

PRIVACY NOTICE

SOFINTER S.p.A., with registered office in Milan, Via Conservatorio No. 17, registered with the Milan Monza Brianza Lodi Companies Register, Tax Code and VAT No. 08554110158, acting as Data Controller (hereinafter the “Company” or the “Controller”), pursuant to Legislative Decree No. 196 of 30 June 2003 (the “Privacy Code”), as amended by Legislative Decree No. 101/2018, and Articles 4(7) and 24 of Regulation (EU) 2016/679 of 27 April 2016 concerning the protection of natural persons with regard to the processing of personal data (the “Privacy Regulation” or “GDPR”), hereby informs you pursuant to Article 13 GDPR that your personal data are collected and processed by the Company for purposes directly related and instrumental to the provision of services (the “Services”).

The provision of your personal data is necessary for the Company to provide the Services; therefore, failure to provide such data, even partially, will make it impossible for the Company to proceed with the provision of the Services.

“Processing of personal data” means any operation or set of operations performed on personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

We therefore inform you that such data will be processed manually and/or with the support of electronic or telematic means for the following purposes.

1. Primary Purposes of the Processing of Personal Data

1.1

First and foremost, the processing of the personal data you are required to provide is intended to make it possible for the Company to provide the Services, including the resolution of any issues arising after the sale (e.g. complaint management) and administrative and accounting activities (including, by way of example, invoicing, historical archiving, debt collection, including through factoring, credit insurance, assignment of receivables, etc.), as well as implementing measures aimed at protecting against credit risk, including those relating to customer identification and assessment of financial reliability.

The provision of data necessary for these purposes constitutes, depending on the circumstances, a contractual obligation or a requirement necessary for the conclusion of the contract. Failure to provide such data may make it impossible for the Controller to establish or perform the contractual relationship.

1.2

The processing of personal data may also pursue pre-contractual purposes, such as responding to specific requests submitted by the data subject.

The legal basis for such processing is Article 6(1)(b) GDPR (performance of a contract to which the data subject is party or implementation of pre-contractual measures taken at the data subject’s request), as well as, for administrative-accounting activities and credit protection activities, the Controller’s legitimate interest pursuant to Article 6(1)(f) GDPR.

1.3

The personal data processed by the Company are those required for the above purposes and may include ordinary personal data such as:

- First name and surname;
- Email address;
- Postal address;
- Date and place of birth;
- Financial information (e.g. bank account details);
- Image data (e.g. photograph included on an identity document).

1.4

Processing will not involve personal data falling within the category of “special categories of personal data”.

1.5

The Controller does not knowingly collect data relating to individuals under 18 years of age.

2. Compliance with Legal, Regulatory or EU Obligations

2.1

Your personal data will also be processed in order to comply with obligations imposed by applicable laws, regulations, or European Union legislation.

The legal basis for such processing is Article 6(1)(c) GDPR, namely compliance with a legal obligation to which the Controller is subject.

3. Secondary Purposes of the Processing of Personal Data: Promotional, Advertising and Marketing Activities

3.1

Your personal data may be processed, both in paper form (e.g. completion of forms and similar documents) and by automated/electronic means, for secondary promotional, advertising or marketing purposes related to the promotion of services or promotional initiatives, including those organised by third parties, such as, by way of example, the sending of newsletters by email (the “Marketing Processing”).

3.2

By granting consent, the data subject expressly acknowledges these Marketing Purposes and authorises such processing pursuant both to Article 130 of the Privacy Code, as amended by Legislative Decree No. 101/2018, and Article 6(1)(a) GDPR, which constitutes the legal basis for Marketing Processing.

Processing for Marketing Purposes requires a specific, separate, express, documented, prior, informed, freely given and entirely optional consent.

Accordingly, data may be collected and processed on the basis of specific consent:

- a) to send advertising and informational materials (e.g. newsletters) and promotional or commercial solicitation communications to data subjects who have provided informed consent, pursuant to Article 130 of the Privacy Code;
- b) to carry out studies, research, market statistics, surveys and questionnaires, both by telephone and through electronic communication means.

3.3

By providing optional consent, the data subject expressly acknowledges and authorises these further possible secondary processing activities.

3.4

As specifically required by Article 21 GDPR, where personal data are processed for direct marketing purposes, the data subject has the right to object at any time to the processing of personal data concerning him or her for such purposes. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for those purposes.

3.5

The Controller does not carry out profiling activities through the analysis of information relating to preferences, habits or purchasing choices aimed at categorising data subjects into homogeneous groups on the basis of behaviours or characteristics through the use of advanced techniques, algorithms and information systems, for the purpose of developing, promoting or providing customised products and services and sending targeted commercial communications.

4. Mandatory or Optional Nature of Consent for the Primary Purposes of Processing

4.1

Under the applicable provisions of the Privacy Code and the GDPR, the Controller is not required to obtain specific consent for the processing of ordinary personal data for the purposes referred to in Sections 1 and 2 of this Privacy Notice.

The processing described above pursues primary purposes for which Article 6 GDPR excludes the need to obtain specific consent because the processing is necessary:

- to comply with a legal obligation;
 - to perform a contract;
 - to take pre-contractual measures requested by the data subject;
 - or to pursue administrative and accounting purposes.
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5. Mandatory or Optional Nature of Consent for Promotional, Advertising and Marketing Purposes

5.1

The provision of personal data to the Company, the consent to Marketing Processing and the separate consent to the disclosure of data to third parties for Marketing Processing, for the purposes and in the manner described above, are entirely optional and voluntary.

Consent may be withdrawn at any time, without formalities, including after it has been granted, by sending an email to:

comitato.privacy@sofinter.it

Failure to provide consent will result solely in the inability of the Controller and any third parties to carry out the marketing activities described above.

5.2

Refusal to consent to processing for marketing purposes shall have no impact whatsoever on the possibility of participating in promotional initiatives from time to time organised.

6. Disclosure of Personal Data for the Primary Purposes of Processing

6.1

Data processed for the purposes referred to in Section 1 may be disclosed to any third party where disclosure is required by law, including for the prevention or suppression of unlawful activities.

6.2

Pursuant to Article 13(1)(e) GDPR, the following categories of recipients may become aware of personal data:

- Employees and collaborators of the Controller, acting as authorised persons pursuant to Article 29 GDPR and Article 2-quaterdecies of the Privacy Code, and/or system administrators;
- Parent companies, subsidiaries and affiliated companies of the Controller, both in Italy and abroad, and their employees or collaborators;
- Third-party companies or other entities (including, by way of example, credit institutions, financial intermediaries, insurance companies, professional firms, consultants, etc.) that provide outsourced services on behalf of the Controller and act as external Data Processors, including suppliers and service providers.

The Controller also reserves the right to make personal data accessible to certain third parties, including:

- IT providers for system development and technical support;
- Auditors and consultants for compliance verification;
- Legal advisers;

- Law enforcement agencies and parties involved in legal proceedings;
- Successors or business partners of the Controller or related companies in the event of mergers, acquisitions, disposals or other extraordinary transactions;
- Police forces, armed forces and public authorities where required by law.

6.3

Where such entities are established outside the EU, the Controller ensures that transfers of data outside the EU will take place in accordance with applicable laws and on the basis of Standard Contractual Clauses adopted by the European Commission, as described in Section 8.

7. Disclosure of Personal Data for Promotional, Advertising, Marketing and Market Research Purposes

7.1

For the purposes described in Section 3, your personal data may be disclosed to third parties established in the United States that ensure a level of protection compliant with European standards in accordance with Articles 44 et seq. GDPR, either by participating in the EU-U.S. Data Privacy Framework pursuant to the European Commission Adequacy Decision of 10 July 2023, or through the execution of Standard Contractual Clauses approved by Commission Implementing Decision (EU) 2021/914.

8. Data Transfers

8.1

Data are stored on servers and storage systems located within the European Union.

However, where necessary, the Controller may transfer data to countries outside the European Union or the European Economic Area that have been recognised by the European Commission as providing an adequate level of protection for personal data or, where such recognition is not available, only where appropriate contractual safeguards are implemented to ensure a level of protection substantially equivalent to that provided within the European Union and to guarantee the exercise of data subjects' rights.

In such cases, transfers will take place in compliance with applicable legal requirements and through the execution of Standard Contractual Clauses approved by the European Commission.

The Controller shall implement all safeguards required by applicable privacy legislation.

9. Data Retention Periods

9.1

Data will be retained for the periods established by applicable legislation pursuant to Article 13(2)(a) GDPR.

Civil, accounting and tax documents, together with related data, will in any event be retained for five or ten years, as required by applicable legislation.

9.2

Personal data processed for Marketing Purposes will be retained for five (5) years or for a shorter period if the data subject withdraws consent.

9.3

Further information on the document retention policy may be obtained by requesting a copy of the Personal Data Retention Policy at: comitato.privacy@sofinter.it

10. Data Controller and Data Protection Officer

10.1

SOFINTER S.p.A.

Registered Office:

Via Conservatorio No. 17, Milan, Italy

Operational Office:

Piazza Buffoni No. 3

21013 Gallarate (VA), Italy

Telephone: +39 0331 738111

For the exercise of rights:

comitato.privacy@sofinter.it

Data Protection Officer (DPO):

DPO@sofinter.it

The updated list of appointed Data Processors is available at the operational office indicated above.

11. Exercise of Data Subject Rights

11.1

Pursuant to Article 13(2)(b) and (d) and Articles 15 to 22 GDPR:

- a) You have the right to obtain access to your personal data, request rectification, erasure, restriction of processing, object to processing, exercise your right to data portability and withdraw any consent given, without affecting the lawfulness of processing based on consent before withdrawal;
- b) You have the right to lodge a complaint with the Italian Data Protection Authority at www.garanteprivacy.it;
- c) Any rectification, erasure or restriction of processing carried out at your request will be communicated by the Controller to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Controller shall inform you of those recipients upon request.

11.2

The exercise of these rights is free of charge and not subject to any formal requirements.

11.3

Articles 15 to 23 GDPR are available at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679>

12. Consent pursuant to Article 7 GDPR

The undersigned, having read the above Privacy Notice, expressly and freely:

☐ CONSENTS ☐ DOES NOT CONSENT

to the processing of his/her personal data for the purposes referred to in Section 3 regarding commercial, promotional and direct marketing communications through the contact systems described therein, by signing this document in full acceptance of its contents.

Place and Date: _____

Signature of the Data Subject / Legal Representative: _____