

Privacy policy (Articles 12-22 of Regulation EU 679/2016 - "GDPR")

We would like to inform you that any personal data (hereinafter "**Data**") relating to your organisation and/or personnel that are acquired now or in the future by **Fiam Utensili Pneumatici S.P.A.** as the "Data Controller" (hereinafter "FIAM" or the "**Controller**"), either from the interested parties or through third parties, including public databases, the Companies Register, the Internet and other companies, will be processed in accordance with the legal requirements and with your rights as the "**Data Subject**".

A. Method of data processing

The data processing may include the following **operations**: the collection (by telephone, online, in writing or orally), the recording, organisation, conservation and elaboration on paper or disk or using automated or telematic means of Data collected from third parties, the modification, selection, searching, comparison and use of the data, and interconnection with data of other persons based on temporal, qualitative or quantitative criteria that may be recurring or defined on a case-by-case basis, temporary processing for the purposes of rapid aggregation or of transformation of the Data, the discretionary adoption (never fully automated) of decisions, the creation of background documents, the disclosure, erasure and destruction of the Data, or combinations of two or more of the above operations.

The data will also be collected from public registers, lists of deeds and documents and/or public and/or private databases – commercial information providers and business registers –, or from the websites of public and/or private entities; in such cases the collected data will only include identification details, contact data, tax data, details of the solvency and financial situation of the data subject or of persons within organisation of the customer or supplier (such as, for example directors, legal representatives, agents, employees, etc.) relating to the business of the customer or supplier.

The Data Controller has also appointed one or more external or internal authorised data processors. The internal data processors belong to homogeneous areas of the company that need to process the Data for the stated purposes, including purchasing office, administration office, etc. The data processing is controlled by adequate technical and organisational security measures.

B. Purpose and legal basis for the data processing

The **purposes** of the processing are:

- 1) to comply with pre-contractual requirements (e.g. processing of our orders or your offers, etc.) and for the fulfilment of contractual obligations (the supply or purchase of goods or services including the management of deliveries, logistics and the related transport); **the legal basis** for the processing is the execution of a contract to which the Data Subject is party or the execution of pre-contractual measures taken at the request of the Data Subject;
- 2) Fulfilment of **legal obligations** (e.g. keeping of accounting; tax formalities, administrative and accounting management, etc.); **the legal basis** for the data processing is the fulfilment of a legal obligation to which the Data Controller is subject;
- 3) supplier management, for aspects other than those indicated in paragraphs 1-2 (internal organisation of the workflow necessary for the active and passive supplies of products and/or services, such as, for example, telephone directory management, statistical processing); the **legal basis** for the processing is the Data Controller's legitimate interest in processing the data in order to effectively and efficiently manage its relations with its customers or suppliers and to manage the related internal and external business processes – that interest is considered to prevail over the opposing interests of the data subject in having privacy of their personal data;



C. Disclosure of the Data.

Without affecting any disclosures made to third parties in execution of legal obligations or those made on the basis of regulations or other EC legislation, or at the request of officers of the law or of other third parties whose rights are recognised under such provisions, we may disclose the Data to the following categories of **third-party recipients**:

- 1) banks and credit institutions for the management of payments;
- 2) insurance companies;
- 3) debt recovery firms, factoring companies, leasing firms, insurance or credit firms, loans consortiums (only for credit protection and enhanced management of our trading rights);
- 4) consultants;
- 5) professionals and professional partnerships (lawyers, accountants, statutory auditors, auditors of 231 organizational models, etc);
- 6) accounts auditors;
- 7) providers of maintenance and/or IT support for our systems, databases and IT services;
- 8) couriers, shipping agents and transportation firms;
- 9) other suppliers and sub-suppliers;
- 10) public entities and/or other parties who may require the data in order to fulfil a legal obligation.

The Controller has appointed, as external data processors, all the categories of third-party recipients to whom it discloses the Data, except where they have taken on the status of independent data controller for the data processing in accordance with the current laws.

D. Optional or mandatory communication of the Data and consequences of not providing it.

For the processing related to the purposes indicated in B) points 1-3, the provision of data is a necessary requirement for the conclusion of the contract. It is not an obligation of the Data Subject, but their failure to provide the data will mean that the Data Controller is unable to enter into and/or execute the contract and/or fulfil the requests of the Data Subject; in such a case the consent of the Data Subject is not necessary for the processing of the Data.

E. Transfer of data abroad.

Part of the data processing may take place in foreign countries which may or may not be members of the European Union, if the Company relies on providers who have data centres or establishments in those countries.

If necessary in order to pursue the stated purposes, the Personal Data will be transferred to non-EU countries that can guarantee adequate levels of protection in accordance with the relevant decisions of the EU Commission or, in the absence of any such decisions, only after FIAM and such parties have entered into specific contracts containing adequate safeguarding obligations incumbent on the foreign entity receiving the data, in order to protect the Personal Data in accordance with the applicable laws and in particular, to comply with the minimum standards approved by the EU Commission (the Standard Contractual Clauses ("SCC")).

The cloud provider which has its headquarters or data centres in the U.S.A. and is used by FIAM is **Microsoft Corporation** headquartered in 1 Microsoft Way, Redmond, WA – Washington 98052, **U.S.A.**, as the provider of the individual cloud productivity service "Microsoft 365", of the Azure, Onedrive and Sharepoint services and of the "Microsoft TEAMS" videoconferencing service which is used to manage the pre-contractual or contractual relationship with the data subject.

As indicated in Annex 1 to the Conditions for Use of Online Services, with respect to the 365 Service, Microsoft is obligated to store the inactive data of the Company processed by FIAM as follows: "if the Company performs the provisioning of its tenant (...) in the European Union, Microsoft will archive the following inactive data of the Company only within that Geographical Area: (1) the contents of the Exchange



Online email inbox (the body of the email, calendar items and the content of email attachments), (2) the contents of the SharePoint Online website and the files stored on that website and (3) the files uploaded to OneDrive for Business.” In respect of such data, there will be no transfer to the USA, or the transfer will be strictly on an occasional basis. See the Microsoft policy at the following URL: <https://docs.microsoft.com/it-it/microsoft365/enterprise/o365-data-locations?view=o365-worldwide>, and Microsoft’s privacy policy at the following URL: <https://privacy.microsoft.com/it-it/privacystatement>.

However, it is possible that certain inactive data processed by FIAM, in particular data other than the data indicated above, will be transferred from the EU to the USA for the service in question, and that such transfer will take place on a non-occasional basis.

It is not possible to rule out the risk that in exceptional situations, the American public authorities may, on the basis of the laws in force in the USA (e.g. Art. 702 of the FISA and the Executive Order EO 12333) or for the sole purpose of national security – effect access to personal data transferred as above by FIAM to the USA. However, following the Company’s analysis of this issue, which it conducted in accordance with the CJEU “Schrems II” ruling of 17 July 2020 and the related EDPB (European Data Protection Board) guidelines, the possibility of the public authorities having a material interest in carrying out this type of access and further data processing (of which the provider, by law, may not inform FIAM and/or the data subject) appears to be extremely remote, considering: i) the specific core business of FIAM, ii) the limited types of personal data processed by it, and iii) the limited categories of data subject to which the data refers.

The Company thus considers that the SCC guarantee a level of protection of the data subjects’ rights that is substantially equivalent to the protection offered by the GDPR. The data subject will be informed if any additional measures are taken.

Similar considerations may be made with reference to transfers of data outside of the EU relating to the databases of the platforms OpenInnovation.me and apps.openinnovation.me which, despite being located in Frankfurt (Germany) use the server service of the American company Digital Ocean, headquartered in New York, NY. 101 6th Ave, U.S.A.

FIAM also conducts regular monitoring in order to identify providers who are headquartered in or have data centres in the USA, and to check that the transfer of data towards such suppliers is based on adequate legal foundations as provided for in the GDPR.

When the data is transferred outside of the EU for reasons other than marketing purposes, the legal basis for the transfer also consists of the need to execute a contract with the data subject or a contract made by FIAM and a third party in favour of the data subject, or to fulfil the related legal obligations.

F. Period of conservation of data.

The Data will usually be processed throughout the duration of the contractual relationship with the Data Subject, and thereafter only for the time necessary to fulfil the legal obligations incumbent on the Data Controller (10 years from the termination and/or due performance of the contract with the data subject or their organisation).

If the Data is processed for information security purposes (for example, logs of transactions or decisions made on our website, the Data will be stored for enough time to enable the carrying out of security checks and the documenting of results (usually 1 year after the date of collection). In the event of a dispute with the Data Subject and/or with a third party, the Data will be processed for the time strictly necessary to exercise the data controller’s rights.

G. Rights.

With regard to the processing of personal data you may exercise the following **rights** by contacting our Company informally to the above email address:

1) right to obtain **confirmation** as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:



- a) the purposes of the processing;
 - b) the categories of personal data concerned;
 - c) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - e) the existence of the right to request from our Company rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - f) the right to lodge a complaint with a supervisory authority; where the personal data are not collected from the data subject, any available information as to their source;
 - g) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- 2) where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to **be informed of the appropriate safeguards relating to the transfer**;
- 3) to obtain without undue delay the **rectification** of inaccurate personal data; taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement;
- 4) to obtain the **erasure** of personal data if
- a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
 - b) the data subject withdraws consent on which the processing is based, where there is no other legal ground for the processing;
 - c) the data subject objects to the processing and there are no overriding legitimate grounds for the processing;
 - d) the personal data have been unlawfully processed;
 - e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which our Company is subject ;
 - f) (...)
- 5) to obtain **restriction** of processing of personal data where one of the following applies:
- a) the accuracy of the personal data is contested by the data subject; in this case, the restriction of processing (i.e. suspension of the same) may take place for a period enabling our Company to verify the accuracy of the personal data;
 - b) the processing is unlawful (e.g. because the data subject has not been provided with the information required by law) and the data subject opposes the erasure of the personal data (i.e. he/she prefers us to keep them in our paper and/or computer archives) and requests the above restriction of their use instead;
 - c) our Company no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
- 6) to obtain from our Company, on request, the **details of the third-party recipients** to whom such personal data were transmitted;
- 7) to **withdraw** at any time his or her **consent** previously given for one or more specific purposes. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.



- 8) **to receive the personal data concerning him or her, which he or she has provided to our Company, in a structured, commonly used and machine-readable format and the right, where technically feasible, to transmit those data to another Controller**, without hindrance from our Company, if the following (cumulative) condition is met:
- a) the processing is based on the consent of the Data subject for one or more specific purposes or on a contract to which the Data subject is party and for the fulfilment of which the processing is necessary; and
 - b) and if the processing is performed with automated means (software) (right to data "portability"). The exercise of the right to **portability** shall be without prejudice to the aforementioned right to erasure;
- 9) **not to be subject to a decision based solely on automated processing**, including profiling, which **produces legal effects** concerning him or her or similarly significantly affects him or her To clarify, we specify that we do not make any automated processing of this type.
- 10) to **lodge a complaint** with the competent supervisory authority under the GDPR (Data Protection Authority) or before the ordinary courts.

H. Data Controller

The Data controller is **Fiam Utensili Pneumatici S.P.A.**, headquartered in Viale Francesco Crispi, 123, 36100 Vicenza (I), which you may contact to exercise your rights under the law. A list of the Data processors appointed by the Data controller is available upon request.