


## Company procedure for the management of the "Rights of the data subjects" (pursuant to GDPR 2016/679)

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|                 | NAME | ROLE | DATE | SIGNATURE |
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| <b>DRAFTING</b> |      |      |      |           |
| <b>REVIEW</b>   |      |      |      |           |
| <b>APPROVAL</b> |      |      |      |           |

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## 1. Purpose

The purpose of this document is to define the methods and responsibilities aimed at providing the data subjects with all the information necessary to guarantee the protection of their rights.

## 2. Definitions

**Person in charge:** is the subject identified by the Data Controller who deals with the taking charge, management and processing of requests concerning the exercise of the rights provided for by the GDPR. This subject may coincide with the figure of the Privacy Manager or the Privacy Specialist or the referent, if appointed.

## 3. Scope

The requests of the data subjects may concern the following rights indicated in the EU Regulation 679/2016:


- To withdraw the consent given (Art. 7 paragraph 3);
- Right of access by the data subject (art. 15);
- Right to rectification (Art. 16);
- Right to erasure ('right to be forgotten') (Art. 17);
- Right to restriction of processing (Art. 18);
- Notification obligation regarding rectification or erasure of personal data or restriction of processing (Art. 19);
- Right to data portability (Art. 20);
- Right to object (Art. 21);
- Right not to be subject to a decision based solely on automated processing, including profiling (Art.22)

## 4. Applicants

The request can be received:

- Directly from the data subject
- From another natural person or association, to whom the data subject has conferred in writing a delegation or proxy (in this case it is necessary to view a specific power of delegation/proxy as well as a copy of the subscriber's identification document)
- From those who exercise parental responsibility or guardianship for minors and the incompetent.
- Per personal data concerning deceased persons, by those who have an interest of their own, or act to protect the data subject, as his agent, or for family reasons worthy of protection (Art. 2 terdecies, D.Lgs 101/2018)

In general, it is necessary that the request for the exercise of the aforementioned rights refers to information regarding the data subject and not data relating to third parties.

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## 5. Management flow of requests regarding the exercise of the data subjects rights

This paragraph describes the operating procedures defined by the Data Controller to ensure that the data subjects exercises their rights.

### 5.1 Receipt of the request

The request relating to the exercise of the rights specified in paragraph 3 ("Scope") must reach the contacts indicated by the Data Controller in the information issued to the data subject.

In the event that the request is sent to a contact other than that present in the information, the person in charge who receives this request **must report it immediately and in any case within 24 hours** to the **person in charge**, sending an email with all the material received in the request.

### 5.2 Taking charge of the request

The person in charge, once the request has been received, must confirm **"taking charge of the request"** to the Colleague-Authrized person.

To facilitate the management of the exercise of the rights of the data subjects, the applicant is invited to fill in the following document **"MOD-Model for the exercise of rights"**.


The request received can be:

- **Evdabile:** in this case the request is legitimate, the information and documentation sent to support it is clear and complete, the applicant is identified. It is therefore possible to proceed with the processing of the request.
- **Suspended due to missing information:** the request is legitimate, but the information and documentation provided in support of the request are not complete and / or clear or the subject has not clearly identified himself. The request cannot be processed immediately, so it is suspended for the time necessary to retrieve the additional information.
- **Rejected:** the request does not meet the minimum requirements to be considered legitimate and is therefore rejected.

### 5.3 Management and processing of the request

The person in charge:

- a) By appropriate means, taking into account the principle of "minimization", **verifies the identity** of the applicant and the completeness of the request. In case of a request made by a third party delegated to do so, the latter must also show the proxy signed by the data subject or, alternatively, documentation certifying parental or other responsibility.
- b) **Searches in the databases and / or in the physical archives the presence and type of personal data** and information necessary to concretely fulfill the right exercised. To this

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- end, the various Areas/Services/departments involved directly or indirectly in the processing of personal data or the Data Processors may be consulted;
- c) **Examines the personal data** found and stored by the various internal and / or external functions;
  - d) **Assesses the congruity and recusability of the request**, possibly asking for the opinion of competence to the Data Protection Officer (D.P.O.) ;
  - e) **Communicates to the Data Controller and to the D.P.O. any critical issues** detected in the performance of the activities;
  - f) Once all the necessary information are collected, formalizes, without delay and, at the latest, within one month of receipt of the request, a **detailed response**, reporting the outcome of the procedure, which will change depending on the right exercised by the data subject (as specified in the table below).

The feedback must take place:

- In a **concise, transparent, intelligible form**, using a **simple and clear** language;
- In **writing** (orally only if specifically requested by the data subject), even by electronic means if the request was made by such means.
- Without undue delay and, at the latest, **within one month** of receipt of the request (recital n. 59). That period may be **extended by two months**, if necessary, taking into account the complexity and number of requests. In any case, the person in charge must inform the data subject of this extension and of the reasons for the delay, within one month of receipt of the request (Article 12, paragraph 3, of the GDPR).
- **Free of charge**. Therefore, the Data Controller must fulfill the requests for feedback without charging costs to the requesting data subject.
- **The Data Controller cannot refuse to satisfy the request of the the interested party aimed at exercising his rights**, except in cases of impossibility of identification of the data subject or in cases of manifest groundlessness or excessiveness of the request(s) (for example due to the repetitive nature). In the latter case, the Data Controller may charge a reasonable fee taking into account the administrative costs incurred to provide the information or communication or take the requested action.
- The feedback to the data subject/applicant must be transmitted through secure transmission channels, such as sending an encrypted file if containing particular data pursuant to articles 9 and 10 of the GDPR;
- Only the data relating to the data subject who made the request must be communicated and not those relating to other subjects, in order not to damage the rights and freedoms of others.


Specifically, depending on the right exercised, except for specific exceptions provided for by the GDPR, the person in charge will follow the following indications:

| Right to withdraw consent  |   |   |
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| Definition   | Request management  | Processing the request  |
| <p>Consent is one of the legal bases on which the processing of personal data may be based (e.g. for marketing purposes, in the case of processing of sensitive data and image publications).</p> <p><b>Consent is a manifestation of the will with which the data subject authorizes the processing of their data.</b></p> <p>The data subject has the right to revoke his consent at any time.</p> | <ul style="list-style-type: none"> <li>• Verify the presence/absence of processing relating to the personal data of the data subject;</li> <li>• Research and verify the purposes for which the consent was issued and those for which the revocation by the data subject was exercised;</li> <li>• Indicate the purposes for which the data cannot be processed due to the withdrawal of consent. If the purposes are pursued by different internal or external functions, it is necessary to block the access to personal data to these functions.</li> </ul> | <p>The communication to the data subject must contain:</p> <ul style="list-style-type: none"> <li>• the outcome of the procedure for withdrawing consent;</li> <li>• purposes for which it will still be possible to proceed with the processing of data as they are not subject to the release of consent</li> </ul> <p><u>In case of absence of processing,</u> it informs that no processing is in place relating to personal data concerning the data subject</p> |

| Right of access   |   |  |
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| Definition  | Request management  | Processing the request   |
| <p>The right of access guarantees the data subject to obtain <b>confirmation as to whether or not, personal data concerning him/her are being processed</b></p> | <ul style="list-style-type: none"> <li>• Verifies the presence/absence of the processing relating to the personal data of the data subject</li> <li>• In the event of a positive outcome, search for the following information:               <ul style="list-style-type: none"> <li>aa) purpose of the processing;</li> <li>b) categories of personal data processed;</li> <li>c) recipients or categories of recipients to whom the personal data have been/will be disclosed, in particular if they are recipients of third countries or international organizations;</li> <li>d) the envisaged retention period of the personal data or, if that is not possible, the criteria used to determine that period;</li> <li>e) the origin of the data (i.e. the subject or specific source from which they were acquired);</li> <li>f) the existence of an automated decision-making process, including profiling, and significant information on the logic used, as well as the importance and expected consequences of such processing for the data subject;</li> <li>g) transfer of data to third countries and the guarantees adopted by the country.</li> </ul> </li> </ul> | <p>The communication must contain: <u>in case of ongoing treatment</u>:</p> <ul style="list-style-type: none"> <li>a) the purposes of the processing;</li> <li>b) the categories of personal data processed;</li> <li>c) the recipients or categories of recipients to whom the personal data have been/will be communicated, in particular if recipients of third countries or international organizations;</li> <li>d) the envisaged period of storage of personal data or, if this is not possible, the criteria used to determine this period;</li> <li>e) the origin of the data or the subject or the specific source from which they were acquired;</li> <li>f) the existence of an automated decision-making process, including profiling, and significant information on the logic used, as well as the importance and expected consequences of such processing for the data subject ;</li> <li>g) the presence of a transfer of data to third countries and the guarantees adopted by the country;</li> <li>h) the existence of the right of the data subject to ask the Data Controller for the correction or cancellation of personal data or the limitation of the processing of personal data concerning him or to oppose their processing;</li> <li>i) the right to lodge a complaint with a supervisory authority.</li> </ul> <p><u>in case of absence of processing</u>, it informs that no processing is in place relating to personal data concerning the data subject.</p> |

### Right to rectification

| Definition  | Request management  | Processing the request   |
|---|---|--|
| <p>The right of rectification allows the data subject a <b>constant and active control over the correctness and updating of their personal data</b></p> | <ul style="list-style-type: none"> <li>• Verify the presence/absence of the processing relating to the personal data of the data subject;</li> <li>• Verify the update and correctness of the personal data subject to request;</li> <li>• Require to the data subject, where necessary, the documentation to support the request</li> <li>• Rectify and/or integrate of the personal data object of the request</li> </ul> | <p><u>In case of ongoing treatment</u></p> <ul style="list-style-type: none"> <li>• Communicate to the data subject the results of the corrections/additions made</li> <li>• Notify the addressees of the corrections and/or additions made, unless it is impossible or involves a disproportionate effort</li> <li>• Communicate to the data subject (who requests it) the names of the recipients to whom the requests for rectification have been forwarded</li> </ul> <p><u>In case of absence of processing</u>, it informs that no processing is in place relating to personal data concerning the data subject.</p> |

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| Right to erasure |                    |                        |
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| Definition       | Request management | Processing the request |

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| <p>The right to cancellation allows the data subject to <b>request the deletion of their personal data</b> from the databases / archives of the Data Controller</p> | <ul style="list-style-type: none"> <li>• Verify the presence/absence of the processing relating to the personal data of the data subject;</li> <li>• Verify the existence of one of the erasure conditions provided for by art. 17 of the GDPR: a) personal data are no longer necessary with respect to the purposes for which they were collected or otherwise processed; (b) the data subject withdraws the consent on which the processing is based in accordance with point (a) of Article 6 paragraph 1 or point (a) of Article 9 paragraph 2 and if there is no other legal basis for the processing; (c) the subject objects to the data processing pursuant to Article 21 paragraph 1 and there are no overriding legitimate grounds for the processing, or objects to the processing pursuant to Article 21 paragraph 2; d) the personal data have been processed unlawfully; (e) the personal data must be cancelled in order to comply with a legal obligation under Union or Member State law to which the processing is subject; (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8 paragraph 1</li> <li>• Verify whether the personal data object to a request for erasure have been transmitted to third parties or spread</li> </ul> | <p><u>In case of possibility:</u></p> <ul style="list-style-type: none"> <li>• Notify the data subject of the erasure</li> <li>• Notify recipients of the request for erasure, unless it is impossible or involves a disproportionate effort</li> <li>• Communicate to the data subject (who requests it) the names of the recipients to whom the requests for erasure have been forwarded</li> </ul> <p><u>In case of impossibility:</u><br/>Informs the data subject of the reasons underlying the non-compliance referred to in paragraph 3 of Article 17 of the GDPR and indicated below:</p> <p>a) for the exercise of the right to freedom of expression and information;</p> <p>b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;</p> <p>c) for reasons of public interest related to the public health according to Article 9 paragraph 2 and points h) and i) of the Article 9, paragraph 2;</p> <p>(d) for archiving purposes in the public interest, for scientific or historical research or for statistical purposes in accordance with Article 89 paragraph 1, in so far as the right referred to in paragraph 1 is likely to make impossible or seriously impair the achievement of the objectives of such processing;</p> <p>e) for the establishment, exercise or safeguard of a right in court</p> <p><u>In the event of the absence of processing,</u> informs that no processing is in place relating to personal data concerning the data subject</p> |
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| Right to restriction  |   |   |
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| Definition  | Request management  | Processing the request  |
| <p>The right to restriction of processing allows the data subject to have <b>the personal data stored marked</b> with the aim of limiting their processing in the future.</p> | <ul style="list-style-type: none"> <li>• Verify the presence/absence of processing relating to the personal data of the data subject;</li> <li>• Verify the existence of the necessary hypotheses to request the limitation of processing referred to in Article 18 of the GDPR which are specified below:               <ol style="list-style-type: none"> <li>a) the data subject contests the accuracy of the personal data, for the period necessary for the Data Controller to verify the accuracy of such personal data;</li> <li>b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;</li> <li>c) although the Data Controller no longer needs the personal data for the purposes of the processing, they are required by the data subject for the establishment, exercise or defence of legal claims;</li> <li>d) the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the Controller override those of the data subject.</li> </ol> </li> <li>• Report and mark the processing subject to restriction to the internal Areas/functions/departments and/or to the Data Processors, declaring that the only type of processing allowed is the storage of personal data</li> </ul> | <p><u>In case of possibility:</u></p> <ul style="list-style-type: none"> <li>• Communicate to the data subject the results of the restriction request, detailing the activities carried out and indicating the cases in which it will still be possible to proceed with the processing of the data subject to restriction or "for the storage, only with the consent of the data subject, for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State."(paragraph 2, Art. 18 of the GDPR)</li> <li>• Notify recipients of the restriction request, unless it is impossible or involves a disproportionate effort</li> <li>• Communicate to the data subject (who requests it) the names of the recipients to whom the requests for restriction have been forwarded</li> </ul> <p><u>In the event of impossibility,</u> it shall inform the data subject of the results of the assessment carried out and the reasons for the non-compliance.</p> <p><u>In the event of absence of processing,</u> it informs that no processing is in place relating to personal data concerning the data subject</p> |

| Right to portability   |   |   |
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| Definition   | Request management  | Processing the request  |
| <p>The right to portability allows the data subjects <b>to reuse their personal data</b>, already subject to processing by the Data Controller, <b>requesting their return or asking to transmit them</b> to another Data Controller</p> | <ul style="list-style-type: none"> <li>• Verify the presence/absence of processing relating to the personal data of the data subject;</li> <li>• Verify the existence of the conditions indicated in art. 20 of the GDPR specified below: a) the processing is based on <u>explicit consent</u> (pursuant to Article 6(1)(a) or Article 9(2)(a)), or on a <u>contract</u> pursuant to Article 6(1)(b); and b) <u>the processing is carried out by automated means.</u></li> </ul> | <p><u>In case of possibility:</u></p> <ul style="list-style-type: none"> <li>• Transmit personal data to the data subject in a structured, commonly used and machine-readable format. The communication must specify that the right to portability does not exclude the autonomous right to cancellation; or</li> <li>• Transmit to another Data Controller, subject to the indication of the data subject, personal data, if it is technically feasible</li> </ul> <p><u>In the event of impossibility</u><br/>Inform the person concerned of the results of the assessment carried out and the reasons for the non-compliance</p> <p><u>In the event of the absence of processing</u><br/>Inform that no processing is in place relating to personal data concerning the data subject</p> |

| <b>Right to object</b>   |  |   |
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| <b>Definition</b>  | <b>Request management</b>  | <b>Processing the request</b>   |
| <p>The right to object allows the data subject to <b>object</b> at any time, for reasons related to his particular situation, to the <b>processing of personal data</b> concerning him</p> | <ul style="list-style-type: none"> <li>• Verify the presence/absence of the processing relating to the personal data of the data subject;</li> <li>• Ensure that is present a particular situation for the data subject;</li> <li>• Verify the presence of one of the conditions pursuant to ex Art. 21 of the GDPR:               <ul style="list-style-type: none"> <li>a) the processing is necessary for the execution of tasks of public interest or for the exercise of public powers, including profiling;</li> <li>b) the processing is necessary for a legitimate interest of the Data Controller, including the consequent profiling;</li> <li>c) the processing concerns direct marketing activities, including profiling;</li> <li>d) the processing is carried out for scientific or historical research purposes or for statistical purposes</li> </ul> </li> </ul> <p>In cases a), b), d) above, verify that the data subject has indicated the reasons for opposition;</p> | <p><u>In case of possibility</u><br/>Communicate to the data subject the outcome of the results by detailing the activities carried out</p> <p><u>In the event of impossibility,</u><br/>Inform the data subject of the results of the assessment carried out and the reasons for the non-compliance. To this end, it must be considered that it is not allowed to refuse the request for opposition in the event that the processing concerns direct marketing activities (letter c) while it is allowed to refuse the request for opposition in the following cases:</p> <ul style="list-style-type: none"> <li>- if there are compelling and prevailing legitimate reasons for the exercise of the right or for the exercise of rights in court (in the case referred to in letter a);</li> <li>- if the processing is carried out for reasons of public interest. (letter d)</li> </ul> <p><u>In the event of the absence of processing</u><br/>Inform that no processing is in place relating to personal data concerning the data subject</p> |

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#### 5.4 Requests register and preservation of documentation

The entire management process must be mapped by filling in the following document “**MOD-Register of requests for the rights of the data subjects**” containing the following details:

- Progressive number;
- Date of the request;
- Data of reception, if different;
- Method of communication (email, PEC, registered mail..);
- The data subject name;
- Type of request;
- Status and notes;
- Date when the feedback has been provided to the data subject;
- Closure date;
- Note

Finally, the person in charge must **store all the documentation concerning the management of the file** (request of the data subject, various communications exchanged between the subjects within the Organization, concerning the implementation of the request received from the data subject, feedback provided to the data subject).

### **6. Controls**

If the data are processed by one or more Data Processors, the Data Controller must contractually define the methods by which the appropriate technical and organizational measures are ensured in following up on requests to exercise the rights of the data subject.

### **7. Sanctions**

In compliance with the provisions of art. 83 of the GDPR, paragraph 5, letter b), **the violation of the data subject rights constitutes a violation of greater gravity**, for which penalties of up to 20 million euros are foreseen.

## 8. Request Management Flowchart

