

Privacy Notice

InfoCert S.p.A. (“InfoCert” or “Controller”), with registered office in Piazza Sallustio 9, 00187 - Rome (Italy), 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 the Legislative Decree no. 196/2003 and Article 13 of the EU General Data Protection Regulation no. 2016/679 (“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.

1. Categories of personal data concerned

1.1. InfoCert, in its capacity of registered certifying body, collects the identifying and contact data (“Personal Data”) granted by the Customers concerned by the execution of the agreement (“Agreement”) regarding the execution – depending on the case – of the following services (the “Services”):

- 1.1.1. management of the account on the Legalmail.it website;
- 1.1.2. certified electronic mail (PEC Legalmail);
- 1.1.3. electronic signatures and temporal stamps;
- 1.1.4. electronic retention (LegalDoc, SecureDrive);
- 1.1.5. electronic invoicing;
- 1.1.6. supply and processing of reports containing commercial information;
- 1.1.7. management of digital identity for the registration and enrollment at the Public System for Digital Identity (SPID);
- 1.1.8. training activity (webinars) for the use of the Services referred to in paragraph 1 (InfoCert Training).

1.2. Web Identification

- 1.2.1. The request for the Services referred to in paragraphs 1.1.3 and 1.1.7 implies the identification of the Customer, which may take place, at the latter's choice, through an optional procedure of recognition by means of a webcam (“Web Identification”), i.e. by remote recognition during an audio/video session recorded with an operator. In any case, the recognition will not be done by automated tools, but will be done manually by an operator.
- 1.2.2. Web Identification involves the processing by InfoCert, in addition to Personal Data, also of the recording data of the voice, images and videos of the Customer (hereinafter referred to as “Biometric Data”).
- 1.2.3. Personal Data and Biometric Data, in this case, will be processed by InfoCert, for the sole purpose of identifying the Customer and allowing the latter to execute the Agreement. Therefore, the processing of Biometric Data will be limited to the recording of the audio/video flow related to the display 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 Services will be documented..
- 1.2.4. Before the starting of the Web Identification session, the operator appointed by the Controller will provide the Customer with this Privacy Notice, in order to inform him of the methods and purposes of the processing carried out, in accordance with the Applicable Privacy Laws.



- 1.2.5. It is understood that, in the event of non-acceptance of the Web Identification, the Customer may access the Services referred to in paragraphs 1.1.2 and 1.1.6, requesting to be identified through the alternative methods offered by InfoCert and governed by the Operating Manual applicable to the service purchased by you (the “**Service**”) (for more information, please visit the website www.infocert.it).
- 1.2.6. Without prejudice to the optional nature of Web Identification, the provision of Personal Data referred to in paragraph 1.1 is mandatory, as - in the event of failure to provide - the Agreement may not be executed and therefore the Services may not be provided to the Customer.

2. Legal basis and purposes of the processing

2.1. The legal basis for the processing of personal data referred to in paragraph 1 consists of:

- 2.1.1. the execution of the Agreement and the requests of the Customers for the purposes referred to in paragraphs 2.2.1, 2.2.3 and 2.2.5, as such data is essential for the execution of the same;
- 2.1.2. the fulfilment of legal obligations for the purposes referred to in paragraph 2.2.6, as the records will be collected digitally - and stored in an encrypted form - in electronic files, in accordance with (i) Legislative Decree no. 82/2005 (“**Digital Administration Code**” or “**CAD**”); and (ii) Regulation (EU) no. 2014/910 (“**Electronic IDentification Authentication and Signature Regulation**” or “**eIDAS Regulation**”);
- 2.1.3. the legitimate interest of InfoCert, for the purposes referred to in paragraphs 2.2.5 and 2.2.8, including the purposes of direct marketing in accordance with recital 49 of the Privacy Regulation, within the limits of communications minimally invasive of the Customers' rights, where this is allowed under the Applicable Privacy Laws, and in any case provided that no interests, rights or fundamental freedoms of the Customer shall prevail, which require the protection of its Personal Data.

2.2. The processing of Customers' Personal Data is carried out for the following purposes:

- 2.2.1. execution of the obligations deriving from the Agreement vis a vis the Customer or those subjects appointed by the Customers themselves, to adhere to the Services provided for by the Agreement, to which the Customers ensure to make this Privacy Notice available, in order to make them aware of the processing of their Personal Data;
- 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 intention of the Customer to request the Service;
- 2.2.3. managing and responding to requests for technical assistance, including online (so-called trouble-ticketing);
- 2.2.4. statistical, business and market analysis, carried out anonymously and in an aggregated form;
- 2.2.5. sending information regarding the imminent expiry of the Agreement, in order to avoid prejudicial consequences for Customers;
- 2.2.6. fulfilment of obligations imposed by national and EU laws and regulations;
- 2.2.7. the pursuit of a legitimate interest of InfoCert in accordance with paragraph 2.1.3;
- 2.2.8. defending InfoCert's rights in judicial proceedings.

2.3. Notwithstanding the provisions of paragraph 2.2, and subject to the express consent of the Customers, if not included in the purposes of direct marketing based on legitimate interest, InfoCert may process Customers' Personal Data for the following additional purposes:



- 2.3.1. direct marketing purposes, either by remote automatic means (e.g. e-mail, fax, text message) or by traditional means of contact (telephone, paper mail);
 - 2.3.2. direct sale of products or services.
- 2.4. Without prejudice to the provisions of paragraph 2.2 and subject to the express consent of the Customers, even parties/entities other than InfoCert with whom the latter has ongoing business relations (e.g. parties operating in the information and communication technology sector may - as autonomous data controllers - process the Customers' Personal Data, with the exception of biometric data as per the Web Identification procedure. Such third parties may process Customers' Personal Data for the following, additional purposes:
- 2.4.1. direct marketing purposes, either by remote automatic means (e.g. e-mail, fax, text message) or by traditional means of contact (telephone, paper mail);
 - 2.4.2. direct sale of products or services.
- 2.5. The consents referred to in paragraphs 2.3 and 2.4 are merely optional and the failure to provide them does not affect the issuance of the Services and the other purposes of the processing referred to in paragraph 2.2.

3. Personal Data sharing

- 3.1. The processed Personal Data, including biometric data collected through the Web Identification procedure, may not be disclosed, but may be shared with parties/entities appointed by InfoCert as external processors of the abovementioned personal data, in accordance with Applicable Privacy Laws.
- 3.2. Subject to the express consent of the Customers, the Personal Data, with the sole exception of the biometric data referred to in the Web Identification procedure, may be shared with:
 - third parties with whom InfoCert has ongoing business relations - as independent owners - in accordance with paragraphs 2.3 and 2.4; and
 - other entities, autonomous data controllers (including public entities), in the event that this is provided for by applicable laws.

4. Extra-EU transfer of Personal Data

- 4.1. Customers' Personal Data are stored in servers located within the EU.
- 4.2. Without prejudice to paragraph 4.1, the Customers acknowledge that, for certain specific processing operations and based on the Customers' consent or on any other suitable legal basis, Personal Data may be processed in extra-EU countries, and the USA.
- 4.3. The transfer of Customers' Personal Data, including Biometric Data referred to in the Web Identification procedure, to persons/entities established extra-EU will be carried out, in any event, by means of suitable security measures, in compliance with the Applicable Privacy Laws.



- 4.4. The Customers are granted with the right to obtain a copy of the Personal Data in case of transfer extra-EU, by sending a request to the Controller at the contact details listed in paragraph 7 of this Privacy Notice.

5. Data retention period of Personal Data

- 5.1. For the purposes of managing the contractual relationship (i.e., execution of the Agreement, managing and responding to requests for technical assistance, sending information about the imminent termination of the Agreement), Personal Data are stored for the period of time strictly necessary to the execution of the Contract or to respond to the Customer's request which is until the expiry of the term of 10 years from the termination of the Agreement, except in cases where retention for a further period is required for any disputes, requests by the competent authorities or under the Applicable Privacy Laws or other legislation applicable to the particular type of service purchased by you.
- 5.2. For Web Identification management purposes, Customers' Personal Data and Biometric Data will be processed for the time necessary to grant the Customer with the access to the requested Services as well as for the purpose of defending InfoCert's rights in court, which is until the expiry of the term provided for by the CAD and by the Applicable Privacy Laws.
- 5.3. In any case, it is understood that the storage of Biometric Data has been prepared by InfoCert in such a way as to immediately and automatically delete the biometric data and the information related to them in the event of termination of processing activities, without prejudice to any legal provisions that provide for a different regulation for specific cases.
- 5.4. For statistical, business and market analysis purposes, Personal Data will be processed for the time necessary to carry out the analysis activities, which in any case will be conducted on anonymous and/or aggregate personal data.
- 5.5. For direct marketing purposes, either by remote automatic means (e.g. e-mail, fax, sms) or by traditional means of contact (telephone, paper mail), Personal Data will be stored for the term of the Agreement or Services and for 24 months following its termination.

6. Customers' Rights

- 6.1. The Customers, as data subjects of the processing, are granted with the following rights under the Applicable Privacy Laws:
 - 6.1.1. obtain confirmation as to whether or not its Personal Data are being processed and their communication in an intelligible form;
 - 6.1.2. know the origin of the Personal Data, the purposes of the processing and its modalities, as well as the logic applied to the processing carried out by electronic means;
 - 6.1.3. request updating, rectification or the integration of Personal Data;
 - 6.1.4. obtain the deletion, anonymization or the blocking of any Personal Data processed in violation of the law and to object, for legitimate reasons, to the processing;
 - 6.1.5. revoke the consent to the processing, without prejudice to the lawfulness processing based on the consent given before the revocation;
 - 6.1.6. obtain restriction of processing when one of the following applies:



- the Customers contest the accuracy of the Personal Data, for a period enabling the Controller to verify its accuracy;
 - the processing is unlawful and the Customers oppose the erasure of the Personal Data and request the restriction of their use instead;
 - the Controller no longer needs the Customers' Personal Data for the purposes of the processing, but they are required by the Customers for the establishment, exercise or defense of legal claims;
 - the Customers objected to the processing, pending the verification whether the legitimate grounds of the Controller override the Customers' legitimate grounds;
- 6.1.7. oppose the processing of Personal Data;
- 6.1.8. receive the Personal Data concerning the Customers and provided to the Controller in a structured, commonly used and machine-readable format, as well as the right to transmit such personal data to another controller (so called "data portability");
- 6.1.9. lodge a complaint with the competent Data Protection Authority, where the relevant requirements are met.

7. Controller, data processors and sub-processors and Data Protection Officer

- 7.1. The Controller is InfoCert S.p.A., with registered office in Piazza Sallustio 9, 00187 - Rome (Italy). Any possible communication concerning this Privacy Notice, including the enforcement of any right under this notice, to the following email address richieste.privacy@legalmail.it.
- 7.2. The complete list of external data processors will be made available to the Customers upon written request sent to the addresses referred to in paragraph 7.1 of this Privacy Notice.
- 7.3. If InfoCert, or a person in charge of the latter, needs to resort to a sub-processor in order to carry out one or more specific processing activities, the same obligations regarding the protection of Personal Data will be imposed on such sub-processor as those existing between the Controller and the processor, in accordance with and for the purposes of the Applicable Privacy Laws. It is understood that in the event that the sub-processor fails to fulfil his obligations regarding data protection, the original processor will retain full liability vis a vis the Controller for the fulfilment of the obligations of the other processor.
- 7.4. In accordance with the Applicable Privacy Laws, the Data Protection Officer may be contacted at the email address dpo_infocert@legalmail.it, or at the address of the Controller's registered office referred to in paragraph 7.1 of this Privacy Notice.

8. Final provisions

- 8.1. The Controller retains the right to change and/or update this Privacy Notice in light of the legal and regulatory implementations of the Applicable Privacy Laws pursuant to possible resolutions of the relevant data protection Authorities.



8.2. The updated version of the Privacy Notice, called “*Privacy Policy - Activation of Services*”, will always be promptly published on the website www.infocert.it on the “*Documentation*” page.

