

## PRIVACY AND COOKIE POLICY

### Policy Scope Statement

The scope of this policy is to describe the **PROGEA S.R.L.** ([www.progea.com](http://www.progea.com)) website management methods used when processing personal data of users who use this website.

It provides information pursuant to art. 14 of the REG. UE 679/2016 (Regulation concerning the protection of natural persons (data subject) with regard to the processing of their personal data and on the free movement of such data and which repeals the 95/46/CE directive – General Data Protection Regulation) and the Legislative Decree No. 196/2003 concerning the compatibility of those who interact with the PROGEA Web services originating from this address:

**[marketing@progea.com](mailto:marketing@progea.com)**

This privacy statement has been drawn up solely for the above website and not for any other websites consulted by the user by means of links included on this website.

This information also refers to Recommendation no. 2/2001 that the European Data protection authorities adopted on 17th May 2001 for personal data protection set up by Directive 95/46/EC of the European Parliament and Council of 24 October 1995 with regard to Article 29, to define the minimum requirements for the collection of personal data online, and, in particular, the methods, time and nature of information that the data controllers must provide the individual user when connecting to web pages, regardless of the purpose for connecting.

### Place of data processing

Data processing connected to the web services available on this website is performed at the aforementioned registered PROGEA S.r.l. headquarter offices and is handled only by personnel of the offices in charge of such processing, or by those charged with random maintenance operations. No data originating from the web services shall be communicated or disseminated except in the manner described below.

Personal data provided by users who wish to be sent informative material (e.g. answers to questions) is only used with the scope to perform the services required to achieve such request and is transmitted to third parties only when deemed absolutely necessary to accomplish such task.

### How we process personal data

#### Navigation data

Data processing systems and software procedures deployed to operate this website acquire some personal data, during their normal functioning, of whose transmission is implicit in the use of Internet communication protocols. This information is not collected with the intent to be associated to the data subject but, by nature of such data, the identity of the data subject might be disclosed through the processing and association of data in the possession of third parties.

This data category involves the use of IP addresses or names of computer domains used by users connecting to the website, the Uniform Resource Identifiers (URI) of the requested resources, the time of request, the method used to submit request to server, the size of file obtained in response, the numeric code indicating the server's data response status (successful, error or other etc.) and other parameters relating to the operating system and user's computer environment.

These data are used for the sole purpose of obtaining anonymous statistical information on the use of the website and to check its correct functioning and they are deleted immediately once

elaborated. Data may also be used to ascertain liability in the event of alleged computer crimes causing damage to the website: with the exception of this eventuality, data on website contacts are not kept in the storage system for more than seven days.

### Data supplied voluntarily by user

The optional, explicit and voluntary sending of e-mails to the addresses indicated on this website entails the subsequent acquisition of the sender's address and any personal data included within the e-mail content in order to respond to requests or queries adequately.

This document may be consulted whenever desired by clicking on the "Privacy Policy e Cookie Policy" link provided at the bottom of every individual website page.

As a data controller, the user is able to exercise his rights as stipulated in Articles 15 to 23 and 34 UE Regulation 678/2016, which have been reproduced in full at the end of this document for your convenience. Such rights may be exercised by contacting the Data Controller in writing at the address indicated on the website and /or by contacting them by email at: info@progea.com.

Cookies are small text files that are sent from the website place to the User's device (usually to the web browser) where they are stored in order to recognize the User's device on subsequent visits. Upon each subsequent visit, the cookies are resent by the User's device to the website.

Each cookie generally contains: the name of the server from which the cookie was sent; an expiration date and a value which is usually a number generated at random by the computer. The server of the website that transfers the cookie uses this number to identify the User with when they revisit a site or navigate from one page to another.

Cookies can be installed not only by the same operator of the site visited by the user, (henceforth referred to as first-party cookies) but also by a different site that installs cookies (henceforth referred to as third-party cookies) through using the first-party website and is able to identify them. This happens when the site visited has elements, (such as images, maps, sounds, links to web pages of other domains, etc.) that reside on different servers in addition to that of the site being visited. In general, cookies are classified in different types according to:

#### A. Duration:

- Session cookies (temporary) automatically deleted when user closes the browser;
- Persistent cookies active up to the expiry date or up to the cancellation by the user beforehand.

#### B. Source:

- First-party cookies sent to web browsers directly from the website being visited;
- Third-party cookies sent to web browsers from other websites and not from the website being visited.

#### C. Purposes

- Technical cookies
  - Navigation / strictly necessary / performance / process / security cookies contribute to the functioning of the website, for example the possibility to navigate between different pages or access protected areas. If they are blocked, the website will not be able to function correctly;
  - Functionality / preference / localization of session status cookies permit to store information that modify the behavior or appearance of the website (preferred language, text and character size, geographical area in which user is located). If they are blocked, the user experience is less functional but not compromised;
  - Statistics / analytics cookies of a) first-party or b) third party with IP mask, without cross-reference data like technical cookies do for specific purposes, are used to collect information and generate statistics on website usage to ascertain how visitors interact with sites.
- Non-technical cookies
  - Third-party statistics / analytics cookies without IP mask and without cross-reference data, are used to collect information to generate statistics on website use, with the

possible user identification and tracking, in order to ascertain how visitors interact when using website;

- Profiling / publicity / advertising / tracking / conversion cookies for selecting advertisement based on what is relevant to the user (personalized ads). The profiling cookies are used to create user profiles and they are used to send advertising messages according to their preferences expressed in the same field over time when browsing the internet.

**PROGEA S.R.L.** complies to the obligations and provisions established by the Italian Data Protection Authority, "[Individuazione delle modalità semplificate per l'informativa e l'acquisizione del consenso per l'uso dei cookie - 8 maggio 2014](#)" (Published in the Gazzetta Ufficiale issue no. 126 on 3rd June 2014)", and subsequent amendments enforced by the Authority concerning "cookies".

In general, apart from the type of cookies adopted by this website, we wish to inform Users that, in addition to the protection provided by current legislation, there are other available options to use when browsing the internet without receiving cookies, such as:

- Blocking third-party cookies: cookies from third-parties are not necessary for browsing, therefore you can choose to disable them for default using the appropriate functions provided by your browser.
- Activating the *Do Not Track (DNT) option*: most browsers of the latest generation provide users with *Do Not Track (DNT)* option. Websites designed to respect this option, when activated, should automatically stop collecting your browsing data. As mentioned beforehand, not all websites are designed to respect this option and therefore must be used as your discretion. Activating the anonymous web browsing mode: by using this function you can browse the web in incognito mode leaving no trace of information of your navigation activities in the browser. The websites will not remember you, the pages you visit will not be stored in the browser history and any new cookies will be deleted. However, the anonymous web browsing function does not warrant anonymity on the Internet, it only impedes the storage of your navigation data in the browser. Your navigation data shall, nevertheless, continue to be available to website managers and connectivity providers.
- Deleting cookies directly: there are specific functions that you can use to do this in all browsers. However, please be reminded that new cookies are downloaded upon each Internet connection, so the deleting action should be performed periodically. Alternatively, some browsers do offer the use of automated systems that will periodically do this for you.

For further information on other issues concerning cookies, please consult: <http://www.garanteprivacy.it/cookie>

Moreover, if you wish to know how to limit, block and/or remove cookies saved in your device, please visit: <http://www.aboutcookies.org>

Below we report all information on cookies stored on the User's device when visiting this website together with details on how User preferences are managed with regard to these cookies.

**PROGEA S.R.L.** would like to inform Users that their website: <http://www.progea.com> uses the following cookies:

- **Session Cookies:**

They identify the user during website session and permit user's interaction with website. These cookies are deleted once session is closed.

- **Persistent or Analytics Cookies:**

They are stored on the user's device between browser sessions and record the user's preferences and track their behavior as they move around the site (or in some cases around different websites). These cookies are used both by us and third-parties to perform statistical analysis of

browsing habits in order to ascertain the number of visitors who use our website, which pages they visit and the number of clicks performed on each website page. This analysis is exclusively used internally and anonymously for statistical purposes for the sole reason of improving our product offerings and services. The information that we aggregate through the cookies is also used to prevent fraud and improve the security of our website.

In order to analyze user interaction with our website, we use Google Analytics which is a service offered by Google, Inc. ("Google"). Google Analytics uses cookies, which are small text files that are stored on your computer to permit the website to analyze how users use the website. The information generated by these cookies concerning your use of our website (including your IP address) are transmitted to and stored on Google Servers in the United States. Google (independent data controller) uses this information to trace and evaluate your use of the website in order to compile reports on website and Internet activity for the website operators and other website related services. Google may transfer this information to third parties when obliged to do so by law or where such third parties deal with information on Google's behalf. Google will not associate your IP address to any other data. You lawfully have the full right to refuse the use of these cookies by disabling the specific configuration settings on your browser. However, disabling these cookies will prevent you from using certain functions provided by the website that may affect your user experience with us. For further information please refer to the information on Google Privacy at: <http://www.google.com/privacypolicy.html>

- **The cookies we use**

Below you will find a list of the cookies used on this website with details on how they function:

### **1 – Technical Cookies**

The technical cookies described below do not require user consent, so they are automatically stored on the user's device when they access our website.

- Cookies that permit the website to function correctly to offer the user an effective and efficient browsing experience. For example, they maintain uninterrupted user connectivity while browsing the various website pages.

- Cookies that remember user preferences when browsing through websites. For example, which language used by user.

- Cookies that track user browsing behavior when interacting with our website and the Internet by collecting and aggregating data anonymously. For example, how they interact with the website in order to provide us with useful information on which sections are visited, the time spent visiting the website and any potential malfunctions.

### **2 – Third-party Cookies**

Cookies managed by third-parties are also stored on the User's device through our website. If you wish to have information on these third-party cookies and how to have control over how information is collected and used, please access the links listed in the table below. For information on online behavioral advertising and how to disable or enable cookies of registered companies who work with website managers to collect and use information for publicity purposes, please visit <http://www.youronlinechoices.com>.

#### **2.1 – Statistics and third-party audience measurement Cookies**

These cookies provide anonymous/aggregated data on browsing activity of visitors on our website. Below are direct links to the respective cookies policy pages that allow you to manage your consent on their use.

- Company
- Service
- Type
- Read more
  
- Adobe
- Adobe Analytics: statistics system
- Analytics Cookies
- Privacy policy
  
- Nielsen
- SiteCensus: statistics system
- Analytics Cookies
- Privacy policy
  
- Google
- Google Analytics: statistics system
- Analytics Cookies
- Privacy policy
  
- Duda
- Duda Analytics: statistics system
- Analytics Cookies
  
- Shinystat
- Shinystat: statistics system
- Analytics Cookies
- Privacy policy

## ***2.2 - Social media sharing cookies***

These third-party cookies – when site provides links – are used to integrate some of the commonly used features of the most popular social networks so that they can be used on the website. In particular, they allow users to register and login to the website using Facebook and Google Connect, the sharing and comments on the social media pages, enabling 'Like' function in Facebook and the '+1' function in G+. Below are direct links to the respective cookies policy pages to manage your consent on their use.

- Company
- Type
- Read more
  
- Facebook
- Social media
- Privacy policy

G+

- Social media
- Privacy policy
  
- Youtube
- Social media
- Privacy policy
  
- Twitter
- Social media
- Privacy policy
  
- Linkedin
- Social media
- Privacy policy
  
- Pinterest
- Social media
- Privacy policy

### 2.3 – Remarketing Cookies

These third-party cookies allow advertisements to be sent to users who have visited the website while browsing on Google Display Network and/or using Google Display Network applications while browsing with Google. Information on how to disable the use of these cookies can be found on Google's Ads Settings page.

- Company: Google
- Type: Remarketing
- Read more: [privacy policy](#)

These are cookies that are needed to create user profiles in order to send ads according to their preferences shown while browsing the website pages. According to the Directive 2009/136/EC of the European Parliament and of the Council of 25th November 2009 amending Directive 2002/22/EC concerning 'e-Privacy and the Italian Data Protection Authority's provisions for 'Identification of simplified procedures to provide information and obtain consent regarding cookies' of 8<sup>th</sup> May 2014, our website is not obliged to ask consent for first-party (technical) and analytics cookies when deemed necessary to provide the services requested.

Please be reminded that users can manage their own cookie preferences in their own browser. To find out which browser type and version you are using, click on 'Help' at the top of your browser window to access all the information you need.

If you already know your browser type and version, simply click on the link corresponding to the browser you are using to access the relevant cookie management pages.

- **Internet Explorer**  
<http://windows.microsoft.com/en-us/windows-vista/block-or-allow-cookies>
- **Google Chrome**  
<https://support.google.com/accounts/answer/61416?hl=it>
- **Mozilla Firefox**  
<http://support.mozilla.org/en-US/kb/Enabling%20and%20disabling%20cookies>
- **Safari**  
<http://www.apple.com/legal/privacy/>

For further information, please visit: [www.youronlinechoices.eu](http://www.youronlinechoices.eu).

### Optional Data Provision



In addition to the requirements for data navigation, users have the option to provide or not to provide their personal data in the PROGEA S.r.l contact modules or when contacting the company offices to request information material or other.

Data provision is mandatory for the purpose to perform normal administration tasks that otherwise would be impossible to accomplish without particularly for contractual business agreements, business relationships and the fulfillment of requests.

### Data processing methods

**PROGEA S.R.L** takes all measures to process requested or collected personal data for legitimate business reasons, both prior and after establishing any form of contractual agreement and /or business relationship, collaboration and work with data subject, in adherence to legal and contractual obligations and approved certification mechanisms to demonstrate their compliance to these obligations to promote the most effective and efficient running of their business activities. Data provided through the website will not be communicated or disseminated but stored for a certain period deemed absolutely necessary to pursue and accomplish the aforementioned tasks. Ultimately, such data storage will not exceed more than a year; data processing and retention are managed at the PROGEA S.r.l Data Centers, residing in the national territory of Italy or web hosting providers elsewhere within countries belonging to the European Union.

By taking into account the state of art, implementation costs in addition to the nature, scope, context and purpose of processing data when determining the means by which to process such data and the consequences in the act of doing so (otherwise referred to as risk analysis – accountability), **PROGEA S.R.L.** has taken adequate technical and organizational measures to affectively implement appropriate data protection principles and integrate the necessary data safeguards in their data processing procedures in order to fulfil the requirements stipulated in the UE 679/2016 regulations and protect the rights of the data subject.

Data will be processed by implementing methods and tools deemed most adequate to ensure their safety (art. 24, 25 and 32 Reg. UE 679/2016) and by means of using electronic and automated systems (networked computers that are not accessible to the public) and non-automated systems (hard copies of documents). These systems will be applied with all the technical and organizational measures to ensure a level of security that prevents the risk of unauthorized manipulation so that their confidentiality, integrity, availability and resilience and the services that process them are ensured on a permanent basis (by way of example but not limited to: checking the task assignments of those responsible for processing data and their classification; procedures involved, feasibility, pseudonymisation and encryption as well as disaster recovery mechanisms implemented). The data necessary for browsing and using the correlated services will be processed and aggregated anonymously.

In accordance to the type of relationship established with you the data subject, **PROGEA S.R.L.** shall process your data:

***a) implementing methods within the limits strictly deemed necessary according to the type of relationship established to fulfill fiscal requirements inherent to accountability and tax declaration purposes as well as any formalities required to comply with the anti-money laundering legislation (Legislative Decree no. 21<sup>st</sup> November 2007, No. 231 and subsequent legislations enforce –D.M. 16<sup>th</sup> April 2010);***

***b) Your personal data is mandatory to enable PROGEA S.r.l to fulfill the requests put forward by you, the data subject, without which would be impossible to complete or resolve;***

***c) within the limits strictly deemed necessary and/or required by law, your data shall be disclosed to: public or judicial administrations and agencies in general, to consultants or further still with internal and external collaborators, other professionals, professional associations or colleges, social security, insurance, insurance and credit institutions, Ministry of finance and other***

authorized bodies, the police forces, bailiffs, local authorities, economic or non-economic public bodies while remaining within the limits of legislative, regulatory or contractual provisions;

**c1)** in compliance with the general provisions established by the Italian Data Protection Authority on 28.11.2008, data can be communicated to **System Administrator**; PROGEA S.r.l. has its own system Administrator

**c2)** data shall not be disclosed to third party subjects, prior to or without your permission or consent;

**d)** data shall be stored for the time necessary to achieve the purposes for which the personal data are processed and in compliance to the data protection laws;

**e)** personal data provided by you shall not be processed for automated decision-making processes (such as profiling);

**f)** the Data Controller shall inform you in the event of processing your data for purposes other than those indicated above, together with any other relevant information supporting their actions for doing so.

### The Data Controller

**PROGEA S.r.l.** is the legal acting Data Controller with registered headquarters in Via Gabriele D'Annunzio n. 295, Modena, Tax Code: 01997840366, Economic Administrative Index no. MO-257822, E-mail [marketing@progea.com](mailto:marketing@progea.com), website: [www.progea.com](http://www.progea.com), PEC (CERTIFIED ELECTRONIC MAIL) [cmaistri@pec.progea.com](mailto:cmaistri@pec.progea.com).

### Data subject rights

The person to whom the personal data refers (also known as Data Subject) has the right to obtain confirmation of the existence of such data and know for what purpose data is being processed, its content and source as well as verify whether content is exact and request its integration, updating or rectification at any given time (according to art. 15 to 23 and 34 UE Reg. no. 678/2016) reproduced in full at the bottom of this privacy policy to refer to at your own discretion.

Pursuant to the same articles, you also have the right to request erasure (right to be forgotten), restriction of processing your personal data, the right of its portability and to request anonymity or blocking of such data processing when in violation of the law, as well as oppose such processing for legitimate reasons.

Requests must be sent in writing to the Data Controller by email to: (info@progea.com).

### P3P

Every effort shall be made to ensure that this website functions with the utmost interoperability to include the availability of automatic privacy control mechanisms in some products used by users.

Considering that the mechanisms used to permit automatic privacy control are not exempt from unforeseeable errors or malfunctioning, we hereby declare that this document, published on [www.progea.com](http://www.progea.com), constitutes this website's Privacy Policy and is subject to updates without prior warning.

## DATA SUBJECT RIGHTS UE reg. No. 679/2016

### Right of access by data subject

(Suitable Recitals: **63** right of access, **64** identify verification)



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. <sup>1</sup>The controller shall provide a copy of the personal data undergoing processing. <sup>2</sup>For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. <sup>3</sup>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

#### **Art. 16 GDPR**

##### **Right to rectification**

**(Suitable Recitals: 65 *Right of rectification and erasure*)**

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. <sup>2</sup>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.

#### **Art. 17 GDPR**

##### **Right to erasure ('right to be forgotten')**

**(Suitable Recitals: 65 *Right of rectification and erasure*, 66 *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.

#### **Art. 18 GDPR**

##### **Right to restriction of processing**

**(Suitable Recital: 67 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.

#### **Art. 19 GDPR**

##### **Notification obligation regarding rectification or erasure of personal data or restriction of processing**

**(Suitable Recital: 66 Right to be forgotten)**

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. <sup>2</sup>The controller shall inform the data subject about those recipients if the data subject requests it.

**Art. 20 GDPR**

**Right to data portability**

**(Suitable Recital: 68 Right of 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](#). <sup>2</sup>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.

**Art. 21 GDPR**

**Right to object**

**(Suitable Recitals: 69 Right to object, 70 right to object to direct marketing)**

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. <sup>2</sup>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.

**Art. 22 GDPR**

**Automated individual decision-making, including profiling**

**(Suitable Recitals: 71 Profiling 72 Guidance of the European Data Protection regarding profiling, 91  
Necessity of a data protection impact assessment)**

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\(2\)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.

**Art. 23 GDPR**

**Restrictions**

**(Suitable Recitals: 73 Restrictions of rights and principles)**

1. Union or Member State law to which the data controller or processor is subject may restrict by way of a legislative measure the scope of the obligations and rights provided for in [Articles 12 to 22](#) and [Article 34](#), as well as [Article 5](#) in so far as its provisions correspond to the rights and obligations provided for in [Articles 12 to 22](#), when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:
  - (a) national security;
  - (b) defence;
  - (c) public security;
  - (d) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
  - (e) other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;
  - (f) the protection of judicial independence and judicial proceedings;
  - (g) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
  - (h) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (e) and (g);
  - (i) the protection of the data subject or the rights and freedoms of others;
  - (j) the enforcement of civil law claims.
2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions at least, where relevant, as to:
  - (a) the purposes of the processing or categories of processing;
  - (b) the categories of personal data;
  - (c) the scope of the restrictions introduced;
  - (d) the safeguards to prevent abuse or unlawful access or transfer;

- (e) the specification of the controller or categories of controllers;
- (f) the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing;
- (g) the risks to the rights and freedoms of data subjects; and
- (h) the right of data subjects to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction.

#### **Art. 34 GDPR**

##### **Communication of a personal data breach to the data subject**

**(Suitable Recitals: 68 Notification of data subjects in case of data breaches, 87 Promptness of reporting/notification, 88 Format and procedures of the notification)**

1. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.
2. The communication to the data subject referred to in paragraph 1 of this Article shall describe in clear and plain language the nature of the personal data breach and contain at least the information and measures referred to in points (b), (c) and (d) of [Article 33\(3\)](#).
3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:
  - (a) the controller has implemented appropriate technical and organizational protection measures, and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorized to access it, such as encryption;
  - (b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialize;
  - (c) it would involve disproportionate effort. In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.
4. If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so or may decide that any of the conditions referred to in paragraph 3 are met.