

# PRIVACY NOTICE AND REQUEST FOR CONSENT TO PROCESS PERSONAL DATA

## INTRODUCTION

In compliance with **Regulation (EU) 679/2016** ([http://eur-lex.europa.eu/legal-content/IT/TXT/?uri=uriserv:OJ.L\\_.2016.119.01.0001.01.ITA](http://eur-lex.europa.eu/legal-content/IT/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ITA)), on the protection of natural persons with regard to the processing of personal data, Orthoservice AG (hereinafter "**ORTHO**") with registered office in via MILANO 7 – 6830 Chiasso (CH) and headquarters in Chiasso (CH), is required to provide information regarding the use of personal data.

The **Controller** is **ORTHO**, joint controllers (pursuant to Article 26 of Regulation (EU) 2016/679) should be taken to mean companies in the Orthoservice group, namely Ro+Tne Srl, Ortoveneta Srl, Orthoservice Deutschland GmbH.

The **person to contact** is **Paolo Rossi** (email: [privacy@orthoservice.com](mailto:privacy@orthoservice.com))

The updated list of **Persons authorized** to carry out processing is held at the registered office.

## SOURCES OF DATA AND TYPES OF DATA PROCESSED

The personal data of parties who, for various reasons, have commercial relations with **ORTHO**, may be collected:

- a) **directly** from the data subject (for example during pre-contractual and/or contractual operations)
- b) from **sources with public access** (e.g. documents published in chambers of commerce, etc.)
- c) from **third parties** in the event that **ORTHO** acquires data for pursuing its corporate objectives (for example from public authorities in the event of a request for official certificates).

For data that is **not** collected **directly** from the data subject (points b and c above), this privacy notice is provided upon registration and in any case no later than the first communication.

**Personal identification data relating to natural and legal persons** (for example name, surname, company name, address, telephone number, email, PEC, bank and payment details) including **sensitive data** revealing, for example, racial or ethnic origin, religious beliefs, political opinions, membership of political parties, trade unions, religious, philosophical, political or trade union associations or organizations, as well as data concerning **health**, are processed in order to fulfil the obligations relating to the supply and management of the services offered.

In all occasions, data is processed to achieve the corporate objectives ("Design, production, marketing of orthopedic products, insoles, medical and support stockings, raw materials and semi-finished products for insoles and related products. Technical and scientific information on the products also through participation at congresses and conventions") in compliance with the law and confidentiality obligations that have always guided **ORTHO's** activity.

## METHODS OF DATA PROCESSING AND STORAGE PERIOD

Data are processed by means of the operations listed in article 4, point 2, Regulation (EU) 679/2016 (*Definitions*) and more precisely: collection, recording, organization, storage, consultation, processing, alteration, selection, retrieval, alignment, use, combination, blocking, disclosure, erasure and destruction of data.

The data are processed using paper-based, electronic and/or automated and/or telematic means.

The data are stored only for the period necessary for the purposes for which they are processed or within the time limits laid down by national and EU laws, rules and regulations which **ORTHO** must comply with (e.g. accounting and tax regulations, etc.). In all cases this is for no more than 10 years from the termination of relationship for Service Purposes and no more than 2 years from the collection of data for Marketing Purposes.

Periodic checks are planned on the data processed and on the possibility of deleting them if they are no longer necessary for the purposes envisaged.

## PROVISION OF DATA AND CONSEQUENCES OF FAILURE TO PROVIDE THEM

The provision of data is **mandatory** for processing which **ORTHO** must perform to fulfil its obligations towards the data subject based on the relationship/contract in progress, as well as legal obligations, rules and regulations. Failure to provide such data may make it impossible for **ORTHO** to implement the relationship in progress.

Consent is not obligatory for all other purposes, and, even if given, may be revoked at any time by the data subject.

## PURPOSES OF DATA PROCESSING

Data are processed within the company's normal business activity and for the corporate purposes below. If the controller intends to process personal data further for a purpose other than that for which they were collected, it will provide the data subject with all necessary information in advance.

The data provided are processed:

- A) **without express consent** (art. 6 letters b -c- f, Regulation (EU) 679/2016 – *Lawfulness of Processing*), for the following **Service Purposes**:
  - supply of services requested by the data subject within the relationship/contract in progress (e.g. supply of products; business relationship management; fulfilment of pre-contractual obligations; concluding contracts; etc., etc.)
  - purposes linked to the organization of corporate initiatives, including related purposes of legitimate interest.
  - Administrative, accounting and tax procedures (e.g. invoicing), implementation and management of obligations under national and EU laws, regulations and rules, as well as provisions issued by Authorities (for example on money laundering) empowered by law and Supervisory and Control Bodies, exercising the rights of the Controller and managing any legal or extra-judicial disputes and providing consultancy services.

- B) **upon specific and separate consent** (art. 7, Regulation (EU) 679/2016 – *Conditions for consent*), for the following **Marketing Purposes**: newsletters, marketing communications and/or advertising material on products or services offered by **ORTHO** and surveys of degree of satisfaction with the quality of services, sent by e-mail, post and/or text messages and/or telephone contacts; newsletters, marketing and/or promotional communications from **third parties** sent by e-mail, post and/or text messages and/or telephone contacts (for example: business partners, insurance companies, other Group companies). We would like to inform you that if you are already our customer, we may send you marketing communications relating to our products which are similar to those you have already used, subject to your right to object (art. 21, paragraphs 2 and 3, Regulation (EU) 679/2016 – *Right to object*).

With regard to obtaining private consent in point B, this may be obtained:

1. By placing a tick in a box that is separate from the statement that information has been provided (if applicable) if obtained via a WEB platform
2. Later by one of **ORTHO's** appointees.

Without one of these two it should be understood that consent has not been provided.

If consent is provided in point B, it should be understood that it has been provided to all companies in the Orthoservice group, without prejudice to the right to withdraw consent.

Data may be rendered anonymous for statistical processing for the purposes of carrying out corporate activities and/or improving services offered.

---

#### METHODS OF DATA PROCESSING

---



Processing of personal data is carried out by **manual, computerized and electronic** means with criteria strictly related to the purposes for which it is performed and in all cases in a manner that guarantees the security and confidentiality of the data. Documents are archived both electronically and in paper form.

Please find below some important information.



The **collection** of personal data is kept to a **strict minimum** for each specific purpose of processing



**Processing** of personal data is **limited to the purposes** for which they have been collected



The **storage** of personal data is kept to a **strict minimum** for each specific purpose of processing  
Data shall not be transferred outside the European Community or the Swiss Confederation



**Sensitive personal data** collected and processed, if any, are stored in paper and/or electronic form with the adoption of appropriate security measures



Your data may also be disclosed to Orthoservice AG since it is the Parent Company and defined as joint controller as it is required for the performance of tasks entrusted to us; they may also be disclosed to other parties (Processors as defined in article 28) required to carry out contractual or legal obligations connected with our relationship (but only for specific processing under our supervision)



We do not sell/transfer personal data, unless you give us your specific consent.

---

#### SCOPE OF DATA DISCLOSURE AND CATEGORIES OF ENTITY

---



Personal data shall be known and processed, in compliance with current regulations in force, by **ORTHO** staff, identified as **Persons authorized to carry out processing** and/or System Administrators.

The personal data collected and processed may be disclosed, within the limits strictly pertinent to the "Purposes of Data Processing" indicated above, also to the

following entities and categories of entity (Processors pursuant to article 28):

- Entities to whom disclosure is required by law, by regulation or by national and EU legislation, and for the performance of contractual or pre-contractual obligations (e.g. Credit Institutions, Insurance Companies, Pension Funds, etc), public authorities and bodies whose tasks include, for example, protection and safety in the workplace.
- Legal, accounting and labour law consultants for the purposes of analysing and resolving any legal problems relating to a contractual position in progress (for example District and general state attorneys, for the management of criminal, civil and administrative litigation; Judicial authorities of any order and level, arbitrators, Authorities involved in the management of extraordinary appeals to the President of the Republic; Judicial Police Bodies, Tax Commissions, Provincial Labour Offices for the purposes of compulsory attempts at conciliation; Suppliers of professional services for the purposes of legal representation or advice, including the counterparty when required; Insurance Companies, in the event of insurance policies which envisage such disclosure)
- Third parties which collaborate with **ORTHO** to provide the service requested, including those who manage commercial and information communications.
- External firms providing professional services, specializing in the management of accounting and tax aspects (e.g. auditors, etc.)

Data are processed for the performance of the activities pursued by **ORTHO** in the terms provided by national and EU laws, rules and regulations.

Pursuant to Regulation (EU) 2016/679, the updated explicit regulatory details setting out the obligations or tasks on the basis of which the processing of sensitive data may be carried out are available at the headquarters of **ORTHO**, represented by the legal representative *pro tempore*.

Such data may be disclosed, for achieving the purposes envisaged, only where provided by law or regulations.

This is without prejudice to the disclosure or dissemination of data, in accordance with the law, if required by police, judicial authorities, or other public bodies, for purposes of defence or state security or prevention, detection or prosecution of crimes.

## YOUR RIGHTS



You may **exercise your rights** at any moment, and at all times, regarding the Controller or Processor, pursuant to article 15 of Regulation (EU) 679/2016 (*Right of access by the data subject*) by contacting the **persons shown in the Introduction** via registered post with return receipt or PEC.

To ensure that rights are exercised correctly, you must be identifiable unequivocally. **ORTHO** undertakes to provide feedback **within 30 days** and, if unable to meet these deadlines, to justify any extension.

Feedback will be free of charge except in cases of lack of grounds (e.g. there are no data concerning the applicant) or excessive requests (e.g. repetitive over time) for which you may be charged a fee which shall not exceed the actual costs incurred for the research carried out in the specific case. The rights relating to personal data concerning the deceased may be exercised by those who have an interest of their own or act to protect the person concerned or for family reasons worthy of protection.

You have the right to lodge a complaint with a Supervisory Authority.

If **ORTHO** suffers a personal data breach, it will proceed to notify the event to the competent Supervisory Authority **within 72 hours** of the event and it will also communicate the event to the data subject, except in the cases excluded as provided by the regulations in force.

<b>Your rights – articles 16 – 21 Regulation (EU) 679/2016</b>	
<b>You have the right to be informed</b>	<b>You have the right to obtain</b>
of the source of personal data	confirmation as to whether or not personal data concerning you exists and that these data are made available in an intelligible form
of the purposes and methods of processing	confirmation as to whether or not personal data concerning you exists and that these data are made available in an intelligible form
of the logic applied if processing is carried out with the aid of electronic instruments	updating, rectification and integration of the data and restrictions
of the identification details of the Controller, and of the appointed Processor (art. 5, paragraph 2 Legislative Decree 196/2003 and art. 3, paragraph 1, Regulation (EU) 679/2016)	erasure, anonymization or blocking of data that have been processed unlawfully, (including data whose retention is unnecessary for the purposes for which they have been collected or subsequently processed)
of the entities or categories of entity to whom personal data may be disclosed or which may get to know the data in their capacity as appointed representative in the State's territory, processors or authorized persons in charge of processing	certification to the effect that the operations mentioned above have also been notified to the entities to whom, or which, the data were communicated or disseminated, unless this requirement proves impossible or involves a manifestly disproportionate effort compared with the right that is to be protected
of the existence of profiling processes	copy of the data being processed and their portability
<b>You have the right to object to</b>	
the processing of personal data concerning you including profiling for legitimate reasons, even if pertinent to the purpose of collection	
the processing of personal data concerning you for the following purposes: sending of advertising material, direct sales, market research, marketing communications	
the processing of data for the purposes of scientific or historical research or for statistical purposes except in cases of processing in the public interest	