

## **Information on registration in the Supplier Register**

### **Information pursuant to Articles 13 and 14 of the European Regulation No. 679/2016 ("GDPR") and applicable national legislation**

Pursuant to Articles 13 and 14 of the European Regulation no. 679/2016 ("GDPR") and current national legislation, we provide the Information on the processing<sup>1</sup> of personal data that interested Economic Operators provide for registration in the Autostrade Group Suppliers' Computerised List (hereinafter "Supplier Register" or "Group Register" or Supplier List"), which Autostrade per l'Italia Spa and the Autostrade Group Companies have established and which can be reached at the web address <https://www.autostrade.it/it/privacy>.

Subscription to the Group Register, following the selection procedure and issue of the appropriate qualification, enables qualified Economic Operators to access the Autostrade Group's [telematic database] Register and to participate in tenders called by Autostrade per l'Italia SpA and/or the individual Autostrade Group Companies.

The requirements, registration modalities and operating rules of the Group Register are governed by specific Regulations, made available at <https://www.autostrade.it/it/albo-fornitori-e-portale-acquisti>.

The processing of the personal data of the Economic Operators concerned will be based on the principles of lawfulness and correctness, accuracy, relevance and transparency, guaranteeing the protection of confidentiality and rights.

#### **1. DATA CONTROLLER**

Autonomous data controllers are:

- Autostrade per l'Italia S.p.A., with registered office in Via Bergamini, 50 - 00159, Rome. The Data Protection Officer (DPO) for Autostrade per l'Italia S.p.A. is domiciled for the purpose at the Company's registered office and can be contacted at the PEC address: [dpo@pec.autostrade.it](mailto:dpo@pec.autostrade.it);
- the individual Autostrade Group companies in a control and connection relationship with Autostrade per l'Italia SpA, pursuant to art. 2359 of the Italian Civil Code;

*(hereinafter referred to as 'Holder' or 'Holders' for brevity).*

With reference to the tender and contractual activities called by Autostrade per l'Italia S.p.A. or by each individual Company of the Group, in which the individual Operators registered in the Group Register will participate, it should be noted that such activities will be carried out directly by Autostrade per l'Italia S.p.A. or by each individual Group Company, which has called the tender and is involved in the commercial relationship with the Operator; therefore, for this purpose, the Company concerned shall act as autonomous Data Controller for the processing of personal data within the scope of the tender and the consequent contractual relationship in accordance with the terms set out in the Information Notice provided when the tender was called.

With reference to navigation data and logs, the Data Controller is SAP Italia S.p.A., operating as "SAP", as owner of the technology underlying the Portal, with registered office in Via MONZA 7/A, Vimercate (MB). The privacy policy of "SAP" is available at the following link: <https://www.sap.com/italy/about/legal/privacy.html>.

#### **2. TYPES OF PERSONAL DATA**

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<sup>1</sup> Any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

The personal data processed by Autostrade per l'Italia SpA and the Group Companies, for the purposes indicated in point 3 below, are data and/or personal information referring to the Economic Operator of "natural person type" (sole proprietorship), and/or to the authorized contact person of the Economic Operator of "Company type" (legal representative, administrators, employees collaborators) as well as its third parties, provided by the Operator to the Owners.

Personal data include:

- Data acquired directly from the Operator concerned, during the registration phase:

**Common:** personal data (name, surname, address, date of birth, citizenship, marital status, profession), tax code, VAT number, identity document, contact data (e-mail, telephone contacts, PEC), economic/financial data/information (bank details);

**Judicial:** data on criminal records, register of administrative sanctions dependent on crime and related pending charges, or any other data mandatorily required pursuant to Article 80 of Legislative Decree no. 50/2016 ("Public Contracts Code") or authorised by law or, in the cases provided for by law, by regulation, concerning the "verification or ascertainment of the requirements of honourableness", as well as "the fulfilment of obligations provided for by provisions of law concerning anti-mafia communications and information [...] or for the production of the documentation prescribed by law to participate in tenders", pursuant to Art. 2-octies, paragraph 3, lett. c) and h) of Legislative Decree No. 101 of 10 August 2018 (supplementing and amending Legislative Decree No. 196 of 30 June 2003).

- Data acquired through the Group Register:

**Common:** personal data (name, surname, address, date of birth, citizenship, marital status, profession), tax code, VAT number, identity document, contact data (e-mail, telephone contacts, PEC), economic/financial data/information (bank details).

### 3. PURPOSE OF PROCESSING AND LEGAL BASIS FOR PROCESSING

Personal data are processed exclusively for the following purposes:

- a) Purposes related to the telematic management of the Suppliers' Register/List (in particular, verification of the existence and suitability of the requirements necessary for entry in the Suppliers' Register/List); Legal basis (Execution of a contract or pre-contractual measures, pursuant to Art. 6, para. 1, lett. b) of the GDPR; Legal obligation, pursuant to Art. 6, para. 1, lett. c) of the GDPR);
- b) Purposes related to the fulfilment of legal obligations such as communications required by law or for administrative/accounting/fiscal reasons; Legal basis (Execution of a contract or pre-contractual measures, pursuant to Art. 6, co. 1, lett. b) of the GDPR; Legal obligation, pursuant to Art. 6, co. 1, lett. c) of the GDPR);
- c) Purposes related to the evaluation and selection of Suppliers, once registered in the Register, to be invited in individual procedures for the acquisition of works, supplies and/or services, and to the performance of public procedures for the selection of the contractor; Legal basis (Execution of a contract or pre-contractual measures, pursuant to Art. 6, co. 1, lett. b) of the GDPR);
- d) Purposes related to the management of any litigation to protect the rights of the Holders (judicial and extrajudicial); Legal basis (Legitimate Interest, pursuant to Article 6(1)(f) of the GDPR);
- e) Purposes connected with the operation and management of Autostrade per l'Italia S.p.A.'s own activities (e.g. Audit activities); Legal basis Legitimate interest, pursuant to art. 6, co. 1, lett. f) of the GDPR).

The provision of the data necessary for the pursuit of the purposes set out in points a), b), c), d) and e) is compulsory and any refusal may make it impossible for the Data Controller to register the Economic Operator in the Suppliers' Register/List and consequently make it impossible for it to participate in tenders submitted by Autostrade per l'Italia S.p.A. and/or the Group Companies.

#### **4. METHODS OF TREATMENT**

The personal data collected will be processed and stored by means of computer and telematic tools and in computer files and, if necessary, on paper, in compliance with the measures set out in Article 32 GDPR.

In particular, the processing will be carried out mainly by automated means, including through the use of electronic tools for storing, managing and transmitting the data, with logics related to the purposes of the processing indicated above and in any case in compliance with the relevant regulations in force.

#### **5. DATA RETENTION PERIODS**

Data will only be kept for as long as necessary for the purposes for which they are collected in compliance with the principle of minimisation pursuant to Art. 5 c. 1 lett. c) of the GDPR.

In particular, data will be stored for as long as necessary:

- the pursuit of the purposes set out in points 3(a) and (c) above until the date of deletion from the Register, for whatever reason, in accordance with the provisions set out in the relevant Regulations, made available at <https://www.autostrade.it/it/albo-fornitori-e-portale-acquisti>, and for a further period of 5 years;
- the fulfilment of legal obligations, as referred to in point 3(b) above, and in any case for a maximum period of 10 years from the end of the calendar year in which the Controller has fulfilled the legal obligation, to document and prove that it has correctly fulfilled the legal obligation;
- the management of litigation, if any, referred to in point 3(d) above.

This is without prejudice to cases where storage for a period longer than those indicated above is required by the competent authorities or under applicable law.

#### **6. DATA RECIPIENTS**

Within the Data Controllers referred to in point 1. above, only the persons in charge of the processing by each autonomous Data Controller and authorised to carry out the processing operations within the scope of the aforesaid activities may become aware of the personal data provided. Personal data may be communicated to and become known by third parties (such as: parent/subsidiary companies or third party companies, also suppliers of auditing and/or IT services, which enable the operation and maintenance of the data base/telematic platform) appointed as "Data Processors", pursuant to Art. 28, para. 3, GDPR.

In particular, personal data are communicated to the following categories of persons:

- **Data Processors**, appointed pursuant to Art. 28(3) GDPR:
  - Company SAP Italia S.p.A. operating as "SAP" (protempore Manager of the Portal), with registered office in Via MONZA 7/A, Vimercate (MB);
  - Autostrade per l'Italia S.p.A., operating on behalf of the Group Companies, autonomous Holders, indicated in point 1. above.

The updated list of data recipients in their capacity as data processors is available from the DPO.

- **Autonomous data controllers:**

- Companies of the Autostrade Group, controlling and/or associated companies of the Data Controllers, pursuant to Article 2359 of the Italian Civil Code, due to the legitimate interest of the Autonomous Data Controllers, indicated in point 1, in the circulation of information within the same business group;
- Supervisory Authorities, Judicial Authorities, Control Bodies and Public Bodies in order to fulfil legal obligations, such as:
  - a) persons appointed as members of the Commissions of procedures for the acquisition of works, supplies and/or services;
  - b) ANAC as well as to the Public Contracts Observatory.

Disclosure: Your personal data will never be disclosed.

## **7. POSSIBLE TRANSFER OF PERSONAL DATA**

Personal Data is managed and stored on SAP servers located in Italy and within the European Union. Personal Data are not transferred outside the European Union. It is in any case understood that the Data Controllers, should it become necessary, will be entitled to move the data for their storage in servers located in non-EU countries; in this case, the Data Controllers assure as of now that the transfer of the data to non-EU territory will take place in compliance with the applicable provisions of law by entering into agreements with the recipient of the data, if necessary, that guarantee an adequate level of protection and/or by adopting the standard contractual clauses provided for by the European Commission.

## **8. RIGHTS OF THE INTERESTED PARTIES**

Finally, we would like to inform you that Articles 15-22 of the European Regulation No. 679/2016 ("GDPR") give data subjects the possibility to exercise specific rights; the data subject may obtain from the Data Controller: access, rectification, deletion, restriction of processing, revocation of consent as well as portability of the data concerning him/her.

The data subject also has the right to object to the processing. If the right to object is exercised, the Data Controller reserves the right not to process the request, and thus to continue processing, if there are compelling legitimate grounds for processing that override the interests, rights and freedoms of the data subject.

The aforementioned rights may be exercised by making a request addressed without formalities to the individual Data Controllers indicated in point 1. above or to the respective Data Protection Officers (DPO), where appointed, at their PEC addresses, also by using the appropriate forms made available on the website <https://www.autostrade.it>.

Please also note that the data subject may lodge a complaint with the Data Protection Authority pursuant to Article 57(f) GDPR. The complaint may also be submitted to a Supervisory Authority other than the Italian one in the event that such Authority is that of the EU State where the data subject usually resides or works, or that of the place where the alleged breach occurred.

## **9. CHANGES TO THE POLICY**

The Data Controllers reserve the right to amend and update this policy over time.

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