

## Privacy Notice (Annex D)

### INFORMATION TO BE PROVIDED TO THE DATA SUBJECT DATA COLLECTED FROM THE DATA SUBJECT (pursuant to Article 13 of the GDPR 2016/679)

Dear Data Subject,

below we provide you with certain information which must be brought to your attention, not only in order to comply with legal obligations, but also because transparency and fairness towards data subjects is a founding principle of our activity.

#### DATA CONTROLLER

The Data Controller of your personal data is FRESH WAYS S.r.l., represented by its legal representative pro tempore, responsible towards you for the lawful and correct use of your personal data and who you may contact for any information or request at the following addresses:

#### Data Controller: FRESH WAYS S.r.l., represented by its legal representative pro tempore

Registered office: **Via Enrico Fermi, 14 - 20875 Burago di Molgora MB, IT**

Contact details:

Website	<a href="https://www.freshways.it">https://www.freshways.it</a>
Telephone	+39 039635891
E-mail	<a href="mailto:gdpr@freshways.it">gdpr@freshways.it</a>

#### PURPOSES OF PROCESSING, LEGAL BASIS AND TYPES OF DATA PROCESSED

The provision of data is necessary for the **conclusion and execution of the contract**. Any refusal will result in the impossibility of providing the requested services.

Personal data are collected and processed for the purposes listed below, together with the related legal basis:

*a) Management of the contractual relationship (Art. 6, para. 1, lett. b GDPR)*

- management and execution of the transport/shipping contract and related services (bookings, order management, assistance, complaints);
- booking of the shipment via the Omnia platform;
- management of communications with the Client (including e-mails and electronic signature systems such as DocuSign).

*b) Administrative, accounting and tax management (Art. 6, para. 1, lett. c GDPR)*

- issuing of invoices, credit notes, accounting records;
- management of payments and fulfilment of tax and civil obligations;
- fulfilments of a fiscal, accounting and insurance nature (in particular pursuant to Legislative Decree 286/2005, Art. 2220 Civil Code).

*c) Compliance with legal obligations (Art. 6, para. 1, lett. c GDPR)*

- obligations provided for by sector regulations (transport, food safety, customs);
- retention of documentation pursuant to law;
- response to requests from competent Authorities.

*d) Protection of the Controller's rights in judicial or extrajudicial proceedings (Art. 6, para. 1, lett. f GDPR)*

- management of disputes, debt collection, defence in court.

#### Types of data processed

The processing concerns personal data such as:

*Identification and contact details*

- name, surname, company name;
- tax code, VAT number;
- address (registered/operational office);
- telephone number, e-mail address;
- company contact person details.

*Data relating to the performance of services*

- information on shipments and deliveries;
- pick-up and delivery locations;
- transport documents (CMR, DDT);
- data relating to complaints and reports;
- traceability and temperature data (for food products).

*Economic and financial data*

- bank details (IBAN);
- invoicing data;
- amounts and payment methods;
- data reported in invoices and credit notes;
- credit information.

#### Special categories of personal data

Special categories of data are not processed (Art. 9 GDPR).

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### RECIPIENTS

Your data may be communicated to the following recipients or categories of recipients.

#### Categories of recipients

##### *Internal recipients:*

- employees and collaborators of the Controller, duly authorised to process data;
- company directors and managers.

##### *External recipients:*

###### *a) operational partners :*

- carriers and hauliers qualified for the transport of foodstuffs;
- logistics partners and shipping service providers;
- group companies or business partners for the execution of services.

###### *b) service providers :*

- IT system and platform providers (e.g. Omnia, DocuSign);
- cloud and hosting service providers;
- IT system maintenance companies.

###### *c) professionals and consultants :*

- legal, tax, accounting and insurance consultants;
- accountants and auditors;
- data security consultants.

###### *d) financial entities :*

- credit institutions for payment management;
- debt collection companies;
- insurance companies.

###### *e) competent authorities :*

- tax authorities (Revenue Agency);
- customs authorities;
- food safety authorities;
- judiciary and Law Enforcement (where required by law).

### TRANSFERS TO THIRD COUNTRIES

The dissemination of personal data and extra-EU transfers are not envisaged, except for specific international transport needs.

In such cases, the transfer will take place in compliance with Arts. 44 et seq. GDPR, by means of:

- adequacy decisions of the European Commission;
- standard contractual clauses approved by the Commission;
- approved certifications.

### DURATION OF PROCESSING

Personal data will be stored according to the following criteria.

#### **During the contractual relationship:**

For the entire duration of the contractual relationship.

#### **After termination of the relationship:**

##### *a) accounting and tax documentation*

- 10 years from termination pursuant to Art. 2220 Civil Code;
- in compliance with applicable tax provisions.

##### *b) contractual documentation*

- 10 years from termination for possible contractual disputes (Art. 2946 Civil Code).

##### *c) transport documentation*

- pursuant to sector regulations.

##### *d) dispute management*

- for the time necessary for the management and resolution of disputes, in any case no longer than the applicable limitation periods.

Personal data will be erased at the end of the indicated periods, unless further legal obligations apply.

### RIGHTS OF THE DATA SUBJECT

The data subject may exercise the following rights at any time.

#### **Right of access (Art. 15 GDPR)**

- obtain confirmation of the existence of processing;
- access personal data and information on the processing.

#### **Right to rectification (Art. 16 GDPR)**

- correct inaccurate data;
- complete incomplete data.

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### Right to erasure (Art. 17 GDPR)

Obtain the erasure of data in the cases provided for by law.

Limitations: the right does not apply when processing is necessary for legal compliance or for the establishment, exercise or defence of legal claims.

### Right to restriction (Art. 18 GDPR)

Obtain restriction of processing in the cases provided for.

### Right to data portability (Art. 20 GDPR)

- receive data in a structured, machine-readable format;
- transfer data to another controller (only for processing based on consent or contract).

### Right to object (Art. 21 GDPR)

- object to processing based on legitimate interest;
- always object to processing for direct marketing.

### Right to withdraw consent

Withdraw the consent given (without affecting the lawfulness of processing before its withdrawal).

It is also always possible to lodge a complaint with the Italian Data Protection Authority ([www.garanteprivacy.it](http://www.garanteprivacy.it)).

You must be aware of the fact that: you have the contractual obligation to provide your data, the absence of which is to be considered a violation of the clauses contained therein, or the knowledge of your personal data is a necessary requirement for the conclusion of the contract and it will not be possible to proceed with its stipulation in their absence.

## METHODS OF EXERCISING RIGHTS

### How to exercise rights

- send a written request to: [gdpr@freshways.it](mailto:gdpr@freshways.it);
- clearly specify the subject of the request;
- attach a copy of an identity document.

### Response times

Within 30 days from receipt of the request.

Possible extension of 60 days in complex cases (with motivated communication).

### Free of charge

The exercise of rights is free of charge.

Additional costs only in the case of manifestly unfounded or excessive requests.

### Right to lodge a complaint

It is possible to lodge a complaint with the Italian Data Protection Authority.

Website : [www.garanteprivacy.it](http://www.garanteprivacy.it)

E-mail : [protocollo@gpdp.it](mailto:protocollo@gpdp.it)

Certified e-mail (PEC) : [protocollo@pec.gpdp.it](mailto:protocollo@pec.gpdp.it)

Telephone : +39 06.696771

## AUTOMATED DECISION-MAKING AND PROFILING

The company does not use automated decision-making processes or profiling activities that produce legal effects or significantly affect the data subject.

## SECURITY MEASURES

Fresh Ways S.r.l. adopts appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including:

- encryption of sensitive data;
- access and authentication controls;
- regular backups and disaster recovery procedures;
- staff training on data protection;
- procedures for managing any data breaches.

Electronically signed by the Data Controller  
pursuant to Legislative Decree 82/2005 as amended and related provisions

Read, approved, and signed in Burago di Molgora,

The Client

Nicola Sorace  
CEO

