

Privacy Notice

InfoCert S.p.A., with registered office in Piazza Sallustio 9, 00187 - Rome (Italy) (“**InfoCert**” or “**Controller**”), provides herein this privacy notice (the “**Privacy Notice**”) for the processing of the personal data of its customers (the “**Customers**”), pursuant to Article 13 of Regulation (EU) 679/2016, *General Data Protection Regulation* (“**GDPR**”), to the applicable national legislation compatible with the aforementioned GDPR, and to the provisions of the Italian Data Protection Authority (jointly referred to as the “**Applicable Privacy Laws**”) and may be contacted at the address richieste.privacy@legalmail.it.

The processing of personal data of the Subject is necessary for the execution of the contract (the “**Contract**”), relating to the provision of the qualified certificate of electronic signature required by the Customer (“**Service**”), within the framework of its relationship with a partner of InfoCert (the “**Partner**”). If the Data Subject does not provide the personal data referred to in art. 1 below, the Controller may not provide the Service.

1. What personal data will be processed?

- 1.1. The Controller will process the personal data of the Data Subject, including name, surname, tax code, sex, date of birth, place of birth, nationality, address of residence, identity document details as well as a telephone number and *e-mail* address (“**Personal Data**”). The provision of such Personal Data is mandatory, as - otherwise - the Contract cannot be executed and therefore the Service cannot be provided to the Customer.
- 1.2. The request of the Service implies the identification of the Customer, according to the methods of recognition that the Partner has asked InfoCert to make available to the Customer, it being understood that the identification aimed at issuing a digital certificate can also be implemented through other methods of recognition, provided by InfoCert in accordance with current legislation and more detailed in the Operating Manual ICERT-INDI-MO-ENT (the “**Operating Manual**”). In particular, at the choice of the Partner, it is possible that the Data Subject is proposed to be identified by a remote recognition procedure during an audio/video session recorded with an operator using a *webcam*, described in the Operating Manual, as recognition mode n.5-VideoID (“**Web Identification**”). In any case, the recognition will not be done by automated tools, but will be done manually by an operator. In this respect, the Data Subject shall be informed that:
 - 1.2.1. if the Data Subject agrees to be identified by Web Identification, the Controller shall also process, in addition to Personal Data, also the biometric data acquired during the audio-video session recorded by InfoCert, i.e. facial images and audio clips of the voice (the “**Biometric Data**”), for the sole purpose of identifying and entering into the Contract. Therefore, the processing of Biometric Data will be limited to the recording of the audio/video flow related to the presentation of the Customer's identity document and the interaction with the operator, in the part in which the actual will of the applicant to access the Service will be documented;
 - 1.2.2. although Web Identification is only one of the recognition methods provided for in the Operating Manual, if the Partner has decided to make only the Web Identification available to the Customer, the refusal to proceed with this recognition method will make it impossible to provide the Service;
 - 1.2.3. before the start of the session of Web Identification, the operator appointed by the Controller will ask the Data Subject for consent to the processing of Biometric Data, in the light



of this Notice, made available during the process of purchasing the Service.

2. On what legal basis and for what purposes will Personal Data be processed?

- 2.1. The legal basis for the processing of personal data referred to in Article 1 shall be constituted:
 - 2.1.1. by the execution of the Contract and the Client's requests for the purposes set forth in paragraphs 2.2.1, 2.2.3 and 2.2.5, in which case the processing is necessary for the purposes set forth above;
 - 2.1.2. by the compliance with legal requirements for the purposes specified in paragraph 2.2.6, as the records will be collected digitally - and stored in encrypted form - in electronic files, in accordance with (i) Legislative Decree 82/2005 ("**Digital Administration Code**" or "**DAC**"); and (ii) (EU) Regulation 2014/910 ("*Electronic IDentification Authentication and Signature Regulation*");
 - 2.1.3. by the legitimate interest of InfoCert, for the purposes set out in paragraphs 2.2.5 and 2.2.8 within the limits of the Applicable Privacy Laws and provided that the interests, rights or fundamental freedoms of the Customer which require the protection of his/her Personal Data do not prevail;
- 2.2. The processing of Customers' Personal Data is carried out for the following purposes:
 - 2.2.1. performance of the obligations arising from the Contract towards the Customer;
 - 2.2.2. registration and storage of Personal Data and, in the case of Web Identification, Biometric Data, in order to obtain evidence of the Client's will to request the Service;
 - 2.2.3. handling and responding to requests for technical assistance, including *online* assistance (*trouble-ticketing*);
 - 2.2.4. statistical, business and market analyses in anonymous and aggregate form;
 - 2.2.5. if applicable to the Service, sending information regarding the imminent expiry of the Contract, in order to avoid prejudicial consequences for Customers;
 - 2.2.6. fulfilment of obligations imposed by national and Community laws and regulations;
 - 2.2.7. pursuing the legitimate interests of InfoCert in accordance with point 2.1.3;
 - 2.2.8. protection of InfoCert's rights in judicial proceedings.

3. To whom are the Personal Data communicated?

- 3.1. Personal Data and Biometric Data are stored on servers located within the European Union and may not be disclosed, but may be processed, for the purposes of processing for which the Data Subject has given his consent, even by subjects designated by InfoCert as external controllers of the aforementioned data, in accordance with the Applicable Privacy Laws.
- 3.2. Only Personal Data may be communicated to (i) third party suppliers of assistance and consultancy services for InfoCert, with reference to the activities of (by way of example) the technological, accounting, administrative, legal, insurance, IT sectors; (ii) companies controlled by and/or connected to InfoCert, which take care of the maintenance of information systems or operate in the IT sectors, (iii) companies that provide assistance services to Users, (iv) authorities whose right of access to Users' personal data is expressly recognized by law, regulations or measures issued by the competent authorities.
- 3.3. Personal Data and Biometric Data shall not be disseminated but they may be transferred to the suppliers under art. 3.2. (i) and (iii) located in extra-EU countries for the purposes under art. 2 above. In order to ensure an adequate level of protection to the Personal Data, the transfer shall be carried out in force of the adequacy decisions of the European Commission or by adopting the



Standard Contractual Clauses (SCC) of the European Commission.

4. How long do we retain Personal Information?

- 4.1. Without prejudice to the fact that the Personal and Biometric Data will be processed only for the purposes set forth in art. 2, they will remain stored for a period, not exceeding 20 years, starting from the expiry of the qualified certificate for electronic signature, as provided for by the DAC, in accordance with the eIDAS Regulations and except in cases where storage for a subsequent period is required for any disputes, requests by the competent authorities or under current or future legislation.
- 4.2. Once the term referred to in art. 4.1. has expired, InfoCert will delete the data and, therefore, stop any processing activity, without prejudice to any legal provisions that provide for different rules for specific cases.

5. What are your rights?

- 5.1. In accordance with Applicable Privacy Policy, Data Subjects have the right to:
 - 5.1.1. obtain confirmation of the existence of the Personal Data concerning them and their communication in an intelligible form;
 - 5.1.2. know the source of the Personal Data, the purpose and methods of the processing and the logic underlying the processing carried out by automated means;
 - 5.1.3. request the updating, rectification or integration of the Personal Data;
 - 5.1.4. obtain the cancellation, anonymization or blocking of Personal Data processed in breach of the law and to oppose, for legitimate reasons, the processing of such Data;
 - 5.1.5. revoke the consent to the processing at any time, without prejudice to the lawfulness of the processing carried out on the basis of the same consent before revocation;
 - 5.1.6. obtain a processing restriction in the event that (a) Customers contest the accuracy of the Personal Data, for a period of time that allows the Controller to verify the accuracy of the Personal Data; (b) the processing is unlawful and the Customers object to the deletion of the Personal Data and request, alternatively, the processing limitation; (c) the Controller does not need to process the Personal Data of the Clients in order to achieve the purposes of the processing, but the processing is necessary to the Clients for the legal protection of rights; (d) the Clients have opposed the processing and an assessment is pending regarding the balancing of the interests involved of the Clients and the Data Controller involved;
 - 5.1.7. object to the processing of Personal Data;
 - 5.1.8. receive in a structured, commonly used and machine-readable format Personal Data about them provided to InfoCert; and, upon request, the right to transmit such data to another data controller (so-called *data portability*);
 - 5.1.9. file a complaint with the Personal Data Protection Authority, or any other competent body, if the conditions are met;
 - 5.1.10. know the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular if they are recipients in third countries or international organizations.

6. Controller, processors and sub-processors and Data Protection Officer

- 6.1. The data controller is InfoCert S.p.A., with registered office in Piazza Sallustio 9, 00187 - Rome.



Please address any communications regarding this Notice, including the exercise of the rights set forth in it, to the following email address richieste.privacy@legalmail.it.

- 6.2. The complete list of external data processors shall be made available to Customers upon written request sent to the addresses referred to in paragraph 6.1 of this Notice.
- 6.3. If InfoCert or a party responsible for InfoCert needs to avail itself of a sub-processor for the performance of one or more specific processing activities, the same obligations regarding the protection of Personal Data shall be imposed on such sub-processor as they exist between the Data Controller and the processor, in accordance with and for the purposes of the Applicable Privacy Laws.
- 6.4. Pursuant to the Applicable Privacy Laws, the Data Protection Officer may be contacted at dpo_tinexta@legalmail.it, or at the address of the Data Controller's registered office referred to in paragraph 6.1 of this Notice.

7. Final provisions

- 7.1. The Controller reserves the right to modify and/or update this Notice in the light of legislative and regulatory changes that may affect the Applicable Privacy Laws, in the event of any interventions by the competent Authority for the protection of personal data.
- 7.2. The updated version of the notice, called the "*Privacy Policy – TOP Platform*", shall always be promptly published on the website: <https://infocert.digital/documents/>.

