

MANAGEMENT OF THE PURCHASING PORTAL/QUALIFICATION SYSTEMS AND CONTRACT PROCEDURES

Personal Data Protection Policy Notice

(Pursuant to Articles 13 and 14 of the UE Regulation 2016/679)

The companies - listed in the table available at this [https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html], within the scope of the activities carried out for registration to the Group Purchasing Portal and, each for its own sphere, for management of the Purchasing Portal/Qualification System and contractual procedures - process the personal data of Economic Operators and Contractors registering to the aforesaid Portal, disclosed to the company for purposes connected with the aforementioned activities, management of the tendering procedures, negotiation, finalisation and execution of the Contracts, and management of any additional and amending acts, terminations and transactions, in accordance with the procedures detailed below.



I. Data Controller and Data Protection Officer

This section provides details on our Data Controller and DPO

- The **Data Controllers** are the companies listed in the annex, each within their own competence, • and may be reached at the e-mail and registered office addresses listed in the table available at this https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html
- The **Data Protection Officer / Data Protection Referent** can be contacted at [https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html]



II. Types of personal data

In this section we indicate which types of data we ask you for

The personal data (of Economic Operators and Contractors represented by natural persons, or of natural persons entered during registration to the Portal and/or also indicated in the statements given within preliminary verifications belonging to their organisations) subject to processing belong to the following categories:

- **Common data acquired directly from the Economic Operator and the Contractor:** personal data, tax identification code, identification document (driving licence/Tax Code/Passport), contact details (certified e-mail, e-mail, telephone contacts). Based on the needs pertaining to individual contractual procedures, further data are also processed, such as: bank details, economic/financial data, income data, vehicle registration number plates, credentials, credit card numbers, credit card transactions, data contained in resumes (educational qualifications, membership in professional associations/categories).
- **Data on the Economic Operator and the Contractor acquired from Public Administrations and Judicial Authorities to manage the fulfilment of contractual procedures:** judicial data for verification of the grounds for exclusion, on the basis of the provisions of the regulations concerning public contracts in force (Legislative Decree no. 36/2023 and subsequent amendments and integrations), including anti-mafia investigations, as provided for by current legislation (Legislative Decree no. 159/2011 and subsequent amendments and integrations); data concerning the fulfilment of contribution and tax obligations.
Processing of judicial data is carried out only within the framework of the contractual procedures carried out by the individual Data Controller company, in accordance with the applicable provisions on public contracts, or if any legal compliance protocols are stipulated.
- **Personal data relating to marriage, civil partnership or cohabitation (special data pursuant to Article 9 of EU Regulation 2016/679):** possibly provided in the forms used to carry out preliminary checks.

The aforementioned data will be processed by computer and on paper in such a way as to comply with appropriate security and confidentiality measures.



III. Purpose of data Processing and Legal Basis

In this section we explain why we ask you for your data

The data we ask you to provide are collected and processed by the listed companies for managing the Purchasing Portal/Qualification System, and by the individual Data Processing company to perform tender procedures, negotiation, completion and execution of Contracts, to manage any additional and amending acts and terminations of Contracts, and to manage transactions.

Processing of personal data is legitimised by the following legal bases:

1. the necessity of the processing for the purposes of conclusion and execution of the contract, also during pre-contractual registration or qualification of the Economic Operator/Contractor on the Purchasing Portal/Qualification System, and during pre-contractual tendering and negotiation phases (Article 6(1)(b) of EU Regulation 2016/679);
2. the necessity of the processing in order to comply with the legal obligations the Company is subjected to (Art. 6(1)(b) of EU Regulation 2016/679);
3. verifying the absence of causes of conflict of interest/correlation/revolving door practices, and carrying out checks on the possession of the requirements of reliability and honourableness, including reputational checks (Article 6(1)(f) of EU Regulation 2016/679).

Judicial data are processed by single Data Controller company for the purposes of verifying the absence of grounds for exclusion under current legislation on public contracts, pursuant to the provisions of Article 2-octies(3)(i) of Legislative Decree No. 196/2023 and subsequent amendments and integrations (the so-called New Privacy Code), as well as for the purposes connected with the stipulation of voluntary Agreements/Protocols of understanding with the national institutions responsible for carrying out checks/inspections on matters falling within their scope (e.g. Ministry of the Interior, Prefectures, Carabinieri, Guardia di Finanza, etc.), pursuant to the provisions of Article 2-octies(3)(h) of Legislative Decree 196/2023 as amended (the so-called New Privacy Code), or in fulfilment of obligations provided for by legal provisions on anti-mafia communications and information, or on the prevention of mafia-type delinquency and other serious forms dangerous to society.

We hereby guarantee that the data provided will be processed exclusively for the above-mentioned purposes.

Provision of the data necessary for the pursuit of the aforementioned purposes is ‘*mandatory*’, and any refusal to do so will make it impossible to register on the Purchasing Portal/Qualification System, or to manage the activities relating to contractual procedures in accordance with the law.



IV. Data recipients

This section describes who will process your data and to whom the data will be disclosed

Personal data provided for the pursuit of the above-mentioned purposes will be processed by the following entities:

➤ **Scope attributable to the Data Controller company:**

- Persons authorized for data processing: your personal data shall be made accessible only to those within the Data Controller company who need to access it due to the task they perform or the hierarchical position they hold. These persons will be appropriately instructed in order to avoid loss, access to the data by unauthorised persons or unauthorised processing of the data;
- Companies listed as Third Parties to which data may be disclosed and/or access to such data may be granted, their employees and consultants, if any, to the extent that their disclosure is functional to the pursuit of the Purposes of the Processing, see paragraph 3;
- IT service providers of the Data Controller company.

These companies will act as Data Processors, on behalf of the Data Controller, and have signed a Data Protection Agreement that regulates in detail the processing entrusted to them, and the obligations and technical and organisational security measures regarding the protection of personal data.

- **Scope not attributable to the Data Controller company:** According to the law or Regulation, personal data may be transmitted to Public Administrations and Judicial Authorities acting as Independent Data Controllers.



V. Data disclosure

In this section we guarantee that your data will not be disclosed

Personal data shall not be subject to disclosure. Information on contractual procedures necessary to comply with legal obligations concerning the publicity of contracts, transparency and anti-corruption are subject to institutional publication.



VI. Data retention

In This section we indicate how long we will keep your data

Personal data provided and collected shall be retained:

- For registration in the Qualification System: for 12 months after the three-year expiry date, except when the registration is renewed, and in any case for no longer than 12 months after removal from the Qualification System.
- For the performance of tender procedures and contractual/negotiation activities: for a period of time not exceeding 10 years from the expiry date of the contract entered into - or for a period of time not exceeding 5 years from the date of non award - for the additional purposes set out above, without prejudice to different requirements in the event of requests by the Judicial Authority and/or Authorities equivalent thereto, or in the event of litigation before the competent courts, until the relevant judgement becomes final.
- For the performance of tender procedures and contractual/negotiation activities: for a period of time not exceeding 10 years from the expiry of the contract entered into, or from the date of award for the additional purposes set out above, without prejudice to different requirements in the event of requests from the Judicial Authority and/or Authorities equivalent thereto, or in the event of litigation before the competent courts.



VII. Data Subjects' Rights

In this section we indicate which rights we guarantee you

EU Regulation 2016/679 (Articles 15 to 23) grants data subjects the exercise of specific rights. In particular, in relation to the processing of personal data, you, as Data Subject, have the right to request the following actions to the Data Controller, whose references can be found in the table available at this [\[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html\]](https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html):

- **Access:** you may request confirmation as to whether or not data relating to you are being processed, as well as further clarification of the information set out in this notice (art. 15);
- **Rectification:** you may request the rectification or supplementation of the data you have provided if they are inaccurate or incomplete (art. 16);
- **Cancellation:** you may request that your data be deleted if they are no longer necessary for our purposes, if you withdraw your consent or object to processing, if processing is unlawful, or if there is a legal obligation to delete them (art. 17);
- **Limitation:** you may ask that your data be processed only for the purpose of retention, and that other processing be excluded, for the period necessary to rectify your data, in the event of unlawful processing for which you object to deletion, or if you need to exercise your rights in court and the data stored by us may be useful to you or, finally, if you object to processing and a check is being carried out as to whether company legitimate reasons prevail over yours (art. 18);
- **Portability:** you may ask to receive your data, or to have them transmitted to another data controller indicated by you, in a structured, commonly used and machine-readable format (art. 20).
- **Opposition:** you may object at any time to the processing of your data, unless there are legitimate grounds for processing which override yours, for example for the exercise or defence of company rights in court (art. 21);

At any time, you may ask to exercise your **rights** to the Data Controller company, by reaching out to it at their e-mail address, available at this [\[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html \]](https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html) **[available in the table]** or by contacting the **Data Protection Officer/Data Protection Referent** at the email address, available at this [\[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html \]](https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web/informativa_privacy.html).

Furthermore, we inform you that, as Data Subject, you have the right, if you believe that your rights have been infringed, to lodge a complaint with the Supervisory Authority, which in Italy is the **Garante per la Protezione dei Dati Personali**.