

INFORMATION ON THE PROCESSING OF PERSONAL DATA

PURSUANT TO AND FOR THE PURPOSES OF ART. 13 OF EU REGULATION NO. 2016/679

Pursuant to art. 13 of EU Regulation no. 2016/679 (General Data Protection Regulation) on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter also "EU Regulation" or "GDPR"), Consip S.p.A. provides the following information on the processing of personal data

Purpose of the processing

In relation to the activities carried out by Consip, it should be noted that:

- the data provided by the competitors are collected and processed by Consip S.p.A. to verify the existence of the requirements required by law for the purposes of participation in the initiative, and, in particular, for the purpose of verifying the administrative and technical-economic capacities of these subjects to verify the existence of the requirements required by law for the purposes of participation in the initiative, as well as for the purposes of managing and awarding the same, in compliance with specific legal obligations deriving from the legislation on public procurement and contracts and in compliance with the anti-money laundering legislation referred to in Legislative Decree 231/07, for the prevention of the use of the financial system for the purpose of laundering the proceeds of criminal activities and terrorist financing;
- the data provided are acquired by Consip S.p.a. for the purposes of drafting and stipulating the Contract, for the fulfilment of the legal obligations connected to it, as well as for the management and economic and administrative execution of the contract itself;
- the data provided by the winning bidder(s) acquired by Consip S.p.A. will be communicated for the purposes relating to the signing and execution of individual supply contracts and for the related legal obligations;
- all the data acquired by Consip S.p.A. may also be processed for study and statistical purposes, in compliance with current legislation, for the institutional purposes carried out by the Company in relation to the monitoring of consumption and the control of expenditure, as well as for the analysis of additional cost savings that can be obtained.

Legal basis and nature of the provision

The Competitor is required to provide the data to Consip S.p.A., due to the legal obligations deriving from the legislation on public procurement and contracts. Refusal to provide the data requested by Consip S.p.A. could determine, depending on the case, the impossibility of admitting the competitor to the initiative or its exclusion from it or the forfeiture of the award, as well as the impossibility of stipulating the contract.

The contractor is required to provide the data to Consip S.p.A., due to the legal obligations deriving from the legislation on public procurement and contracts. Refusal to provide the data requested by Consip S.p.A. may make it impossible to enter into the contract.

Nature of the data processed

The data processed for the purposes specified above are of the following nature: i) common personal data (e.g. personal and contact details); ii) data relating to criminal convictions and offences (so-called "criminal convictions"). "judicial") referred to in art. 10 EU Regulation, limited to the sole purpose of assessing the possession of the requirements and qualities provided for by the applicable legislation in force. On the other hand, data falling within the "special categories of personal data" (so-called "special categories of personal data") are not requested. "sensitive"), pursuant to art. 9 EU Regulation.

Methods of data processing

The data collected are processed and stored in accordance with EU Regulation no. 2016/679, Legislative Decree 196/2003 containing the "Code regarding the protection of personal data" as amended by Legislative Decree 101/2018 and the Decree of the Presidency of the Council of Ministers no. 148/21 and the related implementing acts.

The processing of data may be carried out by Consip S.p.A. by means of manual, paper, computer and telematic tools suitable for processing the data in compliance with adequate security measures aimed at guaranteeing the integrity and secrecy of the data and minimising the risks of destruction or loss, even accidental, modification, unauthorised disclosure, as well as unauthorised access, including accidental or unlawful access, or processing that is not permitted or does not comply with the purposes of the collection, in compliance with the EU Regulation.

Scope of communication and dissemination of data

The data will be processed by the staff of Consip S.p.A. who are in charge of the procedure, by the staff of other offices of the same Company that carry out activities related to it as well as by the offices that deal with activities for study and statistical purposes and may be:

- communicated to independent collaborators, professionals, consultants, who provide consultancy or assistance to Consip S.p.A. regarding the procedure, also for possible protection in court, or for sector studies or statistical purposes;
- communicated to other parties who request access to the documents of the initiative within the limits permitted pursuant to Law no. 241 of 7 August 1990;
- communicated to the National Anti-Corruption Authority, in compliance with the provisions of AVCP Determination no. 1 of 10/01/2008;
- communicated, if the conditions are met, to the Ministry of Economy and Finance or to another Public Administration for which Consip S.p.A. carries out activities pursuant to the Articles of Association in relation to the data provided by the successful tenderer;

- communicated to accredited inspection bodies that carry out monitoring activities on purchasing instruments on behalf of Consip S.p.A.
- communicated to the UIF – Bank of Italy in the event of compliance by Consip S.p.A. with the obligation to Report Suspicious Transactions, pursuant to art. 35 of Legislative Decree no. 231/2007.

In compliance with the legal obligations that impose administrative transparency (Law 190/2012, Legislative Decree no. 33/2013), the economic operator acknowledges and agrees that the data and documentation that the law requires to be published, are published and disseminated, if the conditions are met, through the www.consip.it websites, section "Transparent Company", www.acquistinretepa.it and BDNCP; In addition, the name of the competitor awarded the initiative and the award price of the contract will be disseminated through the www.mef.gov.it website.

In addition to the above, the data relating to the participation of the economic operator in the procedure, within the limits and in application of the principles and provisions on public data and reuse of public sector information (Legislative Decree 36/2006 and Articles 52 and 68, paragraph 3, of Legislative Decree 82/2005 as amended), may be used by Consip, also in aggregate form, to be made available to other public administrations, natural and legal persons, also as open data.

Data retention period

The data retention period is 10 years from the conclusion of the execution of the Contract, due to the potential legal actions that can be exercised.

In addition, the data may be stored, even in aggregate form, for study or statistical purposes in compliance with current legislation.

Automated decision-making

There is no automated decision-making.

Rights of the data subject

"Data subject" means any natural person whose data are transferred by the economic operator to the contracting authority.

The data subject is entitled to the rights referred to in Articles 15 et seq. of the EU Regulation. In particular, the data subject has: *i)* the right to obtain, at any time, confirmation as to whether or not personal data concerning him or her is being processed; *(ii)* the right of access to their personal data to know: the purpose of the processing, the category of data processed, the recipients or categories of recipients to whom the data are or will be communicated, the period of storage of the same or the criteria used to determine this period; *(iii)* the right to request, and if necessary obtain, rectification and, where possible, erasure or, again, limitation of processing and, finally, may object, for legitimate reasons, to their processing; *(iv)* the right to data portability which will be applicable within the limits set out in Article 20 of the EU Regulation.

If, in the event of exercising the right of access and related rights, the response to the request is not received within the terms of the law and/or is not satisfactory, the data subject may assert his/her rights before the judicial authority or by contacting the Guarantor for the protection of personal data by means of a specific complaint or report.

Data Controller and Data Protection Officer

The Data Controller is Consip S.p.A., with registered office in Rome, Via Isonzo n. 19/D-E, which has appointed its own Data Protection Officer.

Therefore, any request regarding the processing of personal data and the exercise of rights must be addressed to Consip's Data Protection Officer (DPO) who can be contacted at the following e-mail address dpo@consip.it and PEC dpo@postacert.consip.it.

In order to facilitate compliance with the terms of the law, it is necessary that the requests made bear the wording "Exercise of rights pursuant to art. 15 et seq. of EU Regulation no. 2016/679

Consent to the processing of personal data

Having acquired the above information, with the submission of the offer and/or the signing of the Contract, the pro tempore legal representative of the contractor acknowledges the processing as defined above of the personal data, including judicial data, concerning him/her, and undertakes to comply with the disclosure obligations towards the natural persons (Data Subjects) whose personal data are provided as part of the assignment procedure, with regard to the processing of their Personal Data, including judicial data, by Consip S.p.A. for the purposes described above.