

## **Privacy Notice by Motiqa in accordance with Article 13 of EU Regulation 679/2016**

Motiqa S.r.l (hereafter the "Company" or the "Data Controller"), as Data Controller wishes to inform you, pursuant to art. 13 of General Data Protection Regulation 679/2016 relating to the protection of personal data (hereafter "GDPR") and national legislation, including the individual decisions of the Supervisory Authority (hereafter "Data Protection Authority" or "DPA" ), where applicable, that the personal data you provide will be processed in compliance with the legislative and contractual provisions in force for the purposes and with the methods indicated below.

### **Definitions**

**Personal data:** pursuant to art. 4 of the GDPR any information relating to an identified or identifiable natural person ("Data Subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as the 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 person.

**Processing:** pursuant to art. 4 of the GDPR 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.

**Data Controller:** pursuant to art. 4 of the GDPR, 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; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for nomination may be provided for by Union or Member State law.

**Data Processor:** pursuant to art. 4 of the GDPR, the natural or legal person, public authority, agency or other body which processes personal data on behalf of the Data Controller.

**Person authorized to process personal data:** anyone who acts under the authority of the Data Processor or under the Data Controller, who has access to personal data and performs data processing operations.

**Data Protection Officer:** a natural person designated by the Data Controller who exercises control, information and consultancy functions regarding data protection legislation.

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All this stated, pursuant to article 13 GDPR 2016/679,

### **we inform you**

that the collection and processing of personal data will be carried out by the writing company in accordance with the following:

## **1. personal data processed:**

- for the purposes of customer domain registration, the Data Controller processes the personal identification data (such as name, surname, username and password, e-mail address, company of origin, domain name) communicated by you during the registration request phase on the web platform TheTail of the Company, even in the case of activation of Trial Licenses with a validity period of 30 days.
- for purposes related to maintenance / management / after-sales technical assistance activities, The Tail can have complete access to the contents uploaded and reproduced on the screens by the user or otherwise made available to the Company for purposes related to the uploading of the same, including audio video images etc.

## **2. purposes of the processing:** personal data may be processed for the following purposes:

**a) general purposes:** personal data will be processed for the legitimate interests pursued by the owner and to manage contractual obligations towards the users themselves, for the following purposes:

- activation of the TheTail license, after registering on the portal via the link [thetail.motiq.com](http://thetail.motiq.com) and the creation of a new account;
- completion of the procedure for the registration of the new account and domain name;
- following acceptance of the contractual terms and conditions, the aforementioned data are processed to provide the services offered and for the related administrative and accounting management;
- in case of loss of the access credentials, to activate the procedure that allows the recovery of the password and the reset of the same;
- pursue the legitimate interests of the Data Controller, including, where necessary - to assert or defend a right in court.

**b) maintenance / management / after-sales technical assistance activities purposes** based on the legitimate interest pursued by the Data Controller to ensure prompt intervention and resolution of any problems that may arise from the use of The Tail solution, as well as to execute the obligations deriving from contractual relationships.

**c) marketing purposes:** with your freely, on voluntary basis, specific and explicit consent that can be withdrawn at any time, personal data may be processed for commercial and/ or promotional and/ or advertising purposes, to be performed by e-mail.

**d) profiling purposes:** with your freely, on voluntary basis, specific and explicit consent that can be withdrawn at any time, personal data may be processed for the purpose to analyze/predict aspects concerning your personal preferences, interests, and behavior, in order to offer products and services tailored to you and to provide personalized advertising, to be performed by e-mail.

- 3. methods of processing:** your personal data will be processed manually or electronically using automated tools that ensure the security and confidentiality of the data, in accordance with the principles of correctness, lawfulness, and transparency.
- 4. nature of providing the requested data:** the provision of the personal data is optional and not mandatory.
- 5. consequences of a refusal:** providing your personal data for the purposes under points 2 a) and 2 b), is required. Refusal to provide the requested data or its inaccuracy may prevent Motiqa from providing you access to the reserved area, products and/or services and from establishing a contractual relationship with you. The provision of personal data for the pursuit of the purposes referred to in point 2 c) above is optional; however, refusal to provide the data for these purposes may prevent Motiqa from providing you additional products/services; failure to consent to the processing for the purposes referred to in point 2 d), will have no consequence other than the impossibility of receiving high-profiled commercial material / communications.
- 6. persons authorized to process personal data:** the data will be processed only and exclusively by a limited number of our employees specifically authorized to process personal data for the purposes set out above.
- 7. data retention period:** the personal data will be stored by the Data Controller exclusively in compliance with the purposes indicated above and for the time strictly necessary to fulfill the purposes for which the data has been collected. In particular, your data will be stored:
  - for the period strictly necessary, for the achievement of the purposes indicated in point 2 a) and 2 b) as long as the need for processing persists to fulfill legal obligations; for the entire duration of the contract and for as long as there are obligations or obligations connected with the execution of the contract; the data will also be kept for a period of 10 years following these terms for purposes related to the fulfillment of legal obligations and to allow the Company to defend its rights; audio and video images uploaded into The Tail platform will be deleted after the 3-month period from the failure to renew the license in the case of the "trial" version, and after the 3-month period from the expiry of the license for the "premium" version.
  - for the purposes referred to in points 2 c) and d), your data will be kept for a maximum period of 24 months, without prejudice to any withdrawal of consent which will result in the deletion of the personal data collected without delay. The collected data may be stored beyond these terms by the Data Controller if they are subject to anonymization in order to make them, definitively and irreversibly, no longer attributable to the identity of the interested party (for example to carry out market research and statistical analysis of the reactivity to fairs/events promoted by the Owner and on the methods and/or propensities to purchase products with the possible creation of profiles referring to anonymous groups of consumers outlined by common characteristics such as age groups, geographical area of residence, etc.).
- 8. place of storage of personal data and data dissemination, sharing and communication:** the Data Controller declares that the management and storage of personal data takes place on servers located within the European Union owned and/or in the availability of the Data Controller

and/or third-party companies appointed and duly appointed as Data Processors. The data will not be transferred outside the European Union. In particular, your personal data will be stored on Supernap Italia's cloud servers - Data centers located in Siziano (PV), Italy. Personal data, therefore, will not be transferred outside the European Union.

**9. right of the data subject:** in relation to the personal data subject to the processing referred to in this statement, you can at any time exercise your rights towards the Data Controller pursuant to articles 15 and following of the GDPR, specifically:

- right of access (art. 15 GDPR): the data subject 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: the purposes of the processing, the categories of personal data concerned, the recipients or categories of recipient to whom the personal data have been or will be disclosed; where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; 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; the right to lodge a complaint with a supervisory authority; 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;
- right to rectification (art. 16 GDPR): 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;
- right to erasure (art. 17 GDPR): 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: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, 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);
- right to restriction of processing (art. 18 GDPR): in the cases provided for by art. 18, including the unlawful processing, the accuracy of the personal data is contested, the data subject has objected to processing, the controller no longer needs the personal data for the purposes of the processing, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for other cases expressly provided for by the cited article;
- right to data portability (art. 20 GDPR): in the cases where the processing is based on consent or on a contract and the processing is carried out by automated means, the data subject may request to receive the personal data concerning him or her, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller;

- right to object (art. 21 GDPR): the data subject has the right to object to the processing of his or her personal data, on the grounds relating to his or her particular situation, and where personal data are processed for direct marketing purposes;
- the right not to be subject to a decision based solely on automated processing (art. 22 GDPR): the data subject have the right not to be subject to a decision based solely on automated processing, including profiling (for example, carried out exclusively through electronic tools or computer programs);

**10. right to lodge a complaint with the Data Protection Authority:** every data subject may file a complaint with the Data Protection Authority in the event that they believe that the rights he holds pursuant to the GDPR, have been violated, in the manner indicated on the Supervisor Authority's website, accessible at the address: [www.garanteprivacy.com](http://www.garanteprivacy.com).

**11. data controller:** Motiqa s.r.l acts as a data controller, whose registered office is at Via Fra Luca Pacioli 3-20144, Milano, Italy.

**12. data protection officer:** the data protection officer is Donato Eugenio Caccavella, whose e-mail address is [dpo.voilap@amicadpo.eu](mailto:dpo.voilap@amicadpo.eu): if you need more information on how to exercise your above rights, please contact the Data Protection Officer.

Date 03/08/2020

Data Controller

Motiqa S.r.l