlawful conduct and / or violations of national or European regulatory provisions, which harm the public interest, the integrity of the public administration or Farmigea S.p.A. itself, encountered by employees, collaborators, suppliers, professionals and customers during their work and / or professional activity in / with Farmigea S.p.A. (hereinafter Farmigea).

The aim of this tool is to prevent the occurrence of irregularities within the company, by intercepting non-compliant behaviour in good time, in order to take the appropriate action to deal with the reported violations and avoid their repetition.

In accordance with the Whistleblowing Law, this procedure has the following operational objectives:

- Giving a clear picture of who can report, the so-called *Whistleblowers*;
- Give indications regarding the subject of the reports and the minimum content they should have;
- Make internal communication channels known;
- Make the recipient of such alerts known;
- Describe management and response times to internal reports;
- Describe the forms of protection for whistleblowers in order to ensure their confidentiality and protection against any form of retaliation and discrimination.

2. REFERENCES NORMATIVE

- Legislative Decree No. 24 of 10 March 2023 on *"Implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law and on provisions concerning the protection of persons who report breaches of national laws."*

3. WHISTLEBLOWERS: SUBJECTS WHO CAN MAKE REPORTS

This Procedure is addressed to all persons who, having become aware of unlawful conduct, acts or omissions, intend to report them through the internal reporting channels implemented by Farmigea. Therefore, the addressees of this Procedure are the following subjects:

- employees of Farmigea;
- self-employed workers and collaborators with whom Farmigea has relations for the provision of services, execution of works, supply of goods;
- self-employed professionals and consultants working for Farmigea;
- volunteers and paid and unpaid trainees working for Farmigea;
- persons with administrative, management, control, supervisory or representative functions at Farmigea.

Reporting can also be done:

- when the legal relationship with the company has not yet begun, if information on violations has been acquired during the selection process or at other pre-contractual stages;
- during the probationary period;



- after the termination of the legal relationship if the information on violations was acquired in the course of that relationship.

4. SUBJECT OF THE REPORT

The reporting party, using the channels made available by Farmigea and following the instructions in section 6 on reporting procedures, can make circumspect reports concerning

1. administrative, accounting, civil or criminal offences that do not fall under (3), (4), (5) and (6);
2. unlawful conduct pursuant to Legislative Decree 231/2001, or failure to comply with the 231 Model, Code of Ethics, policies and procedures adopted by Farmigea;
3. offences falling within the scope of the European Union or national acts indicated in the Annex to Legislative Decree 24/2023, or of the national acts constituting the implementation of the European Union acts indicated in the Annex to Directive (EU) 2019/1937, albeit not indicated in the Annex to Legislative Decree 24/2023, relating in each case to the following areas: public procurement; services, products and financial markets and prevention of money laundering and financing of terrorism; product safety and compliance; transport safety; environmental protection; radiation protection and nuclear safety; food and feed safety and animal health and welfare; public health; consumer protection; privacy and protection of personal data and security of networks and information systems;
4. acts or omissions detrimental to the financial interests of the European Union;
5. acts or omissions relating to the internal market, as referred to in Article 26(2) of the Treaty on the Functioning of the European Union, including infringements of EU competition and state aid rules, as well as infringements relating to the internal market related to acts in breach of corporate tax rules or mechanisms whose purpose is to obtain a tax advantage that frustrates the object or purpose of the applicable corporate tax law;
6. acts or conduct that frustrate the object or purpose of the provisions of Union acts in the areas indicated in (3), (4) and (5).

The following reports, in respect of which the rules provided for by the Whistleblowing Law do not apply, are not covered by this procedure:

- violations, conduct, omissions, which the reporter has no reason to believe to be true;
- specious, defamatory or libellous reports;
- reports of a discriminatory nature, insofar as they refer to the sexual orientation, religious, political or racial or ethnic origin of the reported person;
- reports relating to disputes, claims or requests linked to a personal interest of the reporter;
- disputes relating to the reporting party's individual employment or collaboration relations with Farmigea, or with hierarchically superior figures;
- reports concerning aspects of the reported person's private life, without any direct or indirect connection with the business and/or professional activity.

Reports of a personal nature by the whistleblower within the professional and working sphere may not be communicated through the channels made available under this procedure, but may of course be discussed in more appropriate company venues or through other available channels (e.g. Human Resources Department, interviews with hierarchical superiors).

Please note that reports that do not fall into the categories listed in points 1 to 6 of this paragraph will not be taken into account.



5. MINIMUM CONTENT OF THE REPORT

In order to enable proper follow-up to the report, the minimum content that a report must contain is given below:

- a clear and complete description of the facts being reported;
- an indication of any documents that may confirm these facts;
- if known, the circumstances of time and place in which the reported facts were committed;
- if known, the personal details or other elements (such as the job title and the department in which the activity is carried out) enabling the person involved to be identified;
- any other information that may provide useful feedback on the existence of the reported facts.

The whistleblower shall be entitled to indicate in the report his name and surname, as well as useful elements for identifying his role within Farmigea, i.e. the relations he has with Farmigea, unless he does not wish to make an anonymous report. In the latter case, the person making the report is aware that reports made anonymously can be taken into account only if adequately substantiated and provided with full details and will be considered as ordinary reports. Should anonymity lapse during the handling of the report, all the procedures and safeguards described in this procedure shall be adopted. The whistleblower is also aware that the dedicated Whistleblowing Manager may not take into consideration whistleblowing reports that are not formalised in the manner and with the contents set out in this Procedure.

6. TYPE OF REPORT: INTERNAL REPORT

This Procedure outlines the operating procedures with which Farmigea proposes to comply with the obligations identified in Articles 4 et seq. of Legislative Decree 24/2023.

In particular, in order to allow and facilitate reports of unlawful and/or abnormal conduct, guaranteeing the confidentiality of the reporter, of the person involved, of any subjects mentioned in the report, as well as the content of the report and its annexes, Farmigea has set up specific internal reporting channels, the management of which is entrusted to the Reporting Manager. The internal reporting channels are as follows:

1. Written communication:

By ordinary mail: to be sent to the following address: Via G.B. Oliva, 6/8,56121, Pisa. As indicated in the ANAC Guidelines approved by resolution no. 311 of 12/07/2023, the report must be submitted in two closed envelopes: the first envelope must contain the identification data of the reporting party together with a photocopy of the identity document; the second envelope must contain the report. Both must then be placed in a third sealed envelope bearing on the outside the words "Confidential to Farmigea's Whistleblowing Manager - strictly confidential - Whistleblowing, in order to ensure the utmost confidentiality; in the event of use of this channel, the whistleblower must indicate in the communication an address/email to which the Manager can provide proof of receipt of the report and provide the relative acknowledgement in accordance with Article 5 of the Whistleblowing Law.

Where no address is indicated, the Manager will examine the report, if the conditions set out in this paragraph are met, without any obligation to provide proof of receipt or any obligation to reply as provided for by the Whistleblowing Law.

Online platform: Parrot Whistleblowing

<https://farmigeaspa.parrotwb.app/>



Accessible from Farmigea's website, www.farmigea.it.

The platform is managed in compliance with confidentiality by a third party independent of Farmigea. Internally at Farmigea, management of the platform is the responsibility of the Reporting Manager.

2. Oral communication:

Direct Meeting: The reporting person, using the channels mentioned above, may request a direct meeting with the Reporting Manager, who can be contacted orally, provided that he or she indicates in the request a telephone number where he or she can be contacted. The meeting will be scheduled within 7 days of receipt of the request at appropriate venues.

The communication of the report orally, subject to the consent of the reporting party, is documented by the Manager by means of a Report Record. The Whistleblower may verify, rectify and confirm the Minutes of the meeting by his signed signature. A copy of the Minutes will be issued by the Managing Director to the reporting person.

6.1. MANAGEMENT OF INTERNAL REPORTING AND OUTCOME OF THE PRELIMINARY INVESTIGATION PHASE

Following the report, the Reporting Manager is the recipient of the reports and the *owner* of the related management process:

- issues the reporting person with an acknowledgement of receipt of the report within seven days from the date of receipt, where this is possible in accordance with the above-mentioned indications;
- provides the reporter with information on the processing of personal data;
- maintains interlocutions with the reporting party and may ask the latter for supplementary information, if necessary; interlocutions and supplementary information may take place, at the reporting party's request, by means of a paper procedure through the acquisition of written comments and documents;
- diligently follows up on reports received;
- provide information on the action taken or intended to be taken on the report ('acknowledgement') within three months of the date of the acknowledgement of receipt or, in the absence of such notice, within three months of the expiry of the seven-day period from the submission of the report.

It is understood that proof of receipt and acknowledgement do not apply in the case of anonymous reports or failure to provide an address/email from the reporter.

For the purposes of the preliminary investigation phase, the Reporting Manager may also avail itself of the support and cooperation of the competent structures. Should support of a specialised nature (technical, legal, etc.) be required, this activity may also be carried out with the involvement of an external consultant, identified by the Manager. In order to guarantee confidentiality obligations, any type of data which might allow the identification of the person reporting the matter or of any other person involved (see Section 9.4) will be obscured.

The report shall be considered well-founded where it is intrinsically plausible, supported by documentary evidence or other corroborating evidence (such as, for instance, precise reference to other persons who can confirm it).

The validity of the circumstances represented in the report must, in any case, be assessed, in compliance with the principles of impartiality and confidentiality, by the Manager, who shall carry



out any activity deemed appropriate, including the hearing of any other person who may report on the facts reported.

At the end of the preliminary investigation phase, the Manager, in addition to providing feedback to the reporting party, also communicates the outcome to the corporate bodies responsible for taking the appropriate measures in this regard, namely:

- to the Board of Directors of Farmigea and to the Head of the structure to which the author of the ascertained violation belongs, if the author is an employee or collaborator of Farmigea;
- the Board of Directors of Farmigea, the Legal Representative and the Head of the structure with which the author of the ascertained violation has dealings, if the author is a Farmigea supplier or consultant.
- the Board of Directors of Farmigea in all other cases.

If the breach is committed by a member of Farmigea's Board of Directors, the breach must be reported to the remaining members and the Board of Auditors.

In addition to the above, the outcome of the preliminary investigation phase of the report shall be communicated to the Board of Directors of the Company and to the competent structures so that they may adopt any further measures and/or actions that may be necessary to protect Farmigea in the specific case.

7. TYPE OF REPORT: EXTERNAL REPORT

An external alert may be issued by the reporting person if, at the time of its submission, one of the following conditions is met:

- There is no compulsory activation of the internal reporting channel, i.e. it is not active or, even if activated, is not compliant.
- The reporting person did not receive a reply to the report from Farmigea's Reporting Manager, as described in section 6.1.
- The reporting person has reasonable grounds to believe that, if he or she were to make an internal report, the report would not be effectively followed up or that the report might lead to the risk of retaliation.
- The person issuing the alert has good reason to believe that the breach may constitute an imminent or obvious danger to the public interest.

The external report must be made to the National Anti-Corruption Authority (ANAC) through the dedicated channel <https://www.anticorruzione.it/-/whistleblowing>. Following the report, the ANAC carries out the following activities:

1. give notice to the reporting person of the receipt of the external report within seven days of its receipt, unless explicitly requested otherwise by the reporting person or unless the ANAC considers that such notice would undermine the protection of the confidentiality of the identity of the reporting person;
2. liaise with the reporting person and request additions from the latter if necessary;
3. diligently follow up on reports received;
4. carry out the necessary preliminary investigation to follow up the alert, including through hearings and the acquisition of documents;

5. give feedback to the reporting person within three months or, if there are justified and reasoned reasons, six months from the date of acknowledgement of receipt of the external report or, in the absence of such notice, from the expiry of seven days from receipt;
6. informing the person issuing the alert of the final outcome, which may also consist of archiving or transmission to the competent authorities or of a recommendation or administrative sanction.

Where the manager has a conflict of interest with respect to a specific report (e.g. as a reporter or whistleblower), one of the conditions for making an external report to the ANAC is deemed to be met, as it cannot be ensured that the report is effectively followed up.

8. TYPE OF REPORT: PUBLIC DISCLOSURE

A whistleblower who makes a public disclosure benefits from the protection provided by the Whistleblowing Law if, at the time of the public disclosure, one of the following applies conditions:

- a) the reporting person has previously made both an internal and an external report, or has made an external report directly, under the conditions set out in Section 7, and has not received a reply within the described time limits on the measures envisaged or taken to follow up the reports;
- b) the person issuing the alert has reasonable grounds to believe that the breach may constitute an imminent or obvious danger to the public interest;
- c) the whistleblower has well-founded reasons to believe that the external report may entail a risk of retaliation or may not be effectively followed up due to the specific circumstances of the case, such as where evidence may be concealed or destroyed or where there is a well-founded fear that the whistleblower may be colluding with or involved in the violation.

9. PROTECTION OF THE REPORTER

Farmigea intends to guarantee the maximum protection and safeguard to the person reporting an offence, taking into account his confidentiality as well as the right not to be subject to any form of discrimination or retaliation as a result of reporting an offence. The protection applies not only to the Whistleblower but also to other persons who may be subject to retaliation or discrimination, as set out in section 9.5.

The protective measures provided for in the Whistleblowing Act apply when the following conditions are met:

- a) at the time of the reporting or accusation to the judicial or accounting authorities or of public disclosure, the reporting or accusing person had reasonable grounds to believe that the information on the reported, publicly disclosed or denounced violations was true and fell within the objective scope of these rules.
- b) the report (internal and/or external) or public disclosure was made in compliance with the procedures set out in this Procedure.



Protection also applies in cases of anonymous reporting or denunciation to the judicial or accounting authorities or public disclosure, if the reporting person is subsequently identified and retaliated against, as well as in cases of reporting to the competent institutions, bodies and agencies of the European Union, in accordance with the conditions of these rules.

Protection is not guaranteed and a disciplinary sanction is imposed on the reporting person or whistleblower when it is established, even by a judgment of first instance, that (i) the reporting person is criminally liable for the offences of defamation or slander or in any case for the same offences committed with the report to the judicial or accounting authorities, or (ii) that he/she is criminally liable for the same offences, in cases of wilful misconduct or gross negligence.

9.1. PROTECTION AND CONFIDENTIALITY OF THE REPORTER

The internal reporting channels made available by Farmigea guarantee the confidentiality of the reporter's identity and all other elements of the report (including the documentation attached to it to the extent that its disclosure, even indirectly, may allow the identification of the reporter). In order to ensure the confidentiality of the reporter's identity, it is recommended to make the report using a device that is in no way traceable to the company (Farmigea S.p.A.'s corporate assets) and not to use the internet connection (wired or Wi-Fi) provided by Farmigea S.p.A.

The identity of the whistleblower and any other information from which such identity may be inferred, directly or indirectly, may not be disclosed, without the express consent of the whistleblower himself, to persons other than the Whistleblower Manager, who are expressly authorised to process such data in accordance with the Privacy Law.

In the case of external reporting, the confidentiality of the reporter's identity is guaranteed by ANAC.

In addition, for the protection of the reporter, please note that:

- In criminal proceedings, the identity of the reporter is covered by secrecy in the manner and to the extent provided for in Article 329 of the Code of Criminal Procedure.
- In proceedings before the Court of Auditors, the identity of the reporter cannot be disclosed until the investigation phase is closed.
- In the context of disciplinary proceedings, the identity of the whistleblower may not be disclosed, where the disciplinary charge is based on investigations that are separate from and additional to the report, even if consequent to it. If the charge is based, in whole or in part, on the report and knowledge of the reporter "s identity is indispensable for the accused "s defence, the report shall be usable for the purposes of disciplinary proceedings only if the reporter has consented to the disclosure of his identity.

It is specified as of now that the protections granted to the whistleblower under Chapter III of Legislative Decree no. 24/2023, and detailed below, are no longer granted where the criminal liability of the whistleblower is established, even if only by a first instance judgment, for offences of slander, defamation or other offences concretely attributable to the falsity of the report. Similarly, protections in favour of the whistleblower are not guaranteed in the event that the latter is held liable in civil proceedings for having made a report in bad faith, supported by malice or gross negligence. Moreover, disciplinary sanctions may be imposed in such cases.

9.2. PROTECTION OF PRIVACY AND PROCESSING OF PERSONAL DATA

It should also be noted that the personal data of the whistleblower, the reported person and all persons involved in the report are processed in accordance with the current legislation on the protection of personal data as per EU Reg. no. 679/2016 (GDPR) and as per Legislative Decree 196/2003, as amended by Legislative Decree 101/2018.

In any case, it is specified that the Data Controller, i.e. the Manager of the internal reporting channels, processes the collected personal data only for the time necessary for the management and finalisation of the report, and in any case for no longer than five years from the date of communication of the final outcome of the reporting procedure.

The data subject shall be guaranteed the exercise of the rights set out in Articles 15 et seq. of EU Reg. No. 679/2016, in accordance with the procedures set out in the relevant information notice.

9.3. PROTECTION AGAINST RETALIATION

The whistleblower may not suffer the following retaliation:

- dismissal, suspension or equivalent measures;
- relegation in grade or non-promotion;
- change of function, change of workplace,
- reduction of salary, modification of working hours;
- suspension of training or any restriction of access to it;
- negative merit notes or negative references;
- the adoption of disciplinary measures or other sanctions, including fines;
- coercion, intimidation, harassment or ostracism;
- discrimination or otherwise unfavourable treatment;
- the failure to convert a fixed-term employment contract into an employment contract of indefinite duration, where the employee had a legitimate expectation of such conversion;
- non-renewal or early termination of a fixed-term employment contract;
- damage, including to a person's reputation, particularly on social media, or economic or financial harm, including loss of economic opportunities and loss of income;
- inclusion on improper lists on the basis of a formal or informal sectoral or industry agreement, which may result in the person being unable to find employment in the sector or industry in the future;
- early termination or cancellation of the contract for the supply of goods or services;
- cancellation of a licence or permit;
- the request to undergo psychiatric or medical examinations.

9.4. LIMITATIONS OF THE REPORTING PARTY'S LIABILITY

A further protection afforded by the Decree to whistleblowers is the limitation of their liability with respect to the disclosure and dissemination of certain categories of information, which would otherwise expose them to criminal, civil and administrative liability. In particular, the whistleblower will not be held criminally, civilly or administratively liable:

- disclosure and use of official secrets (Article 326 of the criminal code);
- disclosure of professional secrecy (Article 622 of the criminal code);
- disclosure of scientific and industrial secrets (Article 623 of the Criminal Code);
- breach of the duty of fidelity and loyalty (Article 2105 of the Civil Code);
- infringement of copyright protection provisions;
- violation of the provisions on the protection of personal data;

- disclosure or dissemination of information on violations that offend the reputation of the person involved.

However, the Decree places two conditions on the operation of the aforementioned limitations of liability:

- 1) at the time of disclosure or dissemination there are reasonable grounds to believe that the information is necessary to disclose the reported infringement;
- 2) the report is made in compliance with the conditions laid down in the Decree to benefit from the protection against retaliation (reasonable grounds for believing the facts reported to be true, the breach is among those reportable and the terms and conditions for access to the report are complied with).

It should be noted, therefore, that the limitation operates if the reasons underlying the disclosure or dissemination are not based on mere inferences, gossip, vindictive, opportunistic or scandalous purposes. In any event, it must be considered that liability is not excluded for conduct that:

- are not linked to the alert;
- are not strictly necessary to disclose the infringement;
- constitute an unlawful acquisition of information or access to documents.

If the acquisition takes the form of an offence, such as unauthorised access to a computer system or an act of hacking, the criminal liability and any other civil, administrative and disciplinary liability of the reporting person remains unaffected. Conversely, the extraction (for example, for copying, photography, removal) of documents to which one had lawful access will not be punishable.

9.5. OTHER SUBJECTS TO WHICH PROTECTION APPLIES

The protection referred to in the preceding paragraphs also applies:

- facilitators, i.e. those who assist the reporter in the reporting process, operating in the same work context;
- persons in the same work environment as the reporting person, the person who filed a complaint with the judicial or accounting authorities or the person who made a disclosure;
- public and who are linked to them by a stable emotional or family relationship up to the fourth degree;
- co-workers of the reporting person or of the person who has filed a complaint with the judicial or accounting authorities or made a public disclosure, who work in the same work environment as the reporting person and who have a regular and current relationship with that person;
- entities owned by the reporting person or the person who filed a complaint with the judicial or accounting authorities or made a public disclosure, or for which the same persons work, as well as entities operating in the same work environment as the aforementioned persons.

9.6. WAIVERS AND TRANSACTIONS

The Decree prohibits, in general, waivers and transactions of the rights and means of protection provided for by it, unless they occur under particular conditions. This provision, by partly removing the availability of the right from the sphere of the beneficiary of the protection, meets the need to implement and make effective the protection of the whistleblower.

However, the rule allows the whistleblower and other protected persons to waive their rights and remedies, or to settle them, only if this is done in the protected venues and, therefore, before a judge, following a mandatory attempt at conciliation, or mediation and conciliation agreements drawn up by trade unions or before certification bodies.

10. SANCTIONS SYSTEM



Violation of the provisions contained in the above paragraphs may trigger the sanctions procedure, in particular, the following are liable to sanctions

- a) whistleblowers who have made reports with malice or gross negligence or which prove to be false, unfounded, defamatory or in any case made with the sole purpose of damaging the Company, the reported person or other persons concerned by the report;
- b) the person who breached the confidentiality of the reporter;
- c) the person who has been responsible for acts of retaliation and/or discrimination;
- d) the person who obstructed or attempted to obstruct the report.

The above conduct may also be ascertained by ANAC, which imposes the following administrative fines:

- for the conduct referred to in point (a), sanctions ranging from € 500.00 to € 2,500.00, unless the reporting person has been convicted in a criminal court, even at first instance, of the offences of defamation or slander or, in any event, of the same offences committed with the report to the judicial or accounting authorities;
- for the conduct referred to in points (b), (c), (d), sanctions ranging from € 10,000.00 to € 50,000.00.

With regard to the disciplinary scope, Farmigea reserves the right to apply the provisions of section 4.3 of the General Section of the OGC Model.

11. RETENTION OF DOCUMENTATION

The Reporting Manager, as part of the activities related to the management of internal reporting channels, is also in charge of the storage of received reports and related documentation.

Internal reports and the relevant documentation shall be kept for the time necessary for the processing of the report and in any case no longer than five years from the date of the communication of the final outcome of the reporting procedure, in compliance with the confidentiality obligations set out in paragraph 9.1, without prejudice to any additional timeframe in the event of ascertainment, exercise or defence of a right in court. In any case, in order to ensure confidentiality on the identity of the reporter, the Reporting Manager undertakes to maintain the strictest confidentiality on the reports and not to disclose any information that they may have learnt in the course of their duties.

In particular, the Reporting Manager shall

- Handle reports through the use of the online platform and other channels provided for in this Procedure;
- In the case of oral meetings, fill in and update the Report Record, indicating: the fact reported, name and surname of the reporter and any contact details, date the acknowledgement was sent, any request for additions, investigation activities carried out, date the report was acknowledged, outcome of the report (well-founded/not well-founded), notes on the consequences of the report;
- make the stored data and information available to external parties, by obscuring the data of the reporting person, unless access is required by law.

For these purposes, the Reporting Manager has set up special computerised and paper files, as necessary.



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The Whistleblower Manager acts in such a way as to guarantee whistleblowers against any form of retaliation, discrimination or penalisation and, more generally, against any negative consequence arising from the whistleblowing, ensuring the utmost confidentiality of the whistleblower's identity.