

## Information Notice

### **pursuant to Article 13, Regulation (UE) 2016/679 (“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.

First of all, please note that the processing of Your personal data is related to the contractual relationship between InfoCert S.p.A. and one of its suppliers (“**Supplier**”), of which You are a referent/representative.

#### **1. THE JOINT CONTROLLERS**

InfoCert S.p.A., with registered office in Piazza Sallustio n. 9, 00187 - Rome (RM), in person of its *pro tempore* legal representative (“**InfoCert**”), together with

Tinexta S.p.A., holding company of the homonymous group of companies, with registered office in Piazza Sallustio n. 9, 00187 - Rome (RM), in person of its *pro tempore* legal representative (respectively, “**Tinexta**” and “**Group**”)

are joint controllers of Your personal data (InfoCert and Tinexta, 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 with reference to the joint controllership of personal data referable to referents/representatives of InfoCert’s suppliers that are processed in the context of activities performed at group level and/or carried out in collaboration between InfoCert and Tinexta (“**Agreement**”).

It follows that personal data, if any, You might have provided in the context of Your relationship with InfoCert, 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:

- InfoCert, via e-mail at [infocert@legalmail.it](mailto:infocert@legalmail.it), or via regular mail at InfoCert S.p.A., Piazza Sallustio n. 9, 00187 - Rome (RM);
- Tinexta, via e-mail at [tinexta@legalmail.it](mailto:tinexta@legalmail.it), or via regular mail at Tinexta S.p.A., Piazza Sallustio n. 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 – 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 related to the establishment and subsequent management of the contractual relationship between InfoCert and the Supplier, the Joint Controllers collect and process the following categories of Data related to You:

- i. identification data (e.g., name, surname, tax code, VAT number);
- ii. contact data, e-mail address, telephone number;
- iii. company/firm, industry, job and job function.

As a general rule, the provision of Data is entirely optional. However, any refusal to provide the information mentioned may hamper the management of the contractual relationship between InfoCert and the Supplier.

### **4. DATA PROCESSING PURPOSES AND RELATING LEGAL BASIS**

#### **a) Performance of standard checks prior to the establishment of the contractual relationship with the Supplier**

The Joint Controllers may collect and process Your Data for the performance of standard pre-contractual activities connected and functional to the establishment of the contractual relationship with the Supplier, such as, for example, creditworthiness, solvency, and/or reliability checks.

Should it occur, the processing will be based on the legal basis referred to in Article 6, paragraph 1, letter c), GDPR, namely on the Joint Controllers’ legitimate interest to assess the reliability of their contractual counterparts and to prevent the risk of potential fraud.

#### **b) Establishment, management and performance of the contractual relationship with the Supplier**



The Joint Controllers will process the Data to establish and then manage the contractual relationship to which the Supplier is a party to and for all the ancillary activities thereto including, by way of example, the ordinary administration of the contract, the performance of the tasks provided for under the agreement, the issue and payment of invoices, the management of and the response to requests.

The relevant processing will take place in accordance with the legal basis set forth in Article 6, paragraph 1, letter b), GDPR, as the processing is necessary for the performance of a contract to which the Supplier - of which You appear to be a referent/representative - is a party.

**c) Compliance with legal obligations**

The Joint Controllers may process Your Data if that be necessary for the fulfilment of the 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 Joint Controllers' 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) Performance of statistical analysis**

The Joint Controllers may process certain information when performing statistical, *business* and market analysis related to their activities.

In this context, information is normally stored and processed in an anonymous and aggregate form; therefore, this should not involve a processing of Data, intended 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 Joint Controllers referred to in Article 6, paragraph 1, letter f), GDPR.

**f) 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 InfoCert or both Joint Controllers in activities necessary to the marketing, distribution and promotion of their products or services, including, for example, technology service providers, agencies, external consultants, who will carry out the processing activities as data processors. The up-to-date list of processors is kept by InfoCert and is available upon prior request.

Each Joint Controller may also disclose the 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 credit or electronic money institutions with whom InfoCert or the Joint Controllers collaborate. These third parties will process Your Data as independent controllers.

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

Data are stored 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 InfoCert or to both Joint Controllers services connected to the processing activities they perform.

Such transfer, where applicable, will only take place in compliance with the conditions set forth under 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 the case be, transferred by writing to InfoCert at the addresses provided above.

## 7. DATA RETENTION PERIODS

The Joint Controllers will process Your Data for the time strictly necessary to reach the purposes mentioned and described above. In particular:

- for the purpose of performing standard prior checks, Your Data will be processed only for the time necessary to fulfil such controls;
- for the purposes of managing the contractual relationship with the Supplier (*e.g.*, execution of the contract, management of and response to requests), defense of rights, activities connected to the



performance of corporate transactions, Data will be processed for the entire duration of the contractual relationship and will be stored for an additional period of 11 years starting from the date of termination of the contractual relationship, exclusively for the purposes related to the compliance with legal obligations, to the defense of one or both Joint Controllers' rights or to the need to respond to the requests of the competent authorities;

- for the purpose of performing statistical, business and market analysis, Data will be processed for the time necessary to carry out analytical activities, it being understood that such activities will normally be performed on anonymous and/or aggregate data.

## 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 Data 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 time, 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. Should You wish to lodge



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

The above-mentioned rights may be exercised towards InfoCert or the Joint Controllers by sending an email to the following e-mail address [richieste.privacy@legalmail.it](mailto:richieste.privacy@legalmail.it).

The exercise of Your rights as data subjects is free of charge in accordance and within the limits of Article 12, GDPR.

## 9. FINAL PROVISIONS

The Joint Controllers reserves 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.

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

