

Privacy Notice - Article 13 EU Regulation no. 2016/679

The personal data which come into the possession of our Firm in the course of its activity are processed in accordance with the General Data Protection Regulation (EU Regulation no. 2016/679 on the protection of natural persons as regards the processing of personal data) (**GDPR**).

The following information concerns the processing of the above personal data.

1. Definitions

In this notice and the provisions of the GDPR appended to this notice:

personal data means any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

data subject means an identified or identifiable natural person;

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, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;

processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

2. Purposes of processing of data

If you instruct the Firm to provide to you legal assistance, your personal data will be processed by the Firm only as required to give full execution to the instructions received and to carry out any related accounting and administrative operations.

If you register to receive the Firm's newsletters, your personal data will be processed by the Firm only as required to send you the newsletters for which you have registered.

3. Processing and storage of data

The processing of your personal data may take place by way of automated processes and/or manually by the controller, the processor and/or by persons duly authorized pursuant to Article 29 of the GDPR, in accordance with Article 32 of the GDPR on safety measures.

The partners, the associates and the employees of the Firm are all duly authorized persons.

The processing of your personal data may take place by the use of paper and/or electronic supporting devices in compliance with the principles of accuracy, integrity and confidentiality set out in Article 5 of the GDPR.

In compliance with the principles of data minimization and purpose limitation set out in Article 5 of the GDPR, the storage of your personal data will be limited to the time necessary for achieving the purposes for which they are collected and processed, but in any event for a period not exceeding ten years (statute of limitations).

In accordance with Article 9 of the GDPR, the processing of your personal data falling within certain special categories (*i.e. "personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data intended to uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation"*) may only take place with your consent.

In accordance with Article 10 of the GDPR, the processing of your personal data falling within the category of "*judicial data*" (*i.e. personal data revealing the issuance of the measures referred to in Article 3, paragraph 1, letters a) through o) and r) through u) of Decree of the President of the Republic no. 2002/313 on criminal records, recording of administrative penalties resulting from the commission of crimes and related pending charges, or a person's position as accused or suspect pursuant to Articles 60 and 61 of the Code of Criminal Procedure*) may only take place with your consent.

4. Collection of data

The Firm will request that you provide your personal data only as required in connection with the purposes described in point 2 of this notice.

5. Refusal to provide data

Your refusal to provide to the Firm your personal data may result in the Firm not being able to carry out the instructions received from you or to send you the newsletters for which you have registered.

6. Disclosure of data

The Firm may disclose your personal data to the following parties only as required in connection with the purposes described in point 2 of this notice:

- authorized persons;
- external professionals;
- parties within the judicial sector;
- counterparties and their legal counsel;
- arbitrators;
- insurance companies providing coverage for the Firm's professional liability;
- other public or private parties to which your personal data may have to be disclosed only as required in connection with the purposes described in point 2 of this notice.

The Firm may also disclose your personal data for the purpose of complying with its legal obligations to parties entitled by law to receive such information.

7. Transfer of data abroad

The Firm may transfer your personal data to other European Union Member Countries, only as required in connection with the purposes described in point 2 of this notice.

8. Controller and processor

The controller is Laways – Avvocati Associati, Via Santa Sofia 21, 20122 Milan, Telephone +390200663501, Fax +39 0200663502, e-mail: studio@laways.it.

The processor is Rocco Rosa, Via Santa Sofia 21, 20122 Milan, Telephone +39 0200663501, Fax +39 0200663502, e-mail: rosa@laways.it.

9. Your rights

You will be entitled to exercise the following rights provided for in Articles 15 to 22 of the GDPR, which are appended to this notice:

- the right of access (Article 15);
- the right to rectification (Article 16);
- the right to erasure (the so-called right to be forgotten) (Article 17);
- the right to restriction of processing (Article 18);
- the right to obtain that the Firm notifies any recipient of your personal data of any rectification, erasure or restriction of processing undertaken with respect to such data (unless impossible or involving a disproportionate effort) (Article 19);
- the right to data portability (Article 20);
- the right to object (Article 21);
- the right to not being subject to a decision based on automated processing (Article 22).

You may exercise the above rights by sending a written request by post to Laways – Avvocati Associati, Via Santa Sofia 21, 20122 Milan, or by e-mail to studio@laways.it.

If you believe that the Firm's processing of your personal data infringes the GDPR, you may lodge a complaint with *Autorità Garante per la Privacy* (the Italian supervisory authority) (Article 77).

10. No automated decision making

The Firm does not use automated decision-making processes, including profiling.

Articles 15 to 22 of EU Regulation no. 2016/679

Article 15 - Right of access by the data subject

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and 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 organizations;
 - (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 such processing;
 - (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 as to their source;
 - (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) 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.
2. Where personal data are transferred to a third country or to an international organization, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
3. The 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. Where 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.
4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Article 16 - Right to rectification

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

Article 17 - Right to erasure ("right to be forgotten")

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to 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 point (a) of Article 6(1), or point (a) of Article 9(2), and where there is 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 grounds 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).
2. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, 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, or copy or replication of, those personal data.
 3. 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 points (h) and (i) of Article 9(2) 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; or
 - (e) for the establishment, exercise or defense of legal claims.

Article 18 - Right to restriction of processing

1. The data subject shall have 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 the restriction of their use instead;
 - (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 defense 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.
2. 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 defense 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.
3. A data subject who has obtained restriction of processing pursuant to paragraph

1 shall be informed by the controller before the restriction of processing is lifted.

Article 19 - Notification obligation regarding rectification or erasure of personal data or restriction of processing

The controller shall 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 shall inform the data subject about those recipients if the data subject requests it.

Article 20 - Right to data portability

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have 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 point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1); and
 - (b) the processing is carried out by automated means.
2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.
3. The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right shall 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.
4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

Article 21 - Right to object

1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), 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 defense of legal claims.
2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.
3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
4. 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 attention of the data subject and shall be presented clearly and separately from any other information.

5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.
6. 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 or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Article 22 - Automated individual decision-making, including profiling

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.
2. Paragraph 1 shall not apply if the decision:
 - (a) is necessary for entering into, or performance of, a contract between the data subject and a data controller;
 - (b) is authorized by Union or Member State law to which the controller is subject, and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
 - (c) is based on the data subject's explicit consent.
3. In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.
4. Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9(1), unless point (a) or (g) of Article 9(2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.