



PRIVACY POLICY

Information pursuant to and for the purposes of Article 13 and Recital 39 et seq. of the REG. EU 2016/679 as amended

Dear User/Interested Party,

AKERN S.R.L. protects the confidentiality of your personal data and guarantees them the necessary protection from any event that could put them at risk of violation.

As provided for by the European Union Regulation no. 679/2016 ("GDPR"), and in particular art. 13, below we provide the user ("Interested Party") with the information required by law regarding the processing of their personal data.

We provide this information not only to comply with legal obligations regarding the protection of personal data under Regulation (EU) 2016/679 or "Regulation", but also because we believe that the protection of personal data is a fundamental value of our business and we want to provide you with any information that can help you protect your privacy and control the use made of your data.

PART I

Who we are and which data we process (art. 13, paragraph 1, letter a, art. 15, letter b GDPR)

AKERN S.R.L., with registered office in Via U. Forti n. 6 - 56121 Montacchiello (PI), Tax ID and VAT IT01783380486, operates as Data Controller and can be contacted at privacy@akern.com and collects and/or receives information about the interested party for the execution of the Service. The data processed are so-called "common" and concerns personal data such as name, surname, physical address, nationality, province and municipality of residence, fixed and/or mobile phone, fax, tax code, e-mail and pec [certified e-mail] address(es), bank details.

The Data Protection Officer (so-called RPD or DPO) can be contacted at dpo_privacy@akern.com.

AKERN S.R.L. does not ask the interested party to provide any data. "details", i.e., according to the provisions of the GDPR (art. 9), personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data aimed at uniquely identifying a natural person, data concerning the person's health or sexual life or sexual orientation. In the event that the service requested to AKERN S.R.L. requires the processing of such data, the interested party will receive prior information and will be required to give consent.

PART II

For what purposes we process your data (art. 13, 1st paragraph GDPR)

The data is used by the Data Controller to respond to the request for activation of the Service, to allow the user access to the Software in accordance with the chosen Service Supply Agreement, as well as to manage and execute the contact requests made by the interested party, to provide assistance, to fulfil the legal and regulatory obligations to which the Data Controller is bound in relation to the activity carried out. Under no circumstances



shall AKERN S.R.L. sell the personal data of the interested party to third parties or use them for undeclared purposes.

In particular, the data of the interested party will be processed for:

(a) requests for contact and/or information material

The processing of the personal data of the interested party takes place in order to carry out the preliminary and consequent activities for the management of requests for information and contact and/or the sending of informative material, as well as for the fulfilment of any other obligations deriving from it.

The legal basis for such processing is the performance of pre-contractual measures at the request of the data subject (Article 6(6)(c)). 1 lett. B GDPR) and compliance with legal obligations (art. 6 para. 1 letter c GDPR).

(b) management of the contractual relationship and fulfilment of legal obligations

The processing of the personal data of the interested party takes place in order to carry out the preliminary and consequent activities of the purchase of the Service, the management of the relative order, the provision of the Service itself, the relative invoicing and payment management, the handling of complaints and/or reports to the assistance service and the provision of the assistance itself to the customer by means of the active services (e.g.: email, telephone, remote), as well as the fulfilment of any other obligation deriving from the contract.

The legal basis for these treatments is the performance of the services inherent in the contractual relationship (art. 6 para. 1 lett. b GDPR) and compliance with legal obligations (Art. 6 para. 1 letter c GDPR).

(c) the legitimate interest of the Data Controller

The processing of the personal data of the interested party may also be carried out in order to pursue the legitimate interest of the [Data Controller](#) (Art. 6 para. 1 lett. f - by way of example, but not exhaustive for the exercise of a right of the Data Controller in judicial proceedings or in the context of the verification of fraud); in such cases the legitimate interest of the Data Controller may constitute the [legal basis](#) of [data processing](#) provided that the rights between the Data Controller and the Interested Party are balanced.

The legal basis for these processing operations is the legitimate interest of the Data Controller pursuant to Art. 6 paragraph 1 letter F) GDPR.

(d) promotional/communications activities in general on Services similar to those purchased by the Interested Party (Recital 47 GDPR)

The Data Controller, even without the explicit consent of the Data Subject, may use the contact data communicated by the Data Subject, for the purposes of direct sale of its Services, limited to the case in which the Services are similar to those subject to the sale and contractual relationship (unless the Data Subject explicitly objects) or for the purposes of sending communications by email for the provision of the service and management of any inefficiencies and/or transmission of service communications and/or related updates.

The legal basis for these processing operations is the legitimate interest of the Data Controller pursuant to Art. 6 paragraph 1(F) GDPR in conjunction with recital 47 GDPR.

(e) protection of minors

The Services offered by the Data Controller are reserved to subjects legally able, on the basis of the national legislation of reference, to conclude contractual obligations. The Data



Controller, in order to prevent illegitimate access to its services, implements preventive measures to protect its legitimate interest, such as the control of the tax code and/or other checks, when necessary for specific Services, the correctness of the identification data of the identity documents issued by the competent authorities.

The legal basis for these processing operations is the legitimate interest of the Data Controller pursuant to Art. 6 paragraph 1 letter F) GDPR.

To whom we communicate your data (art. 13, 1st paragraph GDPR)

The communication of the personal data of the interested party takes place mainly towards third parties and/or recipients whose activity is necessary to carry out the activities inherent to the execution of the contractual relationship established and to respond to certain legal obligations, such as:

CATEGORIES OF RECIPIENTS

PURPOSE OF COMMUNICATION TO THE THIRD PARTY

Third party suppliers.

Provision of services (for example, but not limited to assistance, maintenance, deliveries/shipments, provision of additional services) related to the contractual performance.

Credit and digital payment institutions, banking/postal institutions.

Management of receipts, payments, refunds related to the contractual service.

External consultants.

Fulfilment of legal obligations, exercise of rights, protection of contractual rights, debt recovery.

Financial Administration, Public Bodies, Judicial Authority, Supervisory and Control Authority.

Fulfilment of legal obligations, defence of rights; lists and registers kept by public authorities or similar bodies according to specific regulations, in relation to the contractual performance.

Persons formally delegated or having a recognised legal title.

Legal representatives, curators, guardians, etc.

The Data Controller has appointed its suppliers as Data Processors pursuant to art. 28 GDPR, requiring them to comply with the security measures pursuant to art. 32 GDPR.

Some Personal Data of the interested parties are shared with Recipients that may be found outside the European Economic Area. The Owner shall ensure that the transfer and processing are carried out in compliance with the applicable legislation. Indeed, transfers are made through appropriate guarantees, such as adequacy decisions, standard contractual clauses approved by the European Commission or other legal instruments.

The legal basis of these treatments is the fulfilment of the services inherent to the established relationship, the respect of legal obligations and the legitimate interest of AKERN S.R.L. to carry out treatments necessary for these purposes.

PART III

What happens if you do not provide your data? (Art. 13, 2nd paragraph, letter e, GDPR)

The collection and processing of personal data is necessary in order to provide the services requested as well as the provision of the chosen Service. If the Data Subject does not provide the personal data expressly provided for as necessary in the Service Activation



Form, the Data Controller will not be able to carry out the processing operations related to the management of the services requested and/or the Contract and the Services connected to it, nor the fulfilments that depend on them.

In the event that the interested party objects to the processing of data relating to promotional activities/communications in general on Services similar to those purchased by the interested party (see Part II letter d), the data will no longer be processed for such activities, without this having any consequences or effects prejudicial to the interested party and to the contractual services requested.

How and Where we process your data (art. 32 GDPR)

The Data Controller provides for the use of appropriate security measures in order to preserve the confidentiality, integrity and availability of personal data of the Data Subject and imposes similar security measures on the appointed Data Processors.

The personal data of the interested party are stored in paper, computer and telematic archives. In any case, it is understood that the Owner, if necessary, will have the right to move the servers also extra-EEA. In this case, the Data Controller already ensures that the transfer of non-EEA data will take place in accordance with the applicable legal provisions, subject to the stipulation of standard contractual clauses provided by the European Commission. The data in question are not and will not be disseminated.

Your data will be collected and processed without any 'profiling' analysis (i.e. any form of automated processing of personal data consisting of the use of such data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects relating to the professional performance, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements of that natural person).

For how long your data are stored (art. 13, 2nd paragraph, letter a GDPR)

Unless the Data Subject explicitly expresses his or her wish to delete them, his or her personal data will be kept for as long as they are necessary for the legitimate purposes for which they were collected.

In particular, they will be kept for the entire duration of the contractual relationship and for a further period of 10 years for the fulfilment of the obligations (e.g. fiscal and accounting obligations) that remain even after the termination of the contract (art. 2220 Civil Code); for these purposes, the Owner will keep only the data necessary for the relative pursuit.

This is without prejudice to cases in which the rights deriving from the contract may be asserted in court; in which case the personal data of the interested party, exclusively those necessary for such purposes, will be processed for the time necessary to pursue them.

What are your rights and how can you exercise them (art. 15 - 22 GDPR)

In addition to the right to lodge a complaint with a supervisory authority, the interested party may also exercise the rights listed below:

Art. 15 Right of access - The data subject has the right to obtain from the data controller confirmation as to whether or not personal data concerning him/her are being processed and, if so, to obtain access to the personal data and information concerning the processing.

Art. 16 Right of rectification - The data subject has the right to obtain from the data controller the rectification of inaccurate personal data concerning him/her without undue delay. Taking into account the purposes of the processing, the data subject has the right to



obtain the integration of incomplete personal data, including by providing an additional statement.

Art. 17 Right to deletion (right to be forgotten) - The data subject has the right to obtain from the data controller the deletion of personal data concerning him/her without unjustified delay and the data controller has the obligation to delete personal data without unjustified delay.

Art. 18 Right to limitation of processing - The data subject has the right to obtain from the Data Controller the limitation of the processing when one of the following hypotheses applies:

- (a) the data subject shall contest the accuracy of the personal data for the period necessary for the controller to verify the accuracy of such data;
- b) the processing is unlawful, and the data subject opposes the deletion of personal data and asks instead that its use be limited;
- (c) although the Data Controller no longer needs them for the purposes of processing, the personal data are necessary for the data subject to ascertain, exercise or defend a right in court;
- (d) the data subject has objected to the processing within the meaning of Article 21(1) of the Regulation, pending verification as to whether the legitimate reasons of the controller take precedence over those of the data subject.

Art. 20 Right to data portability - The data subject has the right to receive in a structured, commonly used and machine-readable format the personal data concerning him/her provided to a data controller and has the right to transmit such data to another data controller without hindrance by the Data Controller to whom it has provided them.

In exercising their rights regarding data portability, the data subject has the right to obtain direct transmission of personal data from one data controller to another, if technically feasible.

Art. 21 Right to object - The person concerned has the right to object at any time, for reasons related to his particular situation, to the processing of personal data concerning him, including profiling on the basis of these provisions.

Art. 22 Right not to be subject to automated processing, including profiling - The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him/her or significantly affects his/her person in a similar way.

Requests relating to the exercise of the aforementioned rights may be addressed to the Data Controller, at the addresses indicated above, without formality or, alternatively, using the model provided by the Guarantor for the Protection of Personal Data available on the Website https://www.garanteprivacy.it/home_en

The exercise of these rights may be exercised by written communication to be sent by PEC [certified e-mail], e-mail or by registered letter addressed to the Data Controller.

We remind you that if you find any anomalies or violations regarding the processing of your personal data you have the right to contact the Guarantor for the protection of personal data



https://www.garanteprivacy.it/home_en or to the European Data Protection Supervisor using the following link <http://www.edps.europa.eu>.