

## INFORMATION ON THE PROCESSING OF PERSONAL DATA IN ACCORDANCE WITH REGULATION (EU) 679/2016

Dear Supplier,

pursuant to and in accordance with Article 13 of Regulation (EU) 679/2016 on the protection of personal data (hereinafter "GDPR"), ERG S.p.A. provides you with this information regarding the processing of personal data you provide in the qualification process.

### 1. Data controller

The data controller, pursuant to Article 4, number 7) of the GDPR, is ERG S.p.A. with registered office in Genoa, via De Marini, 1 (hereinafter, the "Data Controller").

### 2. Type of personal data

The personal data subject to processing (hereinafter, the "Personal Data") concern:

- those provided by you as part of the evaluation process for registration in the supplier qualification portal, or when participating in a tender, eventual conclusion of a contract or subcontracting authorization and, in general, in the course of the pre-contractual and contractual relationship.
- judicial data, i.e., those personal data related to criminal convictions and offenses or related security measures in compliance with Article 10 of the GDPR.

### 3. Purpose of processing and legal basis

Personal Data will be processed exclusively for the following purposes, which are strictly related and instrumental to the qualification, to the eventual finalization of the relationship, to the fulfillment of the obligations inherent to the contract itself, to the provision of the good/service provided. In particular:

- for effective management of business relations (the legal basis for processing is the legitimate interest of the owner in the efficient management of its business art. 6 para. 1 lett. f) GDPR);
- for inclusion in the Data Controller's supplier register for qualification and accreditation purposes and subsequent participation in tenders (the legal basis is the need to execute pre-contractual and contractual measures pursuant to Art. 6 para. 1 lett. b) GDPR);
- to manage the contractual relationship with the supplier (the legal basis is the need to execute the contract pursuant to Art. 6 para. 1 lett. b) GDPR);
- to fulfill obligations under civil and tax laws, regulations, and EU legislation in particular with regard to the proper management of tenders and related contracts (the legal basis is the need to fulfill legal obligations under Art. 6 para. 1 lett. c) GDPR);

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- for the establishment, exercise or defense of its rights in court (the legal basis is the pursuit of the holder's legitimate interest in defending its rights pursuant to Art. 6 para. 1 lit. f) GDPR).

#### **4. Obligation to provide your data**

The processing of Personal Data is necessary; refusal to provide Personal Data for these purposes will result in the impossibility of concluding or executing the contractual relationship.

#### **5. Scope of circulation of Personal Data**

Personal Data will be processed only within the Data Controller's organization by individuals specifically trained in the processing and may be transmitted outside the company's organization to individuals who will process the Personal Data only for the purposes envisaged above and only in accordance with the instructions of the Data Controller.

In addition, Personal Data may also be disclosed to external parties who will act as autonomous data controllers. So for example in the case of Public Administrations or law firms and consultants within the scope of assistance activities, or even to other companies within the scope of due diligence activities or similar, insurance companies.

#### **6. Rights of the Data Subject**

We inform you that, pursuant to Articles 15-22 GDPR, you, as a data subject, by contacting the Data Controller may exercise specific rights, including:

- a. Right of access: right to obtain confirmation from the Data Controller that Personal Data is or is not being processed, and if so, to obtain access to Personal Data and further information on the origin, purpose, category of data processed, recipients of communication and/or data transfer, etc.
- b. Right of rectification: right to obtain from the Data Controller the rectification of inaccurate Personal Data without undue delay, as well as the integration of incomplete Personal Data, including by providing a supplementary statement.
- c. Right to erasure: right to obtain from the Data Controller the erasure of Personal Data without undue delay in the event that: o the Personal Data is no longer necessary in relation to the purposes of the processing; o the consent on which the processing is based is withdrawn and there is no other legal basis for the processing; o the Personal Data has been processed unlawfully; o the Personal Data must be erased in order to comply with a legal obligation under the law of the Union or the Member State to which the Data Controller is subject.
- d. Right to object to processing: the right to object at any time, on grounds relating to one's particular situation, to the processing of Personal Data referred to in Article 6(1)(e) or (f) GDPR, including profiling on the basis of these provisions.

- e. Right to restriction of processing: right to obtain from the Data Controller the restriction of processing, in cases where the accuracy of Personal Data is contested (for the period necessary for the Data Controller to verify the accuracy of such Personal Data), if the processing is unlawful and/or the data subject has objected to the processing.
- f. Right to data portability: right to receive in a structured, commonly used and machine-readable format Personal Data and to transmit such data to another data controller, only for cases where the processing is based on consent and only for data processed by electronic means.
- g. Right to lodge a complaint with a supervisory authority: without prejudice to any other administrative or judicial remedy, a data subject who considers that the processing concerning him or her is in breach of the GDPR has the right to lodge a complaint with the supervisory authority of the Member State where he or she resides or usually works, or of the State where the alleged breach occurred.

You may, in addition, revoke any consent you may have given at any time, without prejudice to the lawfulness of the processing carried out before revocation.

If you wish to have more information about the processing of your Personal Data, or to exercise the above rights, you may contact the Data Controller at the email address [casellaprivacy@erg.eu](mailto:casellaprivacy@erg.eu).

## **7. Storage period**

The Data Controller retains in its systems the Personal Data acquired for the time necessary to achieve the purpose and in any case not beyond the term of 10 years from the termination of the contractual relationship in line with the statute of limitations provided by law.

## **8. Transfer of Personal Data**

There are no plans to transfer Personal Data to countries outside the European Economic Area (EEA) or to international organizations. Should this become necessary for exceptional situations, related, for example, to defense purposes, it will be done:

- exclusively in the presence of an adequacy decision by the European Commission pursuant to Article 45 GDPR; or
- in the absence of such an adequacy decision, exclusively upon the adoption by the Controller or any data controller of adequate safeguards providing for enforceable rights and effective remedies for data subjects, pursuant to Article 46 GDPR; or
- in the presence of one of the exceptions provided for in Article 49 GDPR.