

PURCHASING PORTAL MANAGEMENT / QUALIFICATION SYSTEMS AND CONTRACTUAL PROCEDURES

Information on the protection of personal data

(Pursuant to Articles 13 and 14 of European Regulation No. 679/2016)

The companies listed in the table available at [\[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html\]](https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html), in the context of activities carried out for registration on the Group Purchasing Portal and, each within its own scope, for the management of the Purchasing Portal / Qualification System and contractual procedures, process the personal data of Economic Operators and Contractors who register on the aforementioned Portal. These data are acquired by the company for purposes connected to the above-mentioned activities, the management of tender procedures, negotiation, the conclusion and execution of Contracts, as well as for the management of any additional and amending acts, terminations, and settlements, in accordance with the methods detailed below.



I. Data Controller and DPO

In this section, we provide you with our contact details.

- **The Data Controllers**, each within their respective areas of competence, are the Companies listed in the attached list,
- which can be contacted at the email addresses and registered offices indicated in the table available at [\[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html\]](https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html)
- **The Data Protection Officer or Data Protection Contact** can be reached at the email address available at [\[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html\]](https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html)



II. Tipologie di dati personali

In questa sezione le indichiamo quali tipologie di dati le chiediamo

Personal data (of Economic Operators and Contractors represented by natural persons, or or of natural persons themselves, entered during registration on the Portal and/or also indicated in the declarations made for carrying out preliminary checks belonging to their respective organizations) subject to processing fall into the following categories:

- **Common data** acquired directly from the Economic Operator and the Contractor: personal details, tax identification code, identity document identifiers (driver's license/identity card/passport number), contact details (certified email, regular email, phone contacts). Based on the needs related to specific contractual procedures, further data may also be processed, such as: bank account details, economic/financial/income data, vehicle license plate, credentials, credit card number, credit card transactions, data contained in CVs (educational qualifications, membership of professional registers/categories).
- **Data of the Economic Operator and Contractor acquired from Public Administrations and Judicial Authorities** within the framework of fulfilling obligations related to the performance of contractual procedures: judicial data for verifying grounds for exclusion based on current legislation on public contracts (Legislative Decree No. 36/2023 and subsequent amendments), including anti-mafia verifications under applicable law (Legislative Decree No. 159/2011 and subsequent amendments); data relating to the fulfillment of social security and tax obligations.
The processing of judicial data is carried out exclusively within the contractual procedures managed by each Data Controller company, in compliance with current public contract regulations or in the event of the signing of legality protocols.
- **Personal data relating to marriage, civil union, or cohabitation** (special categories of data pursuant to Article 9 of EU Regulation 2016/679): potentially provided in the forms used for carrying out preliminary checks.

The aforementioned data will be processed using electronic and paper-based means in such a way as to ensure appropriate security and confidentiality measures.



III. Purpose of Processing

In this section, we explain why we request your data.

The data we ask you to provide are collected and processed by the Companies listed for the management of the Purchasing Portal/Qualification System and, by each Data Controller company, for the execution of tender procedures, negotiation, the conclusion and execution of Contracts, the management of any additional or amending acts and of contract terminations, as well as for the management of transactions.

The processing of personal data is legitimized by the following legal bases:

1. the necessity of processing for the purpose of entering into and performing the contract, including during the pre-contractual phase of registration or qualification of the Economic Operator/Contractor on the Purchasing Portal/Qualification System, and during the pre-contractual phases of tendering and negotiation (Article 6(1)(b) of EU Regulation 2016/679);
2. the necessity of processing to fulfill the legal obligations to which the data controller is subject (Article 6(1)(c) of EU Regulation 2016/679);
3. for the purpose of verifying the absence of conflicts of interest/correlations/revolving door issues, as well as to carry out checks on the possession of reliability and integrity requirements, including reputational checks (Article 6(1)(f) of EU Regulation 2016/679).

Judicial data are processed by each Data Controller company for the purpose of verifying the absence of exclusion grounds under current legislation on public contracts, pursuant to Article 2-octies, paragraph 3, letter i) of Legislative Decree 196/2003, as amended (the so-called New Privacy Code), as well as for purposes connected with the signing of voluntary Agreements/Memoranda of Understanding with national Institutions responsible for carrying out checks/controls on matters within their competence (e.g., Ministry of the Interior, Prefectures, Carabinieri, Guardia di Finanza, etc.), pursuant to Article 2-octies, paragraph 3, letter h) of Legislative Decree 196/2003, as amended (the so-called New Privacy Code), or in fulfillment of obligations laid down by laws regarding anti-mafia communications and information, or regarding the prevention of mafia-type crime and other serious forms of social danger.

We assure you that the data provided will be processed exclusively for the purposes indicated above.

The provision of the data necessary to pursue the aforementioned purposes is “mandatory,” and any refusal to provide such data will result in the inability to register on the Purchasing Portal/Qualification System, as well as the impossibility of managing activities related to contractual procedures in compliance with legal requirements.



IV. Recipients of the Data

In this section, we explain who will process your data and to whom it will be communicated.

The personal data provided for the pursuit of the aforementioned purposes will be processed by the following entities:

➤ **Within the scope of the Data Controller company:**

- Authorized personnel: personal data will be accessible only to those within the Data Controller company who need it for their duties or hierarchical position. These individuals will be properly trained to prevent data loss, unauthorized access, or any unlawful processing of the data;
- Companies listed in the attached list as Third Parties, to whom data may be communicated and/or access may be granted to their employees and any consultants, to the extent necessary for the achievement of the Processing Purposes (see section III);
- IT service providers contracted by the Data Controller company.

These companies act as Data Processors on behalf of the Data Controller and have signed a specific Data Protection Agreement that precisely regulates the processing activities entrusted to them, as well as the obligations and the technical and organizational security measures regarding the protection of personal data.

- **Outside the scope of the Data Controller company:** Personal data may be transmitted, pursuant to laws or regulations, to Public Administrations and Judicial Authorities that act as independent Data Controllers.



V. Data Disclosure

In this section, we assure you that your data will not be disclosed.

Personal data are not subject to disclosure. Institutional publication is limited to information related to contractual procedures necessary to fulfill legal obligations concerning contract publicity, transparency, and anti-corruption.



VI. Data Retention

In this section, we explain how long we will keep your data.

The personal data provided and collected will be retained as follows:

- For registration in the qualification system: for 12 months after the three-year expiration, except in the case of renewal of the registration and in any event for no longer than 12 months from the removal from the Qualification System.
- For the execution of tender procedures and contractual/negotiation activities: for a period not exceeding 10 years from the expiration of the concluded contract—or for a period not exceeding 5 years from the date of unsuccessful awarding—for the additional purposes described above, unless otherwise required due to requests from Judicial Authorities and/or equivalent bodies, or in the event of disputes before competent judicial authorities, until the final judgment is rendered.
- For the execution of tender procedures and contractual/negotiation activities: for a period not exceeding 10 years from the expiration of the concluded contract or from the date of awarding for the additional purposes described above, except for different needs in case of requests from Judicial Authorities and/or equivalent bodies, or in case of disputes before competent judicial authorities.



VII. Rights of the Data Subjects

In this section, we explain which rights we guarantee you.

EU Regulation 2016/679 (Articles 15 to 23) grants data subjects specific rights. In particular, regarding the processing of personal data, the data subject has the right to request from the Data Controller, whose contact details are available in the table at

[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html]:

- **Access:** You may request confirmation as to whether or not personal data concerning you is being processed, as well as further information as per this privacy notice (Article 15);
- **Rectification:** You may request the correction or completion of any data you have provided that is inaccurate or incomplete (Article 16);
- **Erasure:** You may request that your data be deleted if it is no longer necessary for the purposes mentioned above, if you withdraw your consent or object to the processing, if the processing is unlawful, or if there is a legal obligation to delete the data (Article 17);
- **Restriction:** You may request that your data be processed only for storage purposes, excluding any other processing, during the time necessary to correct your data, in case of unlawful processing where you oppose erasure, if you need to exercise your rights in court and the stored data may be useful, or in the event of objection to processing while a verification of the legitimate grounds of the Company is ongoing (Article 18);
- **Portability:** You may request to receive your data, or have it transmitted to another Data Controller you indicate, in a structured, commonly used, and machine-readable format (Article 20);
- **Objection:** You may object at any time to the processing of your data, unless there are legitimate grounds for processing that prevail over yours, for example, for the exercise or defense of the Company's rights in court (Article 21).

At any time, the Data Subject may request to exercise their rights by contacting the Data Controller company at the email address available at

[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html]

[available in the table] or by contacting the **Data Protection Officer / Data Protection Representative** at the email address available at

[https://eprocurement.gruppofs.it/esop/tlk-host/public/fs/web_en/informativa_privacy.html].

Furthermore, the data subject has the right to lodge a complaint if they believe their rights have been violated, by contacting the Supervisory Authority, which in Italy is the **Data Protection Authority** (Garante per la Protezione dei Dati Personali).