

## INFORMATION NOTICE

pursuant to Article 13, Regulation (EU) 2016/679 (the "Regulation" or "GDPR")

With this information notice, the Data Controller, as defined below, would like to illustrate the purposes for which it collects and processes Your personal data, which categories are processed, what are Your rights under the applicable data protection legislation and how they can be exercised, as well as to allow You, where necessary, to give Your consent in relation to specific processing activities.

### 1. THE DATA CONTROLLER

InfoCert S.p.A., with registered office in Rome, Piazza Sallustio 9, Tax Code and VAT no. 07945211006, in the person of its pro tempore legal representative ("InfoCert" or "Data Controller").

The Data Controller can be contacted via PEC at [infocert@legalmail.it](mailto:infocert@legalmail.it) or by ordinary mail by writing to InfoCert SpA, Piazza Sallustio 9, 00187 Rome.

### 2. THE DATA PROTECTION OFFICER

The Data Controller has designated the Group-wide appointed **Data Protection Officer** ("DPO") as its own DPO.

You may contact the DPO via certified e-mail at [dpo\\_tinexta@legalmail.it](mailto:dpo_tinexta@legalmail.it), or via regular mail at:

Data Protection Officer

Tinexta S.p.A.

Piazza Sallustio n. 9

00187 - Rome (RM).

### 3. PERSONAL DATA DEFINITION AND INFORMATION REGARDING THE PROCESSING ACTIVITIES

Under the GDPR, personal data is defined as: *“any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”* (“Data”).

In the context of the activities necessary and functional to follow up to Your request to receive commercial and promotional information and/or in general to Your expression of interest in InfoCert’s products and/or services, the Data Controller collects and processes the following categories of Data referable to



you:

- i. identification data (e.g., name, surname);
- i. contact data, such as residence or domicile address, e-mail address and telephone number;
- ii. company/firm, relevant sector;
- iii. in general, any other information that You may have provided to the Data Controller which is functional to achieving the purposes identified below.

The provision of Data listed above is voluntary; however, the refusal to provide the information indicated above will prevent the Data Controller from fulfilling Your request(s).

In any event, the Data Controller is committed to ensure that the information collected and processed is appropriate for the purposes as set forth hereby, and that this does not involve an invasion of Your privacy.

#### **4. PURPOSES OF PROCESSING AND RELEVANT LEGAL BASIS**

##### **a. Performance of ordinary preventive controls**

The Controller may collect and process Your Data for the performance of ordinary verification activities preliminary to the provision of offers and commercial promotions and instrumental to the possible subsequent establishment of the contractual relationship.

If that be the case, the relevant processing shall be based upon the legal ground provided for under Article 6, paragraph 1, letter f), GDPR, i.e. the legitimate interest of the Data Controller to assess the reliability of its contractual counterparty and to prevent the risk of possible fraud.

##### **b. Taking charge and management of Your requests**

The Data Controller will process the Data in order to follow up on Your requests and, specifically, in the context of the activities necessary, functional and related to their taking charge and management, including the creation of entries re to You in the system, technical assistance or customer care activities in general, etc.

For these purposes, the Data Controller processes Your Data upon the legal ground provided for under Article 6, paragraph 1, letter f), GDPR, being the processing necessary for the performance of actions that are adopted following up Your requests.

##### **c. Defense of legal rights**

The Data Controller may process the Data to assert and defend its rights (including, judicial proceedings). If necessary, the processing will be based on the legal basis referred to in Article 6, paragraph 1, letter f), GDPR.



#### d. Customer satisfaction and direct marketing

The Data Controller may send You communications by e-mail or contact You by telephone calls with an operator in order to understand Your opinion on a particular initiative or business activity proposed by the Data Controller, with the aim of improving its services and, in general, the customer experience in the future.

The Data Controller might process Your Data to send You by email: (i) commercial or promotional communications relating to its products and/or services that are same or similar to those in which You have to some extent showed interest; and/or (ii) invitations to participate in initiatives, promotional campaigns or events, workshops, courses, seminars and round tables that may be organized by the Data Controller, also in collaboration with other companies of the Tinexta Group or third parties.

In this respect, we would like to inform You that, in order to send You offers regarding products and services as well as to invite You to take part in initiatives that may be of any interest to You, the Data Controller may take into account Your characteristics, as they result from the Data that You have provided to the Controller. This, however, will not affect Your rights and freedoms as a data subject, since You will still be able to access all the products/services offered by the Controller without being restricted on the basis of characteristics of data subjects.

The Data Controller processes Your Data in accordance with the principles set forth under the GDPR on the basis of the legitimate interest, as provided for under Article 6, paragraph 1, letter f), GDPR.

On this regard, please be informed that You have the right to object to the sending of such direct marketing and customer satisfaction communications, at any time and free of charge, by following the instructions at the bottom of each promotional message or, alternatively, in the manner set out in paragraph 8 below.

#### e. Indirect Marketing, Social Media Marketing

If You have given Your consent, the Data Controller may process the Data in order to send You commercial and/or promotional communications relating to all its products and services or to those of other companies in the Group and/or third parties, as well as to invite You to take part in events, exhibitions, seminars, etc., organized by third party partners ("**Indirect Marketing**").

In this context, the Data Controller may also process - in joint controllership with each of the social media platforms and/or each of the technology service providers listed herein by way of non-exhaustive list: Meta Platforms Ireland Ltd, Google Ads, Microsoft Advertising Bing, Spotify - some Data (in particular, the email) for the promotion (a) through the pages of the social media platform or of the technological service provider, or (b) within advertising spaces on other websites of commercial and/or promotional



offers/communications relating to all the products or services of the Controller and/or of the other companies of the Group, as well as to events, events, seminars, etc., organized by the Controller or by the latter ("**Social Media Marketing**").

The processing in joint-controllership with each social media platform or technology service provider will be limited to the technical operations and processing activities strictly necessary for the publication of the promotional message and, if applicable, for the production by the social platform or the technology service provider of statistical reports on the progress of the campaign.

For any further processing activities carried out by the social media platform or by the technology service provider as independent data controller, please refer to the information notice pursuant to Article 13 or 14, GDPR, provided by the social media platform or by the relevant technology service provider, to which You may also address any request to exercise the rights recognised to You by the GDPR relating to the processing carried out by it as independent data controller. InfoCert is not responsible and shall not be liable in any way for any processing operation carried out by the social media platform or the technology service provider that are additional to the Social Media Marketing activities described herein and/or concern personal data other than those processed in joint-controllership.

The processing of Your Data in the context of Indirect Marketing or Social Media Marketing activities will only be possible where You have given Your consent, this being the relevant legal ground. In this regard, we would like to inform You that You have the right to withdraw Your previously given consent, free of charge and at any time, by means of the link available at the bottom of all Indirect Marketing communications that You may have received or by contacting the Controller in the manner indicated in paragraph 8 below.

#### **f. Disclosure of Your Data to third parties for their marketing purposes**

If You have given Your consent, the Data Controller may disclose Your Data to other companies of the Group or to third parties operating, for example, in the following sectors: cybersecurity services, call centers, digital & social marketing, market surveys, loyalty programmes and prize competitions, which will use them for their own marketing purposes and for their own commercial activities as independent data controllers. For more information on the processing carried out by them, please refer to the information notice pursuant to Article 14, GDPR, which will be provided to You by each independent controller.

The processing of Data for this purpose by InfoCert will only be possible where You have given Your consent, this being the relevant legal ground under Article 6, paragraph 1, letter a), GDPR. In this regard, we would like to inform You that You have the right to withdraw Your previously expressed consent to communication, free of charge and at any time, by contacting the Data Controller in the manner indicated



in paragraph 8 below.

**g. Performance of corporate transactions**

InfoCert may process the Data in the context of activities functional to transfers of companies and business units, acquisitions, mergers, demergers or other transformations and for the performance of such operations.

Any possible processing activity will be based on the legal basis set forth in Article 6, paragraph 1, letter f), GDPR, namely the legitimate interest of the Data Controller to carry out such activities as an expression of its freedom of economic initiative.

**h. Performance of statistical analysis**

The Data Controller may process certain information when performing statistical, business and market analysis as well as analysis related to its services. In this context, information is normally stored and processed in an anonymous and aggregate form; therefore, this as a rule does not involve the processing of Data, understood as information directly or indirectly

related to You. Should the relevant analysis involve the processing of Data, appropriate measures to ensure the security of Data will be implemented (such as, for example, pseudonymization); in this case, the processing will be based on the legal basis of the legitimate interest of the Data Controller referred to in Article 6, paragraph 1, letter f), GDPR.

**i. Compliance with legal obligations**

The Data Controller will process Your Data, should it be necessary, to fulfill legal obligations.

If necessary, the processing will be based on the legal basis referred to under Article 6, paragraph 1, letter c), GDPR.

## **5. DISCLOSURE OF YOUR DATA TO THIRD PARTIES LOCATED WITHIN THE EUROPEAN ECONOMIC AREA**

The Data Controller may communicate Your Data to third parties who provide them with services that are necessary, functional or otherwise connected to the purposes mentioned above.

In particular, Your Data may be disclosed to third parties (e.g., companies, associations, entities, freelance professionals) that collaborate with the Data Controller in the context of the activities necessary for the marketing and promotion of its products or services, including, for example, providers of technological services, marketing and/or communication agencies, external consultants, who will carry out the



processing in their capacity as data processors. The updated list of data processors is maintained by the Data Controller and is available upon request.

The Data Controller may also disclose Your Data to third parties to which said disclosure is provided for as a legal obligation, to public authorities, to other legal entities members of the Group established in the European Economic Area, as well as to credit or electronic money institutions with which the Data Controller cooperates. These subjects will process Your Data as independent Data Controllers.

In the context of Social Media Marketing activities, some Data will be processed - if You have given the relevant consent - by providers of social media platforms or technological services, each of them acting as joint controller of InfoCert. More information about the relationship between the joint controllers is available upon request.

Finally, if You have given Your consent, Your data may be disclosed to third parties who, as independent data controllers, will process them in order to send You their own commercial or promotional communications.

## 6. TRANSFER OF DATA TO THIRD COUNTRIES

Data is stored on servers located within the European Union.

Notwithstanding the foregoing, in order to achieve the aforementioned purposes, the Data could be transferred to entities established in countries outside the European Economic Area, which provide InfoCert with services related to the processing activities performed.

This transfer, where applicable, will only take place in compliance with the conditions set forth under the GDPR and will be regulated, depending on the recipients, through the use of standard contractual clauses adopted by the European Commission or, alternatively, on the basis of an adequacy decision of the Commission and/or any other instrument permitted by the relevant legislation.

You could obtain more information on where the Data has been, if applicable, transferred by writing to InfoCert at the contact available above.

## 7. APPLICABLE RETENTION PERIODS

The Data Controller will process Your Data for the time strictly necessary to achieve the purposes indicated and described above.

In particular, depending on the purposes of the processing, the applicable Data retention periods are as follows:

- i. Performance of ordinary preventive controls: Your data will be processed only for the time as



- strictly necessary for their performance;
- ii. Taking charge and management of Your requests, defense of legal rights, performance of corporate transactions as well as compliance with legal obligations: Your data will be processed for 12 months since their collection, and then kept for a further period of 6 years, exclusively for purposes related to the fulfillment of legal obligations or the defense of the Data Controller's rights in judicial proceedings;
  - iii. with specific reference to: (a) sending of customer satisfaction communications, the Data will be processed for a maximum of 12 months from Your request, unless You exercise Your right to object to the processing; (b) direct marketing, indirect marketing and social media marketing activities, the Data will be kept for a maximum of 24 months from Your last expression of interest in respect of the Data Controller's products and services, unless - depending on the case - You exercise Your right to object to the processing or withdraw Your consent;
  - iv. Performance of statistical analysis: it being understood that these activities will normally be conducted on anonymised and/or aggregated data, Your Data will be processed for the time necessary to carry out the analysis, unless You exercise Your right to object to the processing.

## 8. YOUR RIGHTS AS DATA SUBJECT

At any time, while the Data Controller is in possession of or processing Your Data, You, as data subject, have the following rights:

- Right of access – You have the right to obtain confirmation as to whether or not Your Data is being processed, and, where that is the case, the right to access to the Data and to receive any information regarding said processing;
- Right of rectification – You have the right to obtain without undue delay the rectification of Your Data, should it be inaccurate or incomplete;
- Right to erasure – You have the right to obtain the erasure of Your Data from our archives if it is not relevant to the continuation of the contractual relationship or necessary to fulfill a legal obligation to which the Data Controller is subject or for the establishment, exercise or defense of a legal claim;
- Right to restriction of processing – where certain conditions apply, You have the right to obtain from the Data Controller restriction of processing;
- Right of portability – where certain conditions apply, You have the right to have Data held by the Data Controller transmitted to another data controller;



- Right to object – You have the right to object, on grounds relating to Your particular situation, at any time to processing of Your Data which is based on the legitimate interest of the Data Controller, including profiling, unless the Data Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defense of legal claims;
- Right to withdraw the consent – You have the right to withdraw the consent previously given as regard to the processing of Your Data, at any time, provided that the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal;
- Right to lodge a complaint before the supervisory authority – should the Data Controller refuse to follow up to Your request to exercise Your rights as provided for by the GDPR, it shall provide You with the reason underpinning said refusal. If need be, You have the right to lodge a complaint as set forth under the paragraph below.

Should You intend to exercise Your rights as provided for by the GDPR, please contact the Data Controller at the addresses indicated above.

The exercise of Your rights as a data subject is free of charge pursuant to and within the limits of Article 12, GDPR.

## 9. COMPLAINTS

Should You wish to file a motion as to how Your Data is being processed by the Data Controller, or as to how Your complaint has been handled, You have the right to lodge a complaint directly before the competent data protection supervisory authority.

## 10. FINAL PROVISIONS

InfoCert reserves the right to amend and/or update this information notice also on the basis of legislative and regulatory changes in the applicable data protection legislation, as well as any interventions by the competent Authorities.

*Last update: september 2022*

