

# PRIVACY NOTICE REGARDING THE PROCESSING OF “SUPPLIERS” PERSONAL DATA

## 1. INTRODUCTION

Pursuant to Articles 13 and 14 of the Regulation (EU) 2016/679, regarding the protection of natural persons with regard to the processing of personal data (hereinafter, “**GDPR**”), the Data Controller informs his own suppliers, included individuals consultants (hereinafter, “**Supplier/s**”), about the processing<sup>1</sup> of their personal data provided to it.

## 2. DATA CONTROLLER IDENTITY AND CONTACT DETAILS

Data Controller of the processing activity is the Reply Group’s Company, holder of the contractual relationship with the Supplier, in the person of the legal representative pro tempore (hereinafter “**Company**”).

## 3. DPO CONTACT DETAILS

Data Protection Officers (DPO) contacts are:

- DPO Italy: [dpo.it@reply.it](mailto:dpo.it@reply.it)
- DPO Germany: [dpo.de@reply.de](mailto:dpo.de@reply.de)
- DPO UK: [dpo.uk@reply.com](mailto:dpo.uk@reply.com)

## 4. CATEGORIES AND ORIGIN OF DATA PROCESSED

Pursuant to Article 4.1) of GDPR, “personal data” means “*any information referred to an identified or identifiable individual («subject»*”. Therefore, under the present Privacy Notice, “**Data**” means the personal details and contact details relative to individuals processed by the Company for the conclusion and execution of the contractual relationship with Suppliers, included the ones relative to Supplier as natural persons, the ones of the legal representative of the Supplier (that signs the contract in the name and on behalf of the Supplier), as well as to employees/consultants of the Supplier involved in the activities referred to in the contract. Furthermore, personal data inherent to individuals involved in the execution of contract could be processed and related to i) the same contractual relationship ii) mobile device used by the Supplier’s employees/consultants to install and use the Reply app enforcing strong authentication mechanism on specific Reply services (e.g. the Reply VPN) . In this last case, the origin of Data processed is the Supplier or the Supplier’s employee/consultant installing and using the Reply strong authentication app.

## 5. DATA PROCESSING PURPOSES AND LEGAL BASIS

5.1 Data will be processed by the Company according to the purposes related to the conclusion and execution of the contract between the Supplier and the Company.

The legal basis for the processing activities by the Company of Data of Supplier’s legal representative (legal entity) or of the Supplier (natural person) is the execution of the contract; the legal basis for the processing activities of Data of Suppliers’ employees / consultants, involved in the activities referred to in the contract, is the execution of the contract whose activities involve the Supplier’s employees / consultants.

5.2 Data will be also processed for performing administrative-accounting obligations, such as the management of bookkeeping and treasury, as well as invoicing (for example check and registration

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<sup>1</sup> Pursuant to GDPR Article 4, “**processing**” means any operation or set of operations which is performed on personal data or on 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.

of invoices), in compliance with the current legislation, or for the execution of other obligations imposed by laws, regulations and EU legislation.

In this case, the legal basis for the processing activities by the Company is the need to fulfill a legal obligation to which the Company is subject.

5.3 Data could be also processed by Company and by Reply S.p.A., Reply Ltd and Reply SE, when necessary, as Joint Controllers for enforcing / defending the rights of the Company in court. In this case the legal basis for the processing is the legitimate interest of the Controller.

5.4 Data will be also processed by Company and Reply S.p.A, Reply Ltd and Reply SE, when necessary, as Joint Controllers for the management of check process of suppliers' requirements with respect to corporate policies.

In the abovementioned cases the legal basis for the processing activities is the legitimate interest of the Company (considered, with reference to the balancing of interests, prevailing over the rights and freedoms of the data subjects).

5.5 The Data provision is necessary for the attainment of the abovementioned purposes; therefore, their missed, partial, or inexact provision could have as consequence the objective impossibility for the Company to enter into or to regularly continue the contractual relationship.

## **6. DATA RETENTION PERIOD**

6.1 Data collected for the purposes indicated in the article 5, will be stored for the entire duration of the contract and no more than 10 years after the termination. In the case of judicial litigation, Data will be kept for the entire duration of the latter, until the expiry of the terms of applicability of the appeal.

6.2 Supplier's employees / consultants data collected and used to enforce strong authentication mechanism to Reply services are stored for 6 months after the strong authentication mobile app and user is disenrolled from the Reply strong authentication service.

6.3 Once the above storage terms have elapsed, Data will be destroyed or made anonymous, compatibly with the technical erasure procedures and backup.

## **7. THIRD PARTIES AND DATA RECIPIENTS**

7.1 Data may be communicated to Third Parties or Data Recipients operating as data controllers or as data processors, as the case may be, such as:

- a) clients;
- b) Insurance companies;
- c) freelancers;
- d) banks and credit institutions;
- e) subjects to whom the right to access to Data is recognized by provisions of law or regulatory or EU legislation;
- f) subjects for whom the communication of Data is necessary or in any case functional to the management of the contractual relationship with clients;

- g) the referring Reply Holding<sup>2</sup>, as Data Processor for purposes referred to in the previous 5.1. e 5.2;
- h) suppliers engaged by Reply to support the management and operations of Reply services used by the Supplier's employees / consultants.

## **8. EXTRA-EU DATA TRANSFER**

8.1 Data may be transferred abroad to countries outside the EU.

8.2 In the absence of an adequacy decision by the European Commission regarding the level of safeguard assigned to data subjects by these countries, pursuant to art. 45 of the GDPR, the transfer will be executed in accordance with applicable requirements to ensure an adequate level of data protection.

## **9. DATA SUBJECTS' RIGHTS**

9.1 The data subjects can ask to Data Controller the access to Data concerning them, rectification of inaccurate Data or integration of incomplete Data, erasure of Data, restriction of processing activity in the cases provided by art.18 GDPR; to receive data in a structured, commonly used and machine-readable format, as well as, if technically possible, to transmit Data to other data controller without hindrance, in the cases in which the conditions for the exercise of data portability right are present, according to art. 20 GDPR (processing is based on the consent pursuant to art. 6.1 lett. a) or art. 9.2 lett. a) or on a contract pursuant to point (b) of art 6.1 GDPR or in the case in which processing is carried out by automated means).

Data subjects have the right to object, for reasons connected to their particular situation, the processing activity for pursuing the purposes based on the legitimate interest of the Company.

9.2 These rights can be exercised by writing to the Company, among the same Controller offices, or via e-mail to [privacy@reply.com](mailto:privacy@reply.com)

9.3 The Data Subjects have also the right to lodge a complaint to the relevant Supervisory Authority pursuant to art. 77 GDPR (in particular, in the Member State in which he/she has habitual residence or place of work, or in the place where the alleged infringement occurred).

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<sup>2</sup> Reply S.p.A. for Italy, Reply SE for Germany and Reply Ltd for UK