



**PROCEDURE FOR THE EXERCISE OF DATA SUBJECT RIGHTS
PURSUANT TO ART. 15 TO 23 OF EU REGULATION 679/2016
AND ITALIAN LEGISLATIVE DECREE 196/2003 AS AMENDED BY ITALIAN
LEGISLATIVE DECREE 101/2018**

Regulation (EU) 679/2016 on the protection of personal data (GDPR) establishes, among its fundamental principles, the protection of data subjects' rights in relation to the processing of their personal data.

These rights enable the data subject to exercise control over the types of data being processed, the methods of processing, and grant the possibility to restrict such processing, to object to it, as well as to request the erasure of personal data under certain circumstances.

A corollary to these rights is the right to lodge a complaint and to seek judicial remedy in the event of unauthorized or unlawful processing of personal data.

This Procedure aims, first of all, to identify and describe such rights, as well as to establish the response timeframes and the methods of exercising those rights. Finally, this document identifies the person responsible for providing feedback to data subjects who make such requests.

The purpose of this Procedure is to facilitate the data subject, pursuant to Article 12(2) of the GDPR, in the exercise of his or her rights.

THE RIGHTS OF THE DATA SUBJECT

Article 15

Right of Access by the Data Subject

1. The data subject shall have the right to obtain from the controller 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 to the following information:

- a) the purpose 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 organizations;
- 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 the controller 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;
- g) where the personal data are not collected from the data subject, any available information as to their source;
- h) the existence of automated decision-making, including profiling referred to in Article 22(1) and (4), 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 organization, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Rectification and Erasure

Article 16

Right to rectification

The data subject has the right to obtain from the data controller the rectification of inaccurate personal data concerning him or her without undue delay.

Taking into account the purposes of the processing, the data subject has the right to have incomplete personal data completed, including by providing a supplementary statement.

Article 17

Right to Erasure (“right to be forgotten”)

1. The data subject has the right to obtain from the data controller the erasure of personal data concerning him or her without undue delay, and the data controller has the obligation to erase such personal data without undue delay where one of the following grounds applies:

- 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 pursuant to Article 6(1)(a) or Article 9(2)(a), and there is no other legal ground for the processing;
- c) the data subject objects to the processing pursuant to Article 21(1), and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2);
- d) the personal data have been unlawfully processed;
- e) the personal data must be erased in order to comply with a legal obligation under Union or Member State law to which the controller is subject;
- f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1).2.

2. Where the data controller has made the personal data public and is obliged, pursuant to paragraph

1, to erase them, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copies or replications of, those personal data.

3. Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

- a) for exercising the right of freedom of expression and information;
- 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;
- c) for reasons of public interest in the area of public health in accordance with Article 9(2)(h) and (i) and Article 9(3);
- d) for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes in accordance with Article 89(1), insofar as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or
- e) for the establishment, exercise, or defense of legal claims.

Article 18

Right to restriction of processing

1. The data subject shall have the right to obtain from the data controller the restriction of processing where one of the following circumstances applies:

- a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;
- b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
- c) the controller 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 defense of legal claims;
- 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..

2. Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, be processed only with the data subject's consent, or for the establishment, exercise or defense 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.
3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.

Article 19

Notification Obligation Regarding Rectification or Erasure of Personal Data or Restriction of Processing

The data controller shall communicate any rectification or erasure of personal data or restriction of processing carried out pursuant to Article 16, Article 17(1), and Article 18 to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves a disproportionate effort.

The data controller shall inform the data subject about those recipients if the data subject so requests.

Article 20

Right of data portability

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a data controller, in a structured, commonly used, and machine-readable format, and the right to transmit those data to another data controller without hindrance from the data controller to which the personal data were provided, where:
 - a) the processing is based on consent pursuant to Article 6(1)(a) or Article 9(2)(a), or on a contract pursuant to Article 6(1)(b); and
 - b) the processing is carried out by automated means.
2. In exercising the rights referred to in paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one data controller to another, where technically feasible.

3. The exercise of the right referred to in paragraph 1 shall be without prejudice to Article 17. This right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

Right to Object and Automated Decision-Making Concerning Natural Persons

Article 21

Right to object

1. The data subject shall have the right to object at any time, on grounds relating to his or her particular situation, to the processing of personal data concerning him or her pursuant to Article 6(1)(e) or (f), including profiling based on those provisions.

The data controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights, and freedoms of the data subject, or for the establishment, exercise, or defence of legal claims.

2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to the processing of personal data concerning him or her for such marketing, including profiling to the extent that it is related to such direct marketing.
3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
4. The right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and presented clearly and separately from any other information, at the latest at the first communication with the data subject.
5. In the context of the use of information society services, and without prejudice to Directive 2002/58/EC, the data subject may exercise the right to object by automated means using technical specifications.
6. Where personal data are processed for scientific or historical research purposes or for statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular

situation, shall have the right to object to the processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Article 22

Automated Decision-Making Concerning Natural Persons including Profiling

1. 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 or her or similarly significantly affects the data subject.
2. Paragraph 1 shall not apply if the decision:
 - a) is necessary for entering into or performance of a contract between the data subject and a data controller;
 - b) is authorized by Union or Member State law to which the data controller is subject, which also lays down suitable measures to safeguard the rights, freedoms, and legitimate interests of the data subject;
 - c) is based on the explicit consent of the data subject.
3. In the cases referred to in paragraph 2(a) and (c), the data controller shall implement appropriate measures to safeguard the rights, freedoms, and legitimate interests of the data subject, at least the right to obtain human intervention from the data controller, to express his or her point of view, and to contest the decision.
4. Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9(1), unless Article 9(2)(a) or (g) applies, and appropriate measures to safeguard the rights, freedoms, and legitimate interests of the data subject are in place.

Limitations

Article 23

Limitations (C73)

1. Union or Member State law to which the data controller or the processor is subject may restrict, by legislative measures, the scope of the obligations and rights provided for in Articles 12 to 22 and 34, as well as Article 5, to the extent that the provisions therein correspond to the rights and obligations referred to in Articles 12 to 22, where such restriction respects the essence of fundamental rights and freedoms and constitutes a necessary and proportionate measure in a democratic society to safeguard:

- a) national security;
- b) defense;
- c) public security;
- d) the prevention, investigation, detection, and prosecution of criminal offenses or the execution of criminal penalties, including protection against and prevention of threats to public security;
- e) other important objectives of general public interest of the Union or of a Member State, in particular a significant economic or financial interest of the Union or a Member State, including monetary, budgetary, and tax matters, public health, and social security;
- f) the safeguarding of the independence of the judiciary and judicial proceedings;
- g) activities aimed at preventing, investigating, detecting, and prosecuting breaches of the ethics of regulated professions;
- h) any supervisory, inspection, or regulatory function connected, even occasionally, to the exercise of public authority in the cases referred to in letters a), e), and g);
- i) the protection of the data subject or the rights and freedoms of others;
- j) the enforcement of civil claims.

2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions regarding at least, where applicable:

- a) the purposes of the processing or the categories of processing;
- b) the categories of personal data;

- c) the scope of the restrictions introduced;
- d) safeguards to prevent abuse or unlawful access or transfer;
- e) the precise identification of the data controller or categories of controllers;
- f) the retention periods and applicable safeguards taking into account the nature, scope, and purposes of the processing or categories of processing;
- g) the risks to the rights and freedoms of the data subjects; and
- h) the right of data subjects to be informed of the restriction, unless such notification could compromise its purpose.

Judicial protection

Regulation (EU) 2016/679 provides, in its Chapter VIII, remedies for the protection of the data subject. In particular, Articles 77 (Right to lodge a complaint with a supervisory authority), 78 (Right to an effective judicial remedy against a supervisory authority), and 79 (Right to an effective judicial remedy against the data controller or the processor) establish the specific rights of the data subject.

METHODS FOR EXERCISING RIGHTS AND RESPONSE PROCEDURES

Data subjects may exercise their rights via email, certified email (PEC), or registered letter with return receipt.

To facilitate the exercise of such rights, the data subject may use the dedicated form for exercising rights.

Requests can be sent to the email address info@gambini.group, via PEC to info@pec.gambinispa.it, or by registered letter with return receipt to the address of the Data Controller indicated in the privacy notice.

The Data Controller, either directly or through an appointed representative, shall provide the data subject with the information regarding the request submitted without undue delay and, in any event, within 30 days of receipt of the request.

This period may be extended by a further 60 days if necessary, taking into account the complexity

and number of requests. The Data Controller shall inform the data subject of such extension and the reasons for the delay within 30 days of receipt of the request.

If the request is submitted electronically, the information shall, where possible, be provided by electronic means unless the data subject specifies otherwise.

If the Data Controller does not comply with the data subject's request, the data subject shall be informed without delay, and at the latest within 30 days of receipt of the request, of the reasons for non-compliance and of the right to lodge a complaint with a supervisory authority and to seek a judicial remedy.

The information provided to the data subject, as well as any communications and actions taken, shall be free of charge.

If the data subject's requests are manifestly unfounded or excessive, in particular due to their repetitive nature, the Data Controller may:

- a) charge a reasonable fee taking into account the administrative costs incurred to provide the information, communication, or undertake the requested action; or
- b) refuse to act on the request.

The Data Controller bears the burden of demonstrating that the request is manifestly unfounded or excessive.

Where the Data Controller has reasonable doubts concerning the identity of the individual making the request pursuant to Articles 15 to 21, the Data Controller may request additional information necessary to verify the identity of the data subject.