

**Tinexta S.p.A./ InfoCert S.p.A.**

## INFORMATION NOTICE

**pursuant to Article 13, Regulation (EU) 2016/679 (the “Regulation” or “GDPR”)**

With this information notice, the Joint Controllers, as defined below, would like to illustrate the purposes for which they collect and process Your personal data, which categories of personal data are processed, what are Your rights according to the applicable data protection legislation and how they can be exercised. Furthermore, they would like to allow You, if necessary, to give consent to specific processing activities.

### 1. THE JOINT CONTROLLERS

**Tinexta S.p.A.**, parent company of a group of companies (“**Group**”) whose list is published on the website [www.tinexta.com/gruppo](http://www.tinexta.com/gruppo), with registered office in Piazza Sallustio no. 9, 00187 - Rome (RM), VAT number 10654631000 (“**Tinexta**” or “ **Holding**”), together with

**InfoCert S.p.A.**, with registered office in Piazza Sallustio no. 9, 00187 - Rome (RM), in person of its *pro tempore* legal representative (“**InfoCert**” or “**Company**”)

are joint controllers of Your personal data (Tinexta and the Company, together, “**Joint Controllers**” and each of them a “**Joint Controller**”).

The Joint Controllers have entered into a joint controllership agreement pursuant to Article 26, GDPR, in order to regulate their roles and responsibilities related to the joint-controllership of the personal data referable to active and potential customers – and/or their referents – of the Company, which are processed in the context of activities performed at group level and/or carried out in collaboration between InfoCert and the Holding (“**Agreement**”).

It follows that personal data that You might have provided in the context of the business relationship between You (or the organization of which You are a referent) and the Company, will be automatically under the control of the other Joint Controller.

The essential content of the Agreement is available upon specific request at each Joint Controller’s premises.

You may contact the Joint Controllers at the following addresses:

- Tinexta: via e-mail at [tinexta@legalmail.it](mailto:tinexta@legalmail.it), or via regular mail at Tinexta S.p.A., Piazza Sallustio 9, 00187 – Rome (RM);
- InfoCert via e-mail at [infocert@legalmail.it](mailto:infocert@legalmail.it), or via regular mail at InfoCert S.p.A., Piazza Sallustio 9, 00187 - Rome (RM)



## 2. THE DATA PROTECTION OFFICER

Both Joint Controllers have designated the Data Protection Officer (“DPO”) appointed at group level as their 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 Roma (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 related to the establishment and subsequent management of the contractual relationship between You/the organization of which You are a referent, the Joint Controllers collect and process the following categories of Data:

- i. identification data (*e.g.*, name, surname, tax code, VAT number);
- ii. contact data, such as address and domicile, e-mail address, telephone number;
- iii. company/firm, industry, job and job function;
- iv. bank details (*e.g.*, IBAN code, credit card number, *etc.*), any other information necessary for the payment and/or invoicing (where applicable);
- v. in general, any other information necessary for the establishment and subsequent execution of the contract or for the ancillary or functional activities, including the information collected in the context of any creditworthiness control and fraud prevention.

As a general rule, the provision of the Data is entirely optional. Any refusal to provide the information mentioned above may prevent the Joint Controllers from following up to Your requests, hampering - according to the circumstances - the establishment or the subsequent management of the contractual relationship with You or the organization of which You are a referent.

In any case, the Joint Controllers are committed to ensure that the information collected and processed is appropriate and limited to what is strictly necessary in relation to the following purposes, and that this will not lead to a limitation or any other violation of Your rights and freedoms as data subject.

## 4. DATA PROCESSING PURPOSES AND RELATING LEGAL BASIS

- a. **Performance of standard controls prior to the establishment of the contractual relationship**



The Company or, if necessary, Tinexta may collect and process Your Data for the performance of standard pre-contractual activities that are connected and functional to the establishment of the contractual relationship, such as, for example, creditworthiness, solvency, and/or reliability checks.

Where performed, the processing will be based on the legal basis referred to in Article 6, paragraph 1, letter f), GDPR, namely on the Joint Controllers' legitimate interest to assess the reliability of their contractual counterpart and of its referents, and to prevent the risk of potential fraud.

#### **b. Establishment and management of the contractual relationship**

The Joint Controllers will process the Data in order to follow up to Your requests and in the context of the activities that are necessary, functional and ancillary to the establishment and subsequent management of the contractual relationship, including the creation of Your position in our systems, the exchange of communications regarding the contractual relationship, the supply of the service/product purchased or ordered, the sending of invoices, the collection of the amounts due, the activities of technical assistance or customer care in general, *etc.*

In order to achieve these purposes, the Joint Controllers process Your Data in accordance with the legal basis set forth under Article 6, paragraph 1, letter b), GDPR, as the processing is necessary for the performance of a contract to which You - or the organization of which You are a referent - are a party or for the performance of pre-contractual measures adopted upon Your request.

#### **c. Compliance with legal obligations**

The Joint Controllers may process Your Data if necessary for the fulfilment of legal obligations imposed on them (including, for example, those provided for under anti-money laundering legislation).

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

#### **d. Defense of rights**

The Joint Controllers may process Your Data to assert and defend their rights.

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

#### **e. Customer satisfaction and “direct” marketing on similar products and services**

The Joint Controller may process Data in order to send You communications via e-mail or contact You through telephone calls with an operator to understand Your opinion on a particular service, purchase or order, to improve the Joint Controllers' services and, in general, the customer experience.

Each Joint Controller may also process the Data to contact You via e-mail or through telephone calls with an operator to send You (i) commercial and promotional communications related to products and/or services, belonging to them or to the other companies of the Group, that are similar or analogous to those



You already purchased or order or towards which You previously showed interest, and/or (ii) invitations to take part in initiatives, events, workshops, courses, seminars and round tables that may be organized by the Company and/or Tinexta or other companies of the Group, also in collaboration with third parties, that are related to topics concerning products and/or services You purchased or ordered or towards which You previously showed interest.

In this regard, we would like to inform You that in order to send You offers concerning products and services that may be of some interest for You and/or useful to the organization of which You are a referent and to invite You to take part in initiatives that may be pleasing to You, the Joint Controllers may keep in consideration some characteristics of Yours and/or of the organization of which You are a referent, as resulting from the previous purchases or orders and, in general, from the contractual relationship with the Company or both Joint Controllers. This, however, will not affect Your rights and freedoms as data subjects, since You will still be able to have access to all the products/services offered by the Joint Controllers or by the other companies of the Group and there are not and will not be any restriction on the basis of the preferences expressed by the data subjects.

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 Joint Controllers pursuant to the principles stated in the GDPR.

In this regard, please note that You may at any time and free of charge exercise the right to object to the receipt of further direct marketing and/or customer satisfaction communications, as appropriate, by following the instructions at the bottom of each message or expressing Your desire to object directly to the operator during the call, or, alternatively, in the manners described in paragraph 8 below.

#### **f. Marketing on all products and services of the Joint Controllers and/or the Group**

If you have given Your consent, each Joint Controller may process the Data in order to contact You by telephone and/or to send You commercial and/or promotional communications relating to all the products or services (including those not similar to those already purchased or in which You have shown an interest) of the Joint Controllers and/or the other companies of the Group, as well as to invite You to take part in events, exhibitions, seminars, *etc.*, organized by the latter, also in collaboration with third parties, on various topics.

The processing of the Data for this purpose will only be possible where You have given Your consent, being it the condition of lawfulness pursuant to Article 6, paragraph 1), letter a), GDPR.

In this regard, please note that You have the right to withdraw the consent previously given and to change your preferences, free of charge and at any time, by following the link and/or the instructions available at the bottom of each marketing communication that You may receive or by expressing Your wish to withdraw Your consent directly to the operator during the call, or, alternatively, by contacting the Joint Controllers in the manner set out in paragraph 8 below.



#### **g. Data sharing with other companies of the Group for commercial purposes**

If You have given Your consent, the Joint Controllers may communicate Your Data to other companies members to the Group which, in turn, will process it for their own commercial purposes on the basis of an information notice *ex* Article 14, GDPR that will be provided by each of them from time to time.

The sharing of Data with other companies of the Group will be possible only once You have given Your consent, being it the legal ground of the relevant processing pursuant to Article 6, paragraph 1), letter a), GDPR.

You may withdraw Your consent as to the sharing of data with other companies of the Group, free of charge and at any time, by contacting the Joint Controllers in the manner set out in paragraph 8 below. In this case, from the moment of withdrawal of consent, the Joint Controllers will stop further sharing of data with other companies part of the Group. If you wish to stop receiving commercial communications from companies members to the Group other than the Joint Controllers that might have received the Data before You exercised Your right to withdraw the consent, please refer to the information notice that each of the senders of such commercial communications provided You with.

#### **h. Performance of statistical analysis**

The Joint Controllers may process Your Data when performing market analysis and/or analysis related to their sales.

In this context, the information is normally stored anonymously and processed in aggregate form. These analyses, therefore, do not usually involve any processing of Data - intended as information directly or indirectly related to You - other than the technical activities related to their anonymization.

Should the relevant analysis involve a processing of Data, appropriate measures to ensure the security of Data will be implemented (such as, for example, pseudonymization). Any processing will be based on the legal basis referred to in Article 6, paragraph 1, letter f), GDPR, namely on the legitimate interest of the Joint Controllers to carry out studies that are functional to a better understanding of their business and market trends.

#### **i. Activities connected to the performance of corporate transactions**

The Joint Controllers 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 Joint Controllers to carry out such activities as an expression of their freedom of economic initiative.

### **5. COMMUNICATION OF DATA TO THIRD PARTIES LOCATED IN THE EUROPEAN ECONOMIC AREA**



The Joint Controllers may disclose Your Data to third parties which provide them with services necessary, functional, or anyhow connected to the purposes set forth above.

In particular, Your Data may be communicated to subjects (*e.g.*, companies, associations, entities, professionals) that support the Joint Controllers in the activities necessary to the marketing, distribution and promotion of their products or services, including, for example, technology service providers, marketing and/or communication agencies, external consultants, who will carry out the processing activities as data processors. The up-to-date list of processors is kept by the Joint Controllers and is available upon prior request.

Each Joint 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 established in the European Economic Area as well as to business information providers, legal advisors, auditing companies as well as credit or electronic money institutions with whom the Joint Controllers collaborate. These third parties will process Your Data as independent controllers.

Lastly, as mentioned above, if You have given Your consent to do so, Your Data may be communicated to other companies within the Group, which, as independent data controllers, will process it - on the basis of separate information notices to be provided by them - to send You their commercial or promotional communications.

The Data will not be disseminated.

## **6. TRANSFER OF DATA OUTSIDE THE EUROPEAN ECONOMIC AREA**

In principle, the Joint Controllers undertake to process and store the Data on servers located within the European Union.

Without prejudice to this, for the purposes stated above, Data may be transferred to subjects located in countries outside the European Economic Area, which provide to the Joint Controllers with services connected to the processing activities above (*e.g.*, technological services, cloud, or CRM providers, *etc.*).

Such transfer, where the case be, will only take place in compliance with the conditions set forth in the GDPR and will be governed, depending on the recipients, by 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 safeguard permitted by the applicable legislation.

You may obtain more information on the place where Data has been, if any, transferred by writing to the contact details provided above.

## **7. DATA RETENTION PERIODS**

The Joint Controllers will process Your Data for the time strictly necessary to fulfil the purposes mentioned above. In particular, depending on the purpose, the Joint Controllers have set the following retention periods:



- i. Performance of standard prior checks: the Data will be processed only for the time necessary to perform the checks; if checks are negative, the Data will be stored for 11 years from the date of completion of the checks;
- ii. Establishment and management of the contractual relationship/Compliance with legal obligations/Defense of rights/Activities connected to the performance of corporate transactions: the Data will be processed during the preliminary negotiation phase and for the entire duration of the contractual/business relationship, and will be then stored for an additional period of 11 years from the date of termination of the contractual relationship, exclusively for the purposes related to the compliance with legal obligations, or to the defense of one or both Joint Controllers' rights in court;
- iii. Customer satisfaction and/or direct marketing/Marketing on all products and services/Data Sharing for business purposes: Your Data will be processed during the contractual relationship (or, if applicable, the activities preliminary to the establishment of the contractual relationship), or for the time necessary to satisfy a request of Yours and, subsequently, for a maximum of 24 months from, respectively the latest among the last purchase or order You made, the expiry/termination of the contract, the interruption of the negotiations preliminary to the possible signing of a commercial agreement, or Your last expression of interest or the satisfaction of the last request You made. In any case, Your rights to object to the processing or to withdraw the consent remain unaffected; the exercise of these rights, respectively precludes further processing of Data for purposes of customer satisfaction and/or direct marketing, or marketing on all products and services and/or sharing of Data for commercial purposes;
- iv. Performance of statistical analyses: during the time period for which Data are stored for the purposes set forth in point ii above, Data may be processed for the performance of statistical analyses. Considering that such studies are usually carried out on anonymized and/or aggregated information, Data will normally be processed only for the time strictly necessary to complete the anonymization process. In the remote case in which the studies are conducted on information that is not anonymized and that can be directly or indirectly traced back to You, the Data will be processed for the time strictly necessary to complete the statistical analyses carried out from time to time.

## 8. DATA SUBJECT'S RIGHTS

During the period in which the Joint Controllers store or process Your Data, You, as data subject, may at any time exercise 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 receive any information regarding said processing;
- Right of rectification – You have the right to obtain the rectification of Your Data that we hold, should it be inaccurate or incomplete;



- Right to erasure – under certain conditions, You have the right to obtain the deletion of Your Data in our archives if it is not relevant to the continuation of the contractual relationship nor necessary to fulfill a legal obligation to which the Joint Controllers are subject nor for the judicial establishment, exercise or defense of a legal right;
- Right to restrict processing – under certain conditions, You have the right to obtain the restriction of the processing of Your Data;
- Right to data portability – under certain conditions, You have the right to obtain the transfer to another data controller of Your Data that we hold;
- Right to object – You have the right to object, at any time on grounds relating to Your particular situation, to the processing of Your Data which is based on the legal basis of legitimate interest, the exercise of a public interest task, or the exercise of public authority, including profiling, unless the Joint Controllers have legitimate grounds to continue the processing that override the interests, rights and freedoms of the data subject or for the judicial establishment, exercise or defense of legal claims;
- Right to withdraw the consent – You have the right to withdraw the consent previously given as to the processing of Your Data at any moment, provided that that withdrawal shall not affect the lawfulness of processing based on consent before its withdrawal;
- Right to lodge a complaint before the supervisory authority – if the Joint Controllers refuse to follow up to Your requests, You will be provided with the reasons for such denial. If applicable, You have the right to lodge a complaint as described in the following paragraph.

The above-mentioned rights may be exercised towards the Joint Controllers by sending an e-mail to the address mentioned in §1 or contacting the Joint Controllers' DPO at the address indicated above in §2.

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

## 9. COMPLAINT

Should You wish to lodge a complaint regarding the manner in which Your Data is processed by the Joint Controllers or regarding the handling of a request You made, You have the right to lodge a complaint directly before the Supervisory Authority.

## 10. FINAL PROVISIONS

The Joint Controllers reserve the right to modify and/or update this information notice also on the basis of the applicable legislative and regulatory evolutions of data protection, as well as on the basis of possible decisions of the competent Authorities.

The updated version of the information notice will always be posted on the website of each Joint Controller / the Company.





[Last update: \_\_\_\_]

\* \* \*

I, the undersigned

**DECLARE** to have received from the Joint Controllers the information notice on the processing of Data pursuant to Article 13, GDPR.

Furthermore:

**AGREE** to the processing of the Data related to the sending by the Joint Controllers of commercial and/or promotional communications relating to products/services of the Joint Controllers or of other companies members to the Group that are not similar to those already purchased or towards which an interest has been expressed.

**Yes**

**No**

**AGREE** to the communication and/or transfer of Data to other companies of the Group that will use them for their own commercial purposes as independent data controller.

**Yes**

**No**

The consent given may be withdrawn at any time by contacting the Joint Controllers at the contact details mentioned in §§1 and 2.

\* \* \*

Date and signature

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