



**PRIVACY NOTICE  
TENDER PROCEDURE**

Open Fiber S.p.A., with registered office at Viale dell’Innovazione n. 1 – 20126 Milan, Italy, VAT No. 09320630966, in its capacity as Data Controller (hereinafter referred to as the “Data Controller” or “Open Fiber”), hereby informs you, pursuant to Article 13 of Regulation (EU) 2016/679 (hereinafter the “General Data Protection Regulation” or “GDPR”), that your personal data (hereinafter referred to as the “Data”) may be processed as described below and for the purposes set forth herein.

**Purpose and Legal Basis of Processing**

The personal data subject to processing include contact details, including identification and tax information, exchanged or mutually acquired by the Parties at all stages of the tender procedure initiated by Open Fiber for the purpose of identifying the winning party.

Such Data will be processed (within the meaning of “processing,” see Article 4(2) of the GDPR) for purposes related to compliance with applicable civil, fiscal, and tax laws and regulations, as well as pursuant to provisions issued by competent authorities; for verification activities regarding anti-mafia requirements; for activities related to the procurement process and the execution of any resulting contract in accordance with applicable laws; and for the defense of rights in judicial or other appropriate venues as provided for under current laws and regulations.

The legal basis for the processing is identified as follows:

- i. the performance of a contract and/or pre-contractual measures pursuant to Article 6(b) of the GDPR, with reference to participation in the tender procedure, the procurement process, and the possible formation, execution, or termination of the contract;

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- ii. compliance with specific legal obligations (Article 6(c) of the GDPR) concerning tender and procurement regulations under Legislative Decree No. 50/2016 and subsequent amendments;
- iii. the processing may also involve data revealing possible criminal convictions and ongoing criminal proceedings pursuant to Presidential Decree No. 313 of 14 November 2002 and subsequent amendments (“Testo unico delle disposizioni legislative e regolamentari in materia di casellario giudiziale, di anagrafe delle sanzioni amministrative dipendenti da reato e dei relativi carichi pendenti (Testo A)”). Such data will be processed — in addition to the general provisions stated above — in compliance with Article 10 of the GDPR and the relevant provisions on tenders and procurement pursuant to Legislative Decree No. 50/2016 and subsequent amendments.

## **Data Retention Period**

The Data provided will be retained for the duration necessary to fulfill the obligations related to accounting, tax, fiscal, and civil law requirements, and in any case for a period of 10 years following the expiration of the contractual agreements.

## **Data Processing Methods**

The processing will be carried out using appropriate means to ensure the security and confidentiality of the Data, in compliance with the provisions set forth in Chapter II (Principles) and Chapter IV (Controller and Processor) of the GDPR. The processing may also be conducted through automated tools or platforms used within the tender procedure, designed to store, manage, or transmit the Data.

## **Scope of Data Circulation**

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Your Data may be accessed by all individuals who need to access your Data in order to carry out support, instrumental, and auxiliary activities related to the contractual relationship between us, strictly to the extent necessary to perform such tasks.

The Data may be processed by third-party companies acting on behalf of the Controller in their capacity as Data Processors (such as credit institutions, professional firms, service providers/consultants involved in the management and/or maintenance of the electronic and/or telematic tools we use) for the time strictly necessary to ensure the optimal execution of such services.

Without your explicit consent (pursuant to Article 6(b) and (c) of the GDPR), the Controller may disclose your Data for the aforementioned purposes to supervisory authorities, judicial authorities, and any other parties to whom disclosure is mandatory by law for the fulfillment of these purposes.

### **Nature of Data Provision**

Please be advised that, with reference to the purposes described above, the provision of your Data is mandatory. The Data collected pursuant to this privacy notice are essential for the evaluation of the submitted offer. Any refusal to provide the requested Data and/or any inaccuracies in the Data may result in the impossibility to:

- a) comply with applicable laws and regulations in accounting, tax, civil, and fiscal matters, as well as provisions issued by competent authorities;
- b) verify the requirements established by anti-mafia legislation;
- c) ensure proper regulatory, technical, and economic management of the contractual relationship;
- d) defend a right in court or in appropriate forums as provided by applicable laws and regulations.

### **Data Disclosure**

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Your Personal Data will not be disclosed to unspecified third parties.

### **Data Transfer Abroad**

Your data will not be transferred outside the European Union (EU) or the European Economic Area (EEA). However, should it become necessary, the Controller reserves the right to relocate server locations to non-EU countries. In such cases, the Controller ensures that any data transfer outside the EU will comply with Articles 44 and subsequent provisions of the GDPR, as well as applicable legal requirements. Where necessary, agreements will be established to guarantee an adequate level of data protection.

### **Data Controller and Data Protection Officer**

The Data Controller is Open Fiber S.p.A., a single-member company subject to the direction and coordination of Open Fiber Holdings S.p.A., with registered office at Viale dell'Innovazione n. 1 – 20126 Milan, Italy, VAT number, tax identification number and registration number in the Milan Companies Register 09320630966, contactable via the following e-mail address: [privacy@openfiber.it](mailto:privacy@openfiber.it).

### **Exercise of Rights**

As Data Subject, you are informed that you have the right to exercise the rights provided for under the GDPR, specifically:

- a) The right, pursuant to Article 15, to obtain confirmation as to whether or not personal data concerning you are being processed and, if so, access to the personal data and the following information:
  - i. the purposes of the processing;
  - ii. the categories of personal data concerned;

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- iii. the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular if recipients are located in third countries or international organizations;
  - iv. where possible, the envisaged period for which the personal data will be stored or, if not possible, the criteria used to determine that period;
  - v. the existence of the right to request from the Controller rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing;
  - vi. the right to lodge a complaint with a supervisory authority pursuant to Articles 77 and following of the GDPR;
  - vii. where the personal data are not collected from the data subject, any available information as to their source;
  - viii. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the GDPR, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject;
  - ix. the right to be informed about the existence of appropriate safeguards pursuant to Article 46 of the GDPR relating to the transfer, where personal data are transferred to a third country or an international organization.
- b) The Data Subject also has the right (where applicable) to exercise the rights under Articles 16 to 21 of the GDPR (right to rectification, right to erasure, right to restriction of processing, right to data portability, and right to object).

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We inform you that our Company commits to responding to your requests without undue delay and at the latest within one month of receipt of the request. This period may be extended depending on the complexity or number of requests, in which case the Company will inform you of the reasons for the extension within one month of receiving your request. The outcome of your request may be provided to you in writing or in electronic format.

### **Methods for Exercising Rights**

The Data Subject may exercise the rights described in the previous paragraph at any time and obtain an updated list of the Data Processors by sending a request to the following email addresses: [privacy@openfiber.it](mailto:privacy@openfiber.it) or [dpo.of@openfiber.it](mailto:dpo.of@openfiber.it)

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