

EU Regulation 2016/679 on Privacy

Procedure for Managing Data Subjects' Requests to Exercise Their Rights

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INTRODUCTION

1.1 PURPOSE AND SCOPE

This procedure rules the handling of data subjects' requests to exercise their rights.

This process governs the stages of receipt, examination and formalisation of the response to data subjects, as well as the arrangements for keeping appropriate records to document compliance with the obligations imposed by the principle of "accountability".

This procedure is made known to all employees, managers and, in any event, the persons responsible for and/or contact persons in the Company's Departments/Services/Offices, as well as potentially concerned third parties and/or stakeholders.

The forms and/or appropriate instructions will also be made available on the website and in "FILO".

1.2 LEGAL REFERENCES

- CHAPTER III – Articles 12 et seq. of EU Regulation 2016/679
- Legislative Decree No. 196/2003, as subsequently amended

1.3 DEFINITIONS

GDPR or Regulation	EU Regulation 2016/679 (General Data Protection Regulation)
Code	Legislative Decree No. 196/2003, as subsequently amended
Personal data	Any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number/code, location data, an online alias/profile, or one or more factors specific to their physical, physiological, genetic, mental, economic, cultural or social identity.
Processing	Any operation or set of operations performed on 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.
Data Controller	The person who, alone or jointly with others, determines the purposes and means of the



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	processing of personal data; notably, Zegna Baruffa Lane Borgosesia S.p.A.
Data subject	Natural person who has provided their personal data
DPO	Data Protection Officer
Supervisory Authority	Italian Data Protection Authority

2. DATA SUBJECTS' RIGHTS

1. **Right of access:** to obtain from the Data Controller, at any time, confirmation as to whether or not personal data concerning them are being processed, without having to state reasons for the request. If so, the data subject is also entitled to access the data and obtain a copy, as well as to be informed of the purposes of processing, categories of data, recipients and the period for which the data will be stored;
2. **Right to rectification:** to have inaccurate or incomplete data corrected or completed;
3. **Right to erasure** (right to be forgotten): to get all data, links, copies and reproductions (if publicly disclosed) erased where certain conditions apply, taking into account the Data Controller's rights and legitimate interest in retaining data for the legally required period;
4. **Right to object:** to object, under certain conditions, to the processing of data (e.g. whereby data are processed for direct marketing purposes);
5. **Right to restriction of processing:** under certain conditions, to have data marked so as to restrict their processing (for example, where the accuracy of the data is contested);
6. **Right not to be subject to a decision based solely on automated processing:** to object to processing where decisions concerning the data subject that produce legal effects or similarly significantly affect them are made solely by an automated process, without human involvement;
7. **Right to data portability:** the right to receive data processed by automated means in a commonly used, machine-readable digital format and the right to request that such data be transmitted to another controller (where technically feasible).

The rights referred to in Articles 15 to 22 of the GDPR concerning the personal data of deceased persons may, pursuant to Article 2-terdecies(1) of Legislative Decree No. 196/2003, "be exercised by anyone with an interest of their own, or acting to protect the data subject as their representative, or for family reasons worthy of protection".

The Controller must respond to data subjects who request access to their data in accordance with the procedures and time limits set out in section 4.

Requests to exercise these rights must be submitted to the Data Controller, who is required to act on them.

3. PROCEDURE FOR HANDLING DATA SUBJECT RIGHTS REQUESTS

The data subject may exercise the rights provided for in Article 15 et seq. of the GDPR by submitting a request by post to the Company's address, by email (privacy@baruffa.com), by certified email (i.e. posta elettronica certificata - PEC) (baruffa@baruffa.pec.com), or to the Controller's addresses indicated in the privacy policy.

A copy of the data subject's identity card (or that of another duly authorised person) must be attached to the request, failing which the request will be inadmissible.

The Controller makes a request form available on its website or on FILO, in accordance with the form established by the Italian Data Protection Authority (Appendix 1).

N.B. Requests may also be made verbally or submitted in any other format, provided that they clearly and fully specify the rights being exercised.

The Legal Office is responsible for examining the filed request, and the relevant documentation must be forwarded to it without delay. If the Head of the Legal and Corporate Affairs is absent, the request will be handled by the Human Resources Director.

Requests received by external Data Processors must also be communicated to the same Office.

The request may be forwarded to the DPO, who may be asked to provide an opinion on the request or the response.



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4. RESPONSE TO DATA SUBJECTS

The Company, as Data Controller, must respond to the data subject within 30 days of receiving the request. This period may, where necessary, be extended by a further 60 days term if the operations required to provide a complete response are particularly complex or another justified reason applies. The data subject must always be informed of the extension within the first 30 days (Article 12, par. 3 of the Regulation). If the request does not contain sufficient substantive information to allow an appropriate response, the reference person handling the examination may ask the data subject to provide further information. In that case, the procedure is suspended until the requested information is provided.

During the examination, the person responsible may involve the DPO in assessing the request or carrying out further checks.

The response may have the following outcomes:

- a) the request is granted, in the form and manner provided for by the relevant right and requested by the data subject;
- b) the exercise of the rights is refused, for example in the following general or specific cases:
 - lack of standing (e.g. the request concerns data relating to third parties or legal entities);
 - the request falls within one of the general areas in which rights may be restricted, as described in the following section, where the legal conditions are met;
 - the purposes or legal bases relied upon by the Controller are considered to prevail in cases specifically provided for (e.g. legal or contractual obligations, overriding public interest, etc.), or the specific “conditions” for exercising the right claimed by the requester are not considered to be met.

In case the request relates to processing for which the Company acts as an external Data Processor (or in cases of joint controllership where relations with data subjects are handled by another controller), the reference person in charge of the examination:

- carries out a preliminary review to identify the information needed to brief the Controller about the matter as well as promptly forwarding the request to them;
- sends the Controller the findings of the preliminary review, providing all possible support in handling the request;
- informs the data subject that their request has been forwarded to the Data Controller, who will provide a response in due course.

5. LIMITS TO DATA SUBJECT RIGHTS

In addition to the specific restrictions that the GDPR establishes for the exercise of each individual right, national law may provide for general thematic derogations from the rights recognised by EU Regulation 2016/679 in the following areas:

- a) national security, defence or public security;
- b) the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including safeguarding against and preventing threats to public security;
- c) other important objectives of general public interest of the Union or a Member State, in particular an important economic or financial interest, including monetary, budgetary and tax matters, public health and social security;
- d) protection of the independence of the judiciary and judicial proceedings;
- e) activities aimed at preventing, investigating, detecting and prosecuting breaches of professional ethics by regulated professions;
- f) monitoring, inspection or related regulatory functions, including occasionally, in connection with the exercise of official authority in the cases referred to in points a) to e) and g);
- g) protection of the data subject or the rights and freedoms of others;
- h) the enforcement of civil-law claims.



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APPENDIX 1 – REQUEST FORM

For the attention of
(please indicate the data controller)

**EXERCISE OF RIGHTS RELATING TO THE PROTECTION
OF PERSONAL DATA**
(Articles 15–22 of Regulation (EU) 2016/679)

I, the undersigned
born in on, hereby exercise the following rights
under Articles 15–22 of Regulation (EU) 2016/679:

1. Access to personal data

(Article 15 of Regulation (EU) 2016/679)

I, the undersigned (please tick the relevant boxes):

- ☐ request confirmation as to whether or not personal data concerning me are being processed;
- ☐ if processing is confirmed, request access to such data, a copy thereof, and all the information provided for in points (a) to (h) of Article 15 par. 1 of Regulation (EU) 2016/679, and in particular:
- the purposes of the processing;
 - the categories of personal data processed;
 - the recipients or categories of recipients to whom the personal data have been or will be disclosed, particularly recipients in third countries or international organisations;
 - the envisaged period for which the personal data will be stored or, if this is not possible, the criteria used to determine that period;
 - the source of the data (i.e. the person or specific source from which they were obtained);
 - the existence of automated decision-making, including profiling, and meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject.

2. Request to take action on the data

(Articles 16–18 of Regulation (EU) 2016/679)

I request that the following operations be carried out (please tick the relevant boxes):

- ☐ rectification and/or updating of the data (Article 16 of Regulation (EU) 2016/679);
- ☐ erasure of the data (Article 17 par. 1 of Regulation (EU) 2016/679), for the following reasons (please specify):
- a) _____
- b) _____
- c) _____



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- ☐ in the cases provided for in Article 17 par. 2 of Regulation (EU) 2016/679, confirmation that the controller has informed other controllers of the data subject's request to erase links, copies or reproductions of their personal data;
- ☐ restriction of processing (Article 18) for the following reasons *(please tick the relevant boxes)*:
- ☐ I contest the accuracy of the personal data;
 - ☐ the processing of the data is unlawful;
 - ☐ the data are necessary for the data subject to establish, exercise or defend a right in legal proceedings;
 - ☐ the data subject has objected to the processing pursuant to Article 21 par. 1 of Regulation (EU) 2016/679.

This request concerns *(please indicate the personal data, categories of data or processing to which it relates)*:

3. Data portability¹

(Article 20 of Regulation (EU) 2016/679)

With regard to all personal data provided to the controller, I request *(please tick the relevant boxes)*:

- ☐ to receive such data in a structured, commonly used and machine-readable format;
- ☐ to have the data transmitted directly to the following other data controller *(please specify the controller's identifying and contact details:)*:
 - ☐ all personal data provided to the controller;
 - ☐ a subset of such data.

This request concerns *(please indicate the personal data, categories of data or processing to which it relates)*:

4. Objection to processing

(Article 21 par. 1 of Regulation (EU) 2016/679)

- ☐ I object to the processing of my personal data pursuant to Article 6 par. 1 lett. e) or f), for the following reasons relating to my particular situation *(please specify)*:

¹ For further information, see: Guidelines on the right to data portability (WP242), adopted by the Article 29 Working Party, available at www.garanteprivacy.it/regolamentoue/portabilita.



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5. Objection to processing for direct marketing purposes

(Article 21 par. 2 of Regulation (EU) 2016/679)

- ☐ I object to the processing of my data for the purpose of sending advertising material or direct sales communications, or conducting market research or commercial communications.

I, the undersigned:

- ☐ I request to be informed, pursuant to Article 12 par. 4 of Regulation (EU) 2016/679, no later than one month after receipt of this request, of any reasons preventing the controller from providing the information or carrying out the requested operations.
- ☐ In particular, I request to be informed of any circumstances preventing the controller from identifying me as a data subject, pursuant to Article 11 par. 2 of Regulation (EU) 2016/679.

Address for response:

Street/Square _____

City _____ Country _____ Postal code _____

or

email/certified email (PEC) _____

Additional information²

I provide the following additional information (please provide any useful explanations or indicate any attached documents):

² Allegare copia di un documento di riconoscimento



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(Place and date)

(Signature)



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