



## PERSONAL DATA PROCESSING NOTICE AS PER SECTION 13-14 OF EU REGULATION 679/2016, CD (GDPR)

*updated as of July 2018*

### RECITALS

Since the privacy legislation under GDPR has undergone major changes, our Company is bound to ensure transparency, and therefore to provide this Notice to all those involved with the Company, either employees or not (e.g. trainees, project co-operators (collaboratori a progetto), etc.); with regard to those who may have already received a similar notice, this Notice supersedes any previous notice from now on.

The main purpose of the GDPR, which the Company is hereby fulfilling, is to ensure that the processing of personal data is carried out in compliance with the rights, fundamental freedoms, as well as the dignity of individuals, with particular regard to their privacy, personal identity and their rights to the protection of their personal data.

### DATA PROCESSING MODALITIES, PURPOSES AND PRINCIPLES

The **purposes of the processing are as follows:**

- 1) to fulfill, before entering into a contract with you, the specific requests you may make (if any);
- 2) Enter into and manage, as a whole, the employment agreement or any similar relationship with you until its termination (in this latter case, we shall be entitled to process your personal data only for the management of any activities required for any retirement practices or to pay any arrears or other fulfillments provided for by the national bargaining agreements.);
- 3) fulfil or require fulfilment of any specific obligations or perform any specific tasks provided for by the UE legislation as well as by any laws, regulations or any bargaining agreements (of either national or business level), relevant to your employment relationship with our Company, as well as the recognition of facilitations or disbursement of contributions, the application of any (either mandatory or optional) social security laws and regulations, as well as any provisions of any laws and regulations concerning hygiene and safety in the workplace or of the public, as well as any tax, trade union, health protection, public order and public safety laws and regulations;
- 4) even outside of the cases above, for specific, legitimate purposes, for the purposes of bookkeeping or the payment of salaries, benefits, other remuneration, gifts or perks;
- 5) in order to ensure the necessary protection of life or physical safety of yourself or of any third party;



- 6) to enforce or defend a right, of yourself or any third party, before any courts, as well as in any administrative or arbitration and mediation procedures as provided by any applicable laws, EU provisions, regulations or bargaining agreements, provided that the relevant data shall be processed solely for such purposes and for the time strictly required to achieve them, and provided also that, in case the relevant data may cause the disclosure of any health conditions and sex life information, the right to be enforced shall have the same value as your right, i.e. is a personality right or another fundamental and inviolable right or freedom;
- 7) to exercise the right of access any administrative documents and data, in compliance with the provisions of the applicable laws and regulations;



- 8) to fulfil any obligations arising from insurance contracts entered into to cover any risks related to the employer's liability for hygiene and safety in the workplace, any occupational diseases or any damages caused to third parties during the performance of any working or professional activities;
- 9) to guarantee equal opportunities in the workplace;
- 10) to achieve any specific, lawful identified by the by-laws of any competent associations, organizations or entities representing any employer categories, or by any bargaining agreements, providing assistance in the relationships between the unions and employers. The provisions above shall apply without prejudice of the limitations set forth by the Authorisation issued by the Data Protection Supervising Authority on any sensible data processing (currently defined as "special" data by the GDPR) of the employee as well as of any existing codes of ethics and good conduct applicable thereto.

The data shall be collected and provided directly by the Data Subject or by third parties, who are entitled to hold them, e.g. any legal data communicated to us by any judicial authorities or certain medical data collected and reported the competent doctor.

All data collected are recorded or stored in a lawful and correct manner only for the purposes indicated above and in some cases may also be processed through computerized systems. Therefore, the Company is responsible to provide access to the relevant data, to the extent there is a specific interest and necessity thereto, only to competent and authorized personnel. The Company shall also ensure that it uses precise, updated, relevant, complete data, to the extent they are required and in accordance with the purposes for which the data are collected and / or further processed. Finally, Company is bound to erase any personal data that, once the pre-established purpose is reached, are no longer indispensable. Such data shall also be partially processed, to the extent of their respective needs, by the applicable company services, in order to allow the planning, operation and control of the working activities. The data shall not be used for any commercial or marketing purposes.

With regard to the employment relationship, the Company shall only process certain of your **"particular"** data (as better defined in Section 9 of the GDPR), to the extent they are strictly relevant to the above mentioned obligations, tasks or purposes which cannot be fulfilled or complied with, on a case by case basis, through the processing of any anonymous data or of any personal data of a different nature, including, in particular, those which may indicate: Any data collected and further processed with reference to disability, infirmity, pregnancy, post-partum or breastfeeding, accidents, exposure to risk factors, psychophysical fitness to perform certain tasks (as expressly indicated any physicians following preventive/periodical medical examinations or as requested by you), or to the appurtenance to certain protected categories



(e.g. a state of disability);



any data contained in any health certifications attesting an illness condition, including the professional status of the Data Subject, or in any case related to the indication of the disease as the specific cause of absence of the worker); d) any data concerning the exercise of public authorities and political assignments, of business or trade union functions (should the data processing be carried out to allow the employee to be granted any leave or absence permissions, as allowed by the law or possibly from the national or company bargaining agreements), or the organization of public initiatives; e) any data relating to any deductions for the payment of union service quotas or membership fees to any political or trade union associations or organizations); f) any data concerning the granting of any leaves and holidays allowed by the law, or of any canteen services.

Your **judicial data** (if any) shall be processed only to the extent such processing is strictly necessary: a) for the aforementioned purposes (provided that, for the purposes indicated in item 6 above, our Company has a right thereto having a value equal to your right or is a fundamental and inviolable right), or b) as requested by a lawyer, with reference to any criminal proceeding, to search and identify any elements in favour of our Company to be used solely to find any evidence favourable for our Company, provided that such data are essential for such purposes and such purposes cannot be achieved in each case by processing any anonymous data or any personal data of a different nature.

## INTERNAL DATA TRANSFER

Your data may be communicated to our personnel allowed to the relevant processing, who are bound by confidentiality obligations. Any authorized personnel belong to the corporate departments required to process any data for the purposes indicated above, such as the Administration, Legal and Corporate, HR, Procurement, Sales, Tour Operator, Web Office and IT, Marketing, Customer Care and Logistics Departments.

The Company shall be allowed to process the employees data, limited to their name, surname and email address and / or work telephone number, and job indication, also publishing such data on the Company's intranet and website in order to ensure that the Company and/or the Data Subject may be easily contacted for the above mentioned working purposes.

The Company can use a photograph of the employee belonging to the Company's Rescue teams to insert it in the Safety Organization Chart, published in each production department and Company's office and also delivered any newly hired personnel. In this case, the Office of Personnel shall always be bound to require in advance the written consent of the Data Subject to the use of any photographs for such purposes. In the event that such consent is not provided by the Data Subject, the Safety Organization Chart shall not bear the employee's photo.





It shall not be necessary to obtain the consent of the Data Subject to the insertion of his/her name and surname in the Security Organization Chart distributed as above, because the Company processes such information in compliance with a legal requirement.

## LOGICS AND PROCESSING TOOLS

The data processing organization modalities and logics shall be strictly related to the purposes indicated above.

Any personal data managed as paper documents shall be stored in the personal folder of each employee

/ person to be hired, and kept in files locked outside the working hours. Any personal data managed in electronic form, stored in a server connected-

to the Internet (closed and limited network, available only accessing to the data entry or processing software, by the tapping certain mandatorily personal password.

Backup disks are also stored in a secure and locked place. Such safeguards, and certain other protection means, implemented by the Company, are intended to guarantee the data against the risk of unauthorized access or processing, as well as from loss, alteration or destruction even accidental of the data.

Further information about the security measures implemented by the Company in relation to the personal data at various levels, are communicated by the Company to the Data Subject through the Company's IT Rules, delivered upon commencement of the employment relationship, and shall be deemed , for any legal effects, therefore, as a formal implementation of this Notice, to any extent required.

## THE COMPULSORY OR OPTIONAL NATURE OF DATA PROVISION AND THE CONSEQUENCES OF ANY REFUSAL TO PROVIDE SUCH DATA

The GDPR allow that certain, specific data may be processed without your consent in certain, specifically indicated cases , including "when they are required to fulfil certain specific obligations or duties set forth by the applicable laws, regulations or UE provisions in order to manage the employment relationship, also with regard to hygiene and safety in the workplace and of the public as well as to any social security matters; in such cases, the processing shall be performed within the limits set by general authorization No. 4/2016 of the Data Protection Authority.

With regard to the above mentioned data processing purposes, the provision of any personal, ordinary and unusual data by the employee is optional, but should he/she initially refuse to provide the requested data or subsequently withdraw his/her consent initially provided, the following consequences may arise therefrom:







- With regard to any priority information (i.e. those to be processed in order to fulfil any obligations set forth by the provisions of any agreements, national laws or EU regulations, applicable to employment relationship ), before his/her being hired: the impossibility to enter into the contractual relationship; after his/her being hired: the impossibility of ongoing management of the contractual relationship or of fulfilment of any related legal or regulatory obligations;
- With regard to any data referring to a single request by the Data Subject to the Company: the impossibility to fulfil the request (e.g.: should the employee refuse to file any proper documentation to apply the provisions concerning maternity protection, the Company could not allow the relevant leave as provided by the applicable law, etc.).
- With regard to any non-priority data, during or after the employee's hiring: the impossibility for the Company to use the data for any purposes set out from time to time.

In certain, specific cases [e.g., data collected through GPS - Global Positioning System - tools), you may be asked to provide a specific and further consent to the relevant processing, subject to separate Notice thereon; in such cases, you can freely deny your consent, provided that failure to consent or any subsequent withdrawal thereof shall prevent the Company from pursuing any personal data and processing security standards , which are a quality target of our Company and / or of any third parties at which you will operate on our Company's behalf.

## ENTITIES OR CATEGORIES OF ENTITIES TO WHICH THE DATA MAY BE COMMUNICATED AND EXTENT OF THE RELEVANT DISCLOSURE

Any personal data shall be disclosed to third parties in compliance, inter alia, with the following criteria and cases.

The processed data may be, in whole or in part, **communicated to the following third parties**, to the extent strictly relevant to the duties, obligations and objectives specified above / and, anyway, on a strictly proportional basis):

1. Public entities (INPS, INAIL, Local Labour Offices, Tax Agencies, etc.).
2. Public and private social security and health care entities and funds, including those providing any optional services thereon;
3. Social and family assistance entities,
4. Tax assistance centers,
5. Payroll and contribution management and processing, payslip printing centers;
6. Lawyers, accountants, accountants, business or employment consultants, auditors, members of auditing firms, members of the supervisory body set forth by Legislative Decree No. 231/2001;





7. health organizations (e.g. analysis laboratories), medical personnel (company doctors) and paramedics (company nurses);
8. Employers associations and trade unions, at request of the employee, for the purposes of withholding any trade union contribution from the employee's salary, due to his/her joining a trade union association, and at request of the employee himself/herself; 8) temporary employment agencies;
9. Personnel recruitment and selection agencies,
10. Any judicial authorities and the police (at their special request) as well as any personnel/entity cooperating with the judicial authorities ,
11. The Data Subject spouse and relatives,
12. Any insurance company with which our Company has entered into any employer and third party liability insurances,
13. The Workers' Health and Safety Representative delegated to keep the Worker's Health and Safety Ledger
14. Any credit institutions providing their services to our Company to carry out any crediting transactions of the salary and all the due amounts to be paid to the employee,
15. Any consultants, payment service companies (e.g. credit or debit card companies),
16. Customers and / or suppliers with regard to the fulfilment of any contractual or legal obligations and the management of any customer / supplier related activities.

Some data communications to third parties may take place on the express delegation of the Data Subject (e.g. salary credit, assignment of the fifth part of the wages, insurance contributions, etc.)

The third parties receiving such data shall process them as independent data controllers (as they are entitled to autonomously manage any processing activity concerning any data communicated to them, also with regard to any suitable safeguards ensuring protection from loss, destruction or alteration, unauthorized access, unauthorized or non-compliant processing of any data), or as joint data controllers or data processors appointed by our Company. In this case, such third parties shall undertake in writing to our Company to implement adequate measures aimed at protecting the personal data as required by the applicable laws and regulations.

In case of external data processors, the procession shall be made based on our written instructions, aimed at ensuring compliance with the privacy laws and regulations and under our general periodic supervision of the security measures taken by such third parties. A complete list of the external data processors is available at request of the Data Subject. The particular data relating to health shall be processed, usually without the Data Subject consent, by the Company doctor appointed by our Company, as joint data controller, to perform any duties as provided by Legislative Decree No. 81/2008 and by other provisions on hygiene and safety in the workplace, to carry out the required preventive and periodic medical examinations. The Company's Doctor is a joint data controller as he/she is fully autonomous as



to the identification of any material processing means.



It is hereby acknowledged that, while performing his/her duties, the Company's doctor shall comply with the following provisions:

1. Any personal data shall be processed through paper, IT or telematic (PC) means, to perform the tasks entrusted to him/her.
2. Without prejudice of any communications to the competent health control bodies carried, made to fulfil any specific legal obligations, the Company's doctor shall communicate only the judgements on the suitability/unsuitability to our Company and to the employee concerned.
3. In any case, our Company will communicate autonomously to the Data Subjects this Privacy Notice, also with respect to the processing activities performed by the Company's doctor on his/her own name but in the interest of the Company. The Company's doctor shall be entitled to directly communicate to the Data Subject his/her specific privacy notice.
4. All data processed by the Company's doctor shall be kept under his/her exclusive and direct responsibility by creating a medical and risk file kept, in compliance with any professional privilege provisions, at his/her offices or at certain duly entrusted organizations, in full compliance with any security measures set forth by the applicable privacy regulations. The Company's doctor, however, shall coordinate on an ongoing basis with our Company in order to ensure the confidentiality and integrity of the data kept at his/her offices.
5. The Company's doctor shall, to the extent of his/her authority, guarantee to the Data Subject-employee at stake, all the rights set forth by the applicable privacy laws and regulations.
6. The competent doctor shall also immediately notify us in writing of any circumstance which, according to his/her prudent assessment, could pose a risk to the integrity, availability and / or confidentiality of the data processed in our interest by virtue of the aforesaid task.
7. A copy of the medical file data shall be delivered to the employee, after the termination of the employment relationship, and, in the cases provided by the applicable laws and regulations, delivered in original to the competent body. Any particular data shall be communicated directly to you or to a person delegated by you (it being understood that the data suitable to reveal the state of health shall be communicated to you only through a doctor (designated by you or by the Data Controller), in a closed envelope or by any other means preventing the relevant knowledge by any unauthorized persons, also by ensuring a safety distance system. The Company may use, communicate and disclose, in anonymous and aggregate form, any personal data for research, statistical or informational purposes; provided that, in any case, the Company undertakes to ensure in advance that any data shall not be linked to a certain person. Further information about any other third parties to which the Company may disclose such data, shall be provided by the Company to the Data Subject at stake via the Company's IT Rules, delivered upon commencement of the employment and to be deemed, for any reasons and effect, also a



supplement hereto .



## DATA DISCLOSURE

The data on health conditions shall **not be disclosed**.

The name and surname, job position and corporate e-mail address of the employee shall be published only with his/her previous consent on the Company's intranet or website, in order to ensure that the Company's staff or website's visitors may contact the Company more easily. Should the applicable National Bargaining Agreement (Contratto Collettivo Nazionale di Lavoro - CCNL) provide so, certain data could be divulged by their being posted on boards in the workplace.

## DATA CONSERVATION

**Special data.** The special data shall be stored as long as they must be kept in order to fulfil the relevant obligations or duties, or any purposes which cannot be achieved or made, on a case by case basis, by processing any anonymous data or certain personal data (of a different nature). Therefore, we assess on an ongoing basis, also by performing checks from time to time, that the processed data are strictly relevant, not excessive and necessary with respect to the relationship, the performance, or the assignment performed, to be entered into or to be terminated, also with reference to the data that the Data Subject provides on his/her own initiative. The data which, even after such checks, appear to exceed or be irrelevant or not necessary, shall not be used, except for their conservation, if any, according to the applicable laws, the act or the document containing them. Specific attention shall be paid to the indispensability of any data referring to persons other than those who are directly relevant to such fulfilments and performances.

**Data Retention Period.** As a general rule, the data shall be processed for the duration of the contractual relationship entered into with the Data Subject, and, then, only for the period of time required to fulfil our legal obligations (10 years).

**System Logs.** Should any personal data be processed for security purposes (e.g. Log Recordings), such data shall be stored for a period of time sufficient to complete any relevant security controls and assess their results; usually, these checks are completed within one year from the data collection. Should any extrajudicial or judicial disputes with the Data Subject and / or any third parties arise, the relevant data shall be processed for the time strictly - necessary to ensure the protection of the rights of the Data Controller.



**After termination of** the employment relationship, the relevant personal data shall also be processed to: perform any and all legal and contractual obligations and tasks related to, or arising from the termination of the employment relationship, and will be retained for the period of time required to fulfil the relevant obligations, the aforementioned tasks or purposes and provide to the supervisory authorities evidence of the relevant fulfilment. Please note that our Company is bound to eliminate periodically the corporate documentation concerning any terminated employment relationships. Therefore, after 10 (years) years from the date of termination of the employment relationship with you, we will remove from our files your personal folder and any and all documents relating to you (social security positions, payslips, etc.), containing any personal data processed during your employment relationship, and therefore we shall not be held liable in case we cannot provide such data to the Data Subject.

## LEGAL BASIS OF DATA PROCESSING

Depending on the circumstances, the legal basis of the processing are the need to perform a contract to which the Data Subject is a party and / or to fulfil a legal obligation by which the Data Controller is bound, and / or the legitimate interest of the data controller or any third parties, prevailing on the interests or fundamental rights and freedoms of the Data Subject, i) to - process certain data in order to manage effectively and efficiently the relationships with its employees and ii) to organize the relevant internal organizational and production processes.

## DATA SUBJECT RIGHTS

With regard to the processing of any personal data, you shall be entitled to exercise the following **rights**:

- ask the Data Controller to confirm whether or not any of your personal data are processed and, in this case, to obtain access to such personal data and the following information: a) the purposes of the processing; b) the categories of personal data at stake; c) the recipients or categories of recipients to whom such personal data have been or will be communicated, in particular if the recipients reside in foreign countries or belong to any international organizations; (d) where possible, the retention period of the personal data provided or, otherwise, the criteria used to determine this period;
- e) the existence of any Data Subject right to ask the Data Controller to rectify or erase any personal data or limit the processing of any personal data concerning himself/herself, or to object to their treatment; f) the right to lodge a complaint with the competent supervisory authority; g) if the data are not provided by the Data Subject, all information available on their source; h) the existence of an automated decision-making process, including any profiling process, and, at least in these cases, any significant information on the logic used, as well as the





importance and consequences of such processing for the Data Subject.



- if the personal data are transferred to a third country or to an international organization, the Data Subject shall be entitled to be informed whether there are any adequate safeguards for such transfer (please note that our Company currently does not transfer any data abroad; should this happen in the future, you will be informed thereon);
- request, and obtain, without undue delay, the correction of any inaccurate data, and, taking into account the purposes of the processing, the integration of any incomplete personal data, also providing an integrative statement;
- request the erasure of any data a) which are no longer necessary with respect to the purposes for which they were collected or otherwise processed; b) the Data Subject withdraws his/her consent on which the processing is based and there is no other legal basis for the processing; c) the Data Subject objects to the processing, and there is no prevailing legal basis to process them (...); d) the relevant personal data have been processed unlawfully; e) the relevant personal data must be erased to fulfil a legal obligation provided by the UE laws or by the laws of a Member State law to which the Data Controller is subject; (...);
- request the limitation of the processing concerning the Data Subject, should any of the following cases occurs: a) the Data Subject challenges the accuracy of any personal data, for the period necessary for the Data Controller to verify the accuracy of such personal data; b) the processing is illegal and the Data Subject objects to the erasure of his/her personal data and asks instead that their use is limited ; c) although the Data Controller no longer needs such data for the purposes of processing thereof, such personal data are required for the Data Subject to verify, exercise or defend a right in court;
- obtain from the data controller, upon request, the communication of the third recipients to whom the personal data have been transmitted;
- withdraw at any time the consent to the processing, should the relevant personal data have been previously communicated for one or more specific purposes, it being understood that this withdrawal shall not affect the lawfulness of the processing made based on the consent given before the relevant withdrawal.
- receive, in a structured format, of common use and readable by any automatic devices, the personal data concerning the Data Subject provided by him/her to our Company and, where technically feasible to have such personal data be directly transmitted to another Data Controller without any hindrance by us, should the following (cumulative) conditions occur: a) the processing is based on the consent of the relevant Data Subject, granted for one or more specific purposes, or on a contract of which the Data Subject is a party and requiring the data processing for its performance; and b) the processing is carried out by automated means (software) (in general, such right is called the "Portability" right). The exercise of the so-called portability right shall not affect the above mentioned erasure right;
- The right not to be subjected to a decision based solely on automated processing, including any profiling process, which could have any legal effects on him/her or significantly affect in a similar way his person (please note that our Company does not implement such kind of data processing).





- The Data Subject may at any time lodge a complaint to the competent Supervisory Authority according to the GDPR (i.e. the supervisory authority of his place of residence or domicile).

## OTHER PROVISIONS OF LAW

In accordance with the general authorization n. 1/2016 of the Data Protection Authority on the employee's special data processing in relation to the management of the employment relationship, are expressly subject to the requirements of the applicable laws and regulations, or of the UE provisions imposing prohibitions or limits on the processing of personal data and, in particular, to the provisions contained:

- a) in section 8 of law No. 300 of May 20, 1970, pursuant to which the employer cannot perform, for any hiring purposes, any investigations, even through third parties, on the political, religious or trade union opinions of the employee at stake, as well as on any facts immaterial for the assessment of the professional capacity of such employee;
- b) in section. 6 of law No. 135 of June 5, 1990, pursuant to which the employer cannot perform any investigations aimed at ascertaining whether any current or future employees are or may be HIV positive;
- c) in any provisions concerning equal opportunities or aimed at preventing discrimination;
- d) without prejudice to the provisions of section 8 of Law No. 300 of May 20, 1970, n. 300, in section 10 of Legislative Decree 2003/276, pursuant to which any authorized or qualified employment agencies and other private entities cannot carry out any investigation or otherwise process any data or select any workers, even with their consent, based on their personal opinions, trade union or political affiliations, religious beliefs, gender, sexual orientation, marriage or family status, pregnancy, age, handicap, race, ethnicity, colour, ancestry, national origin, language group, the state of health and - disputes (if any) with any previous employers as well as to process any personal data concerning any workers who are not related to their professional skills and their job activities .

## NAME, COMPANY NAME AND DOMICILE, RESIDENCE OR OFFICE OF THE DATA CONTROLLER

The Data Controller of the Users personal data is Hotelturist Spa with registered office in 35128 Padova, Via Egidio Forcellini, 150. Should you need any further information on how Hotelturist Spa processes the Personal Data, you can contact us at: [privacy@th-resorts.com](mailto:privacy@th-resorts.com) or at Hotelturist registered office . Should you need to know your rights and be informed on the legislation regarding the protection of persons with regard to the processing of Personal Data, please visit the Data Protection Authority Website: [www.garanteprivacy.it](http://www.garanteprivacy.it).