

Information Notice

pursuant to Articles 13, Regulation (EU) 2016/679 (“Regulation” or “GDPR”)

With this information notice, InfoCert S.p.A. would like to illustrate the purposes for which it collects and processes 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.

First of all, please note that the processing of the personal data is related to the issuing of a qualified electronic signature certificate in Your favour by InfoCert S.p.A., under an existing contract between InfoCert S.p.A. and one of its costumers/business partners (“**Partner**”), of which You are a customer.

1. THE DATA CONTROLLER

InfoCert S.p.A., with registered office in Piazza Sallustio n. 9, 00187 - Rome (RM) is the data controller of Your personal data (“**InfoCert**” or “**Data Controller**”).

You may contact the Data Controller via certified e-mail at infocert@legalmail.it, or via regular mail at InfoCert S.p.A., Piazza Sallustio n. 9, 00187 - Rome (RM).

2. THE DATA PROTECTION OFFICER

InfoCert has designated the Data Protection Officer (“**DPO**”) appointed at group level as its own DPO.

You may contact the DPO via certified e-mail at 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**”).

InfoCert, in its capacity as accredited certification body, collects the identification and contact Data supplied by You in order to provide You with the service/services - including the related ancillary services – covered by the framework agreement between InfoCert and the Partner (“**Services**”).

For this purpose, in the context of the activities related to the establishment and subsequent management of the contractual relationship functional to allow You to benefit from the Services, InfoCert collects and processes the following categories of Data:



- i. identification data (*e.g.*, name, surname, tax code, VAT number);
- ii. contact data, such as address of residence or domicile, e-mail address and telephone number;
- iii. company/firm, industry, job and job function;
- iv. in general, any additional information necessary for the establishment and subsequent performance of the contract or for any activity that is necessary or functional to it, including those potentially collected in the context of credit checks and fraud prevention.

In addition, please consider that providing You with the Services implies Your prior identification, which may occur through methods of recognition described within the Operating Manual applicable to the Services, and accessible at <https://www.infocert.it/documentazione/>. In this regard, please take into account that where recognition occurs:

- a) via webcam, *i.e.* by remote identification during an audio / video session recorded by an operator;
or
- b) through automated methods involving the reading of the identity document by means of a device of Yours, and the completion of an automatic face recognition procedure via video-selfie, using biometric recognition technologies based on liveness detection and face matching logics that will automatically evaluate the compatibility index between the identity document and the images collected;

in addition to Data, InfoCert will also process images, videos and, where applicable, audio recordings uniquely referable to you (“**Biometric Data**”). The processing of Biometric Data will take place for the sole purpose of identifying You and allowing You to enter into agreement relating to the Services You chose. With reference to the automated recognition methods referred to in letter b), InfoCert also specifies that if the minimum level of compatibility between the identity document and registration is not reached, a subsequent phase of identity verification is envisaged in back-office by a person in charge. It is understood that the processing of Biometric Data – as applicable, through the use of automated methods - will only be possible after You having expressed a specific consent and shall be limited to what is strictly necessary for Your identification.

It is also understood that You can freely choose not to use options of recognition under letters a) and b) above, and still access the Services through the alternative methods offered by InfoCert and governed by the Operating Manual applicable to the Services You requested (for further information, please visit the website www.infocert.it).

Without prejudice to the optional nature of the recognition methods implying processing of Biometric Data for the purposes of identifying You, as a general rule, the provision of Data is entirely voluntary; any refusal to provide the information referred to above will, however, prevent InfoCert from following up on Your requests with the subsequent impossibility to offer the Services requested.



4. DATA PROCESSING PURPOSES AND RELATING LEGAL BASIS

a) Establishment, management and performance of the contractual relationship

The Data Controller will process the Data for the performance of pre-contractual measures (*e.g.*, in the event of a request for information prior to the conclusion of a possible contract), the establishment and following management of the contractual relationship of which You are a party and for all the activities ancillary to this, among which, by way of example and where applicable, the ordinary administrative management of the contract, the performance of the services referred to in the agreement, the issuing and payment of invoices, the management and the response to the requests for technical assistance, also *on line* (c.d. *trouble-ticking*), the registration and the retention of the Data in order to keep evidence of Your intention to request the Service, the sending of communications with informative content regarding the imminent termination of the existing contract in order to avoid adverse consequences, *etc.*

The relevant processing will take place on the legal basis referred to in Article 6, paragraph 1, letter b), GDPR, being the processing necessary to the performance of a contract of which You are a party or to the performance of the pre-contractual measures adopted in response to Your request.

Should You opt for the identification procedure via webcam or via automated methods, InfoCert will also process Biometric Data. In this case, the processing will be carried out under the specific consent of the data subject pursuant to Article 6, paragraph 1, letter a), and 9, paragraph 2, letter a), GDPR, that will be given directly at the time of the identification.

In addition, the identification using automated methods implies an automated decision-making process pursuant to Article 22, GDPR. Consequently, before proceeding with the recognition through automated methods, you will be asked to express your consent, which is the legal ground applicable pursuant to Articles 6, para. 1, lett. a) and 22, para. 2, lett. c), Regulation.

b) Compliance with legal obligations

The Data Controller will process Data for the fulfilment of legal and regulatory obligations, both national and European, to which it is potentially bound (including, where applicable, those provided for under anti-money laundering legislation) for the establishment and management of the contractual relationship. By way of example, the Data will be collected in digital mode – and stored in encrypted mode – in electronic files, in compliance with (i) Legislative Decree 82/2005 (“Codice dell’Amministrazione Digitale” or “CAD”); and (ii) Regulation (EU) 2014/910 (“*Electronic IDentification Authentication and Signature Regulation*” or “EIDAS Regulation”).

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

c) Defense of rights

The Data Controller may process the Data to assert and defend its rights (in judicial proceedings as well).



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

d) Performance of statistical analysis

InfoCert may process certain information when performing statistical, business and market analysis as well as analysis related to the quality of services.

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 Data Controller referred to in Article 6, paragraph 1, letter f), GDPR.

e) *Customers satisfaction and direct marketing*

The Data Controller may process the Data in order to send communicationa via e-mail with the purpose of understanding Your opinion on the Services You purchased, which are functional to the improvement of the services offered by Infocert and, in general, of the customer experience.

InfoCert may also process Data in order to send You via e-mail (i) commercial and promotional communication related to products and/or services of InfoCert or other companies members to the Tinexta Group, which are similar or analogous to those You already purchased or ordered, and/or (ii) invitations to participate in initiatives, promotional campaigns or events, workshop, courses, seminars and round tables organized by InfoCert or other companies members to the Tinexta Group, also in collaboration with third parties.

In this regard, we would like to inform You that in order to send You offers regarding products and services that may be of some interest to You and invite You to take part to initiatives that You might like, the Data Controller may take into consideration Your preferences, as they result from Your prior purchases or orders and, in general, from the characteristics of Your contractual relationship with InfoCert. This, however, will not have any consequences on Your rights and freedoms as data subject, given that You will still be able to have access to all products/services offered by the Data Controller or other companies of the Tinexta Group and, moreover, there are not and will not be any restrictions based on the preferences of the interested parties.

The potential processing 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. In this regard, we specify that, with reference to the processing at stake, You may object to the sending of further direct *marketing* and *customer satisfaction* communications, free of charge and at any time as indicated under the following paragraph 8.



f) Activities connected to the 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.

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

InfoCert may disclose Your Data to third parties which provide the Data Controller with services necessary, functional, or anyhow connected to the purposes set forth above.

In particular, the Data may be communicated to subjects (*e.g.*, companies, associations, entities, professionals) that support InfoCert in activities necessary to the marketing, distribution and promotion of its 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 InfoCert and is available upon prior request.

The Data Controller may also disclose the Data to third parties to which said disclosure is provided for as a legal obligation, to public authorities, and to other legal entities established in the European Economic Area as well as to credit or electronic money institutions with whom InfoCert collaborates. These third parties will act as independent data controllers.

The Data Controller will not make Your Data - especially Biometric Data potentially collected through the webcam or through the automated methods referred to under Art. 3, para. 4, lett. a) and b) above - available to the public.

6. TRANSFER OF DATA OUTSIDE THE EUROPEAN ECONOMIC AREA

Data are stored on *servers* located in 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 services connected to the processing activities it performs.

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 the Data has been, if the case be, transferred by



writing to InfoCert at the addresses provided above.

7. DATA RETENTION PERIODS

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

- for the purposes of managing the contractual relationship (e.g., execution of the contract, management of and response to requests for technical assistance, sending of informative communications regarding the impending expiry of the contract), defense of rights, activities connected to the performance of corporate transactions, the Data will be processed for the entire duration of the contractual relationship and will be stored for an additional period of 10 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 the Data Controller's legal rights or to the need to respond to the requests of the competent authorities;
- for the identification via webcam or via automated methods, Data and Biometric Data will be processed for the time necessary to ensure You the possibility to access the Services as well as for the purpose of protecting InfoCert's rights in court, that is until the expiration of the period prescribed by the CAD and compatibly with the EIDAS Regulation. The same will be stored for a maximum period of 20 years starting from the expiry of the qualified certificate of digital signature, except in cases where the retention for a subsequent period is required for any litigation, requests by competent authorities or under the existing or supervening legislation. It is understood that at the end of the retention period Data, including Biometric Data, will be immediately and automatically deleted, without prejudice to any legal provision that provide for a different discipline for specific cases;
- for the purpose of performing statistical, business and market analysis, as well as the analysis on the quality of services, 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;
- with specific reference to: (a) sending of customer satisfaction communications, the Data will be processed for a maximum period of 12 months from the purchase or order You made, without prejudice to the exercise of the right to object to the processing; (b) direct marketing activities, the Data will be stored for the duration of Your contractual relationship with InfoCert and for a maximum period of 24 months from its termination caused by any reason, without prejudice to the exercise of the right to object to the processing.

8. DATA SUBJECT'S RIGHTS

During the period in which InfoCert stores or processes 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 access the Data and to receive any information regarding said processing;

- Right of rectification – You have the right to obtain the rectification of Your Data, 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 InfoCert is 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 InfoCert has 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 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 InfoCert refuses to follow up to Your requests, it will provide 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 by sending an email to the following e-mail address 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





InfoCert 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 Authority.

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