

INFORMATIVE NOTICE ON PERSONAL DATA PROCESSING

Re: Informative notice on data processing pursuant to Art. 13 of Legislative Decree 196/2003 as amended, to Art. 13 of EU Regulation 2016/679 and to Italian Personal Data Protection legislation implementing the same

1) INTRODUCTION

MAXCOM PETROLI S.p.A, company with headquarters in Via Adolfo Ravà n. 49, Rome, Italy (hereinafter referred to as “the company”), pursuant to Art. 13 of Legislative Decree 196/2003 (Italian Personal Data Protection Code, as amended), to EU Regulation and to Italian Data Protection legislation implementing the same, as Data Controller, is required to inform of the use of their respective personal data its clients and/or suppliers and more in general commercial and contractual parties. The Data Controller guarantees data processing will be carried out for the objectives and with the methods detailed below, following the principles of correctness, lawfulness and transparency, to best safeguard interested parties’ privacy and rights. Furthermore, the Data Controller has implemented technical and organizational measures to guarantee a level of security suitable to the risks connected with processing of the same.

2) CATEGORIES OF PROCESSED DATA

Personal data: any information relating to an identified or identifiable natural person (“data subject”). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, or identification number, or one or more factors specific to his/her physical, physiological, genetic, mental, economic, cultural or social identity.

The “personal data” subject to “processing” with paper based means, as well as with the help of electronic means, may concern information relative to clients and/or suppliers and more in general commercial and contractual parties, and their business. This shall include, but shall not be limited to, data concerning juridical, administrative, production, financial and organizational business aspects (including, where useful or necessarily to the management of the contractual relationship, data of one or more employees of the client and/or supplier and in general of commercial and contractual parties). More specifically, personal data are information concerning and appearing on: data collection forms, offers/quotations, order confirmations, agreements/contracts, financial identifiers, estimates, brochures, price lists, delivery/shipping/transport documents, invoices, etc.

Personal data (and documents containing the same) relative to the client and/or supplier, and in general to commercial and contractual parties, may be obtained by Maxcom Petroli S.p.a during initial negotiations, or during the negotiation phase or in the implementation phase of the relationship.

3) OBJECTIVES

Processing of personal data shall be understood as any operation or set of operations carried out with or without the support of automated means, and performed upon personal data or sets of personal data, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.



Personal data are processed for purposes connected and instrumental to managing commercial relationships, contractual obligations, and pre-contractual negotiations; as well as to the implementing and executing mutual obligations arising from such relationships, with particular regard to compliance with terms of payment and with agreed-upon financial obligations; and more generally, for administrative - accounting purposes, to comply with legally required obligations, regulations, any applicable legislation as well as lawful requests by any Public Authority, supervisory authority or monitoring body.

More specifically, personal data may be processed primarily with the following objectives:

- to obtain preliminary information on potential clients and/or suppliers and in general on commercial and contractual parties, in accordance to MAXCOM PETROLI S.p.A's needs and standards;
- preliminary negotiations with a potential client and/or supplier, and in general with commercial and contractual parties;
- establishment of the contractual relationship;
- key data entry onto the company's computerized database;
- fulfil obligations to comply with contracts, legally required obligations (i.e. accounting and fiscal obligations, workplace health and safety requirements), regulations, EU legislation, or provisions issued by legally empowered authorities and by supervisory and monitoring bodies;
- commercial and administrative management of the relationship with the client and/or supplier, and in general with commercial and contractual parties (communications, orders, contracts administration, invoice payment);
- internal and external monitoring (preliminary evaluation and quality monitoring, with particular attention to the quality of goods/services quality), dependability; safety, quality of goods/services, budget and performance audit, asset protection, auditing);
- management of any arising dispute (complaints, arbitrations, settlements, legal claims).

4) DATA PROCESSING METHODS

Data will be processed with the following methods:

- data collection;
- record and processing with paper based means;
- record and processing with the support of electronic means;
- archives organization by both automated and non-automated means.

5) DATA COMMUNICATION

Personal data processing will be carried out by parties internal to the structure of the company, appointed and approved to process the same, in order to manage and implement the aforementioned activities. The appointed personnel has been duly trained and updated on requirements and compliance measures to suitably protect data subjects' privacy.

Furthermore, should the communication be necessary or functional to the established contractual relationship, certain personal data might, with the aforementioned methods and for the aforementioned objectives, be communicated to, by way of example and not limited to: banking institutions handling payments and collections resulting from contractual obligations; trusted third parties to whom Maxcom Petroli S.p.A. might assign specific accounting, administrative, financial, organizational, or consulting tasks; all subjects whose access is recognized by legislative measures; Public Authorities; Financial Bureaus; and, in general, any body responsible for checking and monitoring correct compliance with contractual and pre-contractual obligations.

The communication of personal data to aforementioned entities will take place under specific arrangements about measures to implement to guarantee the security of the data in question, and, when necessary, they will be designated as External Data Processors.

6) NATURE OF CONSENT

It is mandatory to provide personal data for the fulfilment of legal obligations; any refusal to provide such data or to grant consent to process the same for the legitimate purposes outlined above therefore precludes or hinders the establishment and/or the correct management of the contractual relationship.

7) DATA STORAGE PERIOD

The data detailed in the present informative notice will be stored for the full duration of the established contractual relationships and afterwards for the fulfilment of any and all legal obligations.

8) RIGHTS OF THE DATA SUBJECT

Pursuant to Article 7 of the Italian Personal Data Protection Code and Articles 13(2)(b), 13(2)(d), 15, 18, 19 and 21 of EU Regulation¹, we hereby inform you of the following:

¹ITALIAN PERSONAL DATA PROTECTION CODE

Art. 7 Right to Access Personal Data and Other Rights

1. A Data Subject has the right to obtain confirmation as to whether or not personal data concerning him/her do exist, regardless of their being already recorded, and communication of such data in intelligible form.
2. A Data Subject has the right to be informed:
 - a) of the source of the personal data;
 - b) of the purposes and methods of the processing;
 - c) of the logic applied to the processing, if the latter is carried out with the help of electronic means;
 - d) of the identification data concerning Data Controller, Data Processors and the representative designated as per Article 5(2);
 - e) of the entities or categories of entity to whom the personal data may be communicated and who may get to know said data in their capacity as designated representative in the State's territory, Data Processor or person in charge of the processing.
3. A Data Subject has the right to obtain:
 - a) updating, rectification or, where interested therein, integration of the data;
 - b) 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;
 - c) certification to the effect that the operations as per letters a) and h) have been notified, as also related to their contents, 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 to be protected.
4. A Data Subject has the right to object, in whole or in part:
 - a) on legitimate grounds, to the processing of personal data concerning him/her, even though they are relevant to the purpose of the collection;
 - b) to the processing of personal data concerning him/her, where it is carried out for the purpose of sending advertising materials or direct selling or else for the performance of market research or commercial communication.

EU REGULATION (General Data Protection Regulation - GDPR)

Art. 15 Right of Access by the Data Subject

The Data Subject has the right to obtain from the Data Controller confirmation as to whether or not personal data concerning himself/herself are being processed, and, where that is the case, access to the personal data and to the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of the right to request from the Controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to processing of the same;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) where the personal data are not collected from the data subject, any available information in regards to their source;
- (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and 22(4), and, at least in those cases, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the Data Subject.

Where personal data are transferred to a third country or to an international organisation, the Data Subject shall have the right to be informed of the appropriate safeguards as per Article 46 relating to the transfer.

The Data Controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the Data Subject, the

controller may charge a reasonable fee based on administrative costs. Should the Data Subject makes the request by electronic means, and unless otherwise requested by the Data Subject, the information shall be provided in a commonly used electronic form.

The right to obtain a copy referred to in paragraph 3 may not adversely affect the rights and freedoms of others.

Art. 16 Right to Rectification

The Data Subject shall have the right to obtain from the Data Controller the rectification of inaccurate personal data without undue delay. Taking into account the purposes of the processing, the Data Subject has the right to have incomplete personal data completed, also providing a supplementary statement.

Art. 17 Right to Erasure (Right to be Forgotten)

The Data Subject has the right to obtain from the Data Controller the erasure of personal data without undue delay and the Data Controller must erase personal data without undue delay where one of the following grounds applies:

- (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- (b) the Data Subject withdraws consent on which the processing is based according to Article 6(1)(a) or Article 9(2)(a), should there be no other legal ground for the processing;
- (c) the Data Subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate reasons for the processing; or the Data Subject objects to the processing pursuant to Article 21(2);
- (d) the personal data have been unlawfully processed;
- (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the Controller is subject;
- (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1).

If the Controller has made the personal data public and must, in accordance with paragraph 1, erase such personal data, the Controller, taking account of available technology and the cost of implementation, shall take reasonable measures, including technical measures, to inform Controllers which are processing the personal data that the Data Subject has requested the erasure by such controllers of any links to, copy or replication of those personal data.

Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:

- (a) for exercising the right of freedom of expression and information;
- (b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller;
- (c) for reasons of public interest in the area of public health in accordance with Articles 9(2)(h) and 9(2)(i) as well as Article 9(3);
- (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing;
- (e) for the establishment, exercise or defence of legal claims.

Art. 18 Right to Restriction of Processing

The Data Subject has the right to obtain from the Controller restriction of processing where one of the following applies:

- (a) the accuracy of the personal data is contested by the Data Subject, for a period enabling the Controller to verify the accuracy of the personal data;
- (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests instead the restriction of their use;
- (c) the Controller no longer needs the personal data for the purposes of the processing, but they are required by the Data Subject for the establishment, exercise or defence of legal claims;
- (d) the Data Subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the Controller override those of the Data Subject.

Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the Data Subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

A Data Subject who has obtained restriction of processing pursuant to paragraph 1 must be informed by the Controller before the restriction of processing is lifted.

Art. 19 Notification Obligation Regarding Rectification or Erasure of Personal Data or Restriction of Processing

The Controller must communicate any rectification or erasure of personal data or restriction of processing carried out in accordance with Article 16, Article 17(1) and Article 18 to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The Controller must inform the Data Subject about those recipients if the Data Subject requests it.

Art. 20 Right to Data Portability

The Data Subject has the right to receive the personal data concerning him/her, which he/she has provided to a Controller, in a structured, commonly used and machine-readable format and has the right to transmit those data to another Controller without hindrance from the Controller to which the personal data have been provided, where:

- (a) the processing is based on consent pursuant to Article 6(1)(a) or Article 9(2)(a) or on a contract pursuant to Article 6(1)(b); and
- (b) the processing is carried out by automated means.

In exercising his/her right to data portability pursuant to paragraph 1, the Data Subject has the right to have the personal data transmitted directly from one Controller to another, where technically feasible.

The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right does not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller.

The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

Art. 21 Right to Object

The Data Subject has the right to object at any time, on grounds relating to his/her particular situation, to processing of personal data concerning him/her pursuant to Article 6(1)(e) and Article 6(1)(f), including profiling based on those provisions. The Controller shall no longer process the personal data, unless the Controller demonstrates compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the Data Subject, or for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, the Data Subject has the right to object at any time to processing of personal data concerning him/her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

Where the Data Subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

At the latest at the time of the first communication with the Data Subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the

- a) You have the right to request the Data Controller access to the personal data concerning yourself, rectification, erasure or restriction of processing of the same or to object to such processing, in addition to the right to data portability;
- b) You have the right to lodge a complaint to the *Garante*, i.e. the Italian Data Protection Authority (DPA), following the procedures and instructions indicated on the Authority's official website (www.garanteprivacy.it);
- c) Any rectification, or erasure or restriction of processing of personal data carried out after the request of the interested party – unless it proves impossible or involves disproportionate effort – will be communicated by the Data Controller to each recipient to whom the personal data have been disclosed. The Data Controller may inform the Data Subject about those recipients, should the Data Subject requests it. Exercising these rights is not subject to any set formal procedural requirement and is free of charge.

9) IDENTIFICATION DETAILS OF DATA CONTROLLER AND PRIVACY OFFICER

Kindly find here below the identification details of the Data Controller and of the Privacy Officer:

- **Data Controller: MAXCOM PETROLI S.p.A.**, with headquarters in Rome, in Via Adolfo Ravà n. 49, Italian Tax number and entry number into Rome's Business Registry 08342500587,
- **PRIVACY OFFICER:** by emailing: privacy@maxcom.it

The Data Controller

MAXCOM PETROLI S.P.A.

attention of the Data Subject and shall be presented clearly and separately from any other information.

In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the Data Subject may exercise his/her right to object by automated means using technical specifications.

Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the Data Subject, on grounds relating to his/her particular situation, has the right to object to processing of personal data concerning him/her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.