

## **PRIVACY NOTICE REGARDING THE PROCESSING OF PERSONAL DATA PURSUANT TO ARTICLES 13 AND 14 OF REGULATION (EU) 2016/679 (GDPR)**

### ***Introduction and General Definitions***

The subject of protection offered by privacy legislation is the "processing of personal data." Before delving into this information, it is necessary to define the processing of personal data according to EU Regulation 2016/679, which, in Article 4(2), defines it as the activity of "collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination, or otherwise making available, alignment or combination, restriction, erasure or destruction" of data that refers to identified or identifiable natural persons.

EU Regulation 2016/679 defines the natural person to whom the data processed refer as the "data subject," reserving a series of rights and prerogatives in their favor.

Foremost among these rights is undoubtedly that of being informed, in a clear and transparent manner, about the purposes and methods with which the personal data that he or she will provide, in various capacities, directly to this Public Administration, will be managed ("processed"). This informative notice aims to illustrate the purposes for which the Italian Trade Agency may use your data, how it will be managed, to whom it may be communicated, where it may be transferred, and what your rights are.

### ***Data Controller and Data Protection Officer***

The Data Controller is the Italian Trade Agency, with headquarters at via Liszt, 21 – 00144 Rome, Italy, phone number +39 06 59921 (hereinafter referred to as ITA).

The Data Protection Officer can be contacted at the following e-mail address: [privacy@ice.it](mailto:privacy@ice.it).

### **Purpose of Data Processing**

The processing of your personal data, using computerized or analogous tools, is carried out

by ITA for the institutional purposes connected to this call for tender, for the related legal compliance, and for purposes related to the selection of the contractor and contractual activity.

Specifically, your personal data will be processed to:

- verify the existence of the necessary requirements for participation in the tender and for the award;
- manage the tender procedure and for purposes related to the selection of the contractor;
- for the conclusion, execution, and management of the procurement contract or professional service, as well as for the related compliance and legal obligations;
- to fulfill all legal obligations arising from the legislation on procurement and public contracting.

In particular, it is specified that judicial data will be processed exclusively for the purposes of verifying the absence of exclusion causes pursuant to art. 80 of Legislative Decree no. 50/2016, in accordance with the provisions of the procurement code (Legislative Decree no. 50/2016) and Presidential Decree no. 445/2000.

The provision of your personal data is considered mandatory as it is necessary for the purposes of participating in the public evidence procedure and, possibly, for the purposes of the conclusion, management, and execution of the contract and is based on the following legal grounds:

- the necessity of processing for the purpose of concluding and executing the contract, or for the execution of pre-contractual measures adopted upon the request of the data subject (art. 6 par. 1 letter b of the GDPR);
- the necessity of processing to fulfill legal obligations to which the data controller is subject (art. 6 par. 1 letter c of the GDPR); for example, compliance with legal, regulatory, or contractual obligations, execution of orders from judicial or administrative authorities;
- the necessity of processing for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller; in particular for the management of the public evidence procedure aimed at the selection of the contractor (art.

6 par. 1 letter e GDPR).

Your possible refusal to provide the requested data may result in the impossibility of allowing you to participate in the tender, your exclusion from it, the forfeiture of the award, or the impossibility of concluding the contract by ITA.

### **Upholding Individual Rights**

ITA aims to protect the personal data of whistleblowers, binding their processing to the principles of fairness, legality, and transparency provided by the Regulation. Only personal data that is adequate, relevant, and limited to what is necessary in relation to the purposes for which they are collected and processed are treated.

The data is processed by properly trained personnel who act as authorized data processing staff according to principles of fairness, legality, transparency, relevance, and not exceeding the purposes of the collection and subsequent processing.

The processing takes place in a manner that ensures adequate security of personal data, through the use of automated tools, as well as confidentiality and protection, through technical and organizational measures aimed at preventing data loss, unlawful or incorrect use, and unauthorized access.

Personal data may also be managed through online software or cloud services, located within the European Union, in compliance with the rights and guarantees provided by the General Data Protection Regulation (EU) 2016/679 (GDPR).

### **Data Retention Period**

Personal data will be retained for a period commensurate with the purposes of processing outlined above and in compliance with all legal obligations.

### **Data Sharing with Other Entities**

In the course of its public administration activities, data may be communicated to entities that perform control activities, public bodies or administrations if they are legally entitled to receive such information, Italian and foreign judicial authorities and other public authorities, for purposes related to the fulfillment of legal obligations, or for the performance of the obligations arising from your participation in this public selection process.

Specifically, you are informed that personal data may be communicated to:

- natural or legal persons appointed as Data Processors pursuant to Article 28 of the GDPR;
- authorities for the supervision of public contracts for works, services, and supplies;
- authorities responsible for inspection and fiscal and administrative verification;
- judicial authority or police forces, in cases provided for by law;
- any other public or private subject in cases specifically provided for by EU law or national law.

In any case, pursuant to Article 53 of Legislative Decree no. 50/2016, your data may be communicated to third parties if the legal conditions provided for by Law no. 241/90 and Legislative Decree no. 33/2013 regarding the right of access and administrative transparency are met.

The complete and updated list of any Data Processors is always available upon request at the email address: [privacy@ice.it](mailto:privacy@ice.it).

### **Rights of the Data Subject**

The data subject may exercise their rights at any time, and in particular, may access their personal data, request its correction or restriction, update it if incomplete or incorrect, and request its deletion if collected in violation of the law, as well as oppose its processing unless there are legitimate reasons on the part of the Data Controller. They also have the right to data portability, that is to receive personal data in a structured, commonly used, and machine-readable format.

For this purpose, it is possible to contact the Data Controller, or the Data Protection Officer. It is also informed that there is the possibility to lodge a complaint with the Italian Supervisory

Authority – Guarantor for the protection of personal data - Piazza Venezia n. 11 - 00187  
Rome, Italy.

For more information, you can send a request to the e-mail address: [privacy@ice.it](mailto:privacy@ice.it).

**This information notice may be supplemented in consideration of any regulatory changes or in relation to the measures of the European Commission and the European Data Protection Supervisor EDPS.**