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Cap. Soc. iv € 1.560.000

PROCEDURE
RIGHTS OF THE INTERESTED PARTY
PURSUANT TO ARTICLES FROM 15 TO 23 OF REGULATION 679/2016

The EU Regulation 679/2016 on the protection of personal data provides among its key points the protection of the rights of the data subject in the processing of personal data.

These rights allow the interested party to control the types of data used, the methods of treatment and gives him the possibility to limit this use, to oppose and to delete personal data in certain circumstances.

A corollary of these rights is the right to complain and to legal protection in the event of violations in terms of unauthorized or unlawful processing.

This procedure intends first of all to identify these rights, as well as to establish the timing of response and the methods of exercise. Finally, this document identifies the subject responsible for the feedback to the requesting subjects.

The purpose of this procedure is to facilitate the interested party pursuant to article 12 paragraph 2 in exercising his rights.

THE RIGHTS OF THE INTERESTED PARTY

Article 15

Right of access of the interested party

1. The interested party has the right to obtain from the data controller confirmation as to whether or not personal data concerning him is being processed and, in this case, to obtain access to personal data and the following information:

- a) the purposes of the processing;
 - b) the categories of personal data in question;
 - c) the recipients or categories of recipients to whom the personal data have been or will be communicated, in particular if addressed to third countries or international organizations;
 - d) when possible, the retention period of the personal data provided or, if not possible, the criteria used to determine this period;
 - e) the existence of the data subject's right to ask the data controller to rectify or delete personal data or limit the processing of personal data concerning him or to oppose their processing;
 - f) the right to lodge a complaint with a supervisory authority;
 - g) if the data is not collected from the data subject, all available information on their origin;
 - h) the existence of an automated decision-making process, including the profiling of which in Article 22, paragraphs 1 and 4, and, at least in such cases, significant information on the logic used, as well as the importance and expected consequences of such processing for the data subject.
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2. If personal data are transferred to a third country or to an international organization, the interested party has the right to be informed of the existence of adequate guarantees pursuant to Article 46 relating to the transfer.

3. The data controller provides a copy of the personal data being processed.

In case of further copies requested by the interested party, the data controller may charge a reasonable fee based on administrative costs. If the interested party submits the request by electronic means, and unless otherwise indicated by the interested party, the information is provided in a commonly used electronic format.

4. The right to obtain a copy referred to in paragraph 3 must not affect the rights and rights freedom of others.

CORRECTION AND CANCELLATION

Article 16

Right of rectification

The interested party has the right to obtain from the data controller the correction of inaccurate personal data concerning him without undue delay. Taking into account the purposes of the processing, the interested party has the right to obtain the integration of incomplete personal data, also by providing a supplementary declaration.

Article 17

Right to cancellation (“right to be forgotten”)

1. The data subject has the right to obtain from the data controller the cancellation of personal data concerning him without undue delay and the data controller is obliged to cancel the personal data without undue delay, if one of the following reasons exists:

- a) the personal data are no longer necessary with respect to the purposes for which they were collected or otherwise processed;
- b) the interested party revokes the consent on which the processing is based in accordance with Article 6, paragraph 1, letter a), or Article 9, paragraph 2, letter a), and if there is no other legal basis for the processing ;
- c) the interested party opposes the processing pursuant to Article 21, paragraph 1, and there is no legitimate overriding reason to proceed with the processing, or opposes the processing pursuant to Article 21, paragraph 2;
- d) the personal data have been unlawfully processed;
- e) personal data must be deleted to fulfill a legal obligation under the law of the Union or of the Member State to which the data controller is subject;
- f) the personal data have been collected in relation to the information society service offer referred to in Article 8, paragraph 1.

2. The data controller, if he has made personal data public and is obliged, pursuant to paragraph 1, to delete them, taking into account the available technology and implementation costs, he shall take reasonable measures, including technical ones, to inform the data controllers who are processing the personal data of the request of the interested party to delete any link, copy or reproduction of his personal data.

3. Paragraphs 1 and 2 do not apply to the extent that processing is necessary:

- a) for the exercise of the right to freedom of expression and information;
- b) for the fulfillment of a legal obligation that requires the processing provided for by the law of the Union or of the Member State to which the data controller is subject or for the performance of a task carried out in the public interest or in the exercise of public authority of which the data controller is invested;
- c) for reasons of public interest in the public health sector in accordance with Article 9, paragraph 2, letters h) and i), and Article 9, paragraph 3;

- d) for archiving purposes in the public interest, for scientific or historical research or for statistical purposes in accordance with Article 89, paragraph 1, to the extent that the right referred to in paragraph 1 risks making it impossible or seriously jeopardizing the achievement of the objectives of such processing; or
- e) for the assessment, exercise or defense of a right in court.

Article 18

Right to limitation of treatment

1. The interested party has the right to obtain from the data controller the limitation of processing when one of the following hypotheses occurs:
 - a) the data subject disputes the accuracy of personal data, for the period necessary for the data controller to verify the accuracy of such personal data;
 - b) the processing is unlawful and the interested party opposes the deletion of personal data and instead requests that its use be limited;
 - c) although the data controller no longer needs it for processing purposes, i personal data are necessary for the interested party to ascertain, exercise or defend a right in court;
 - d) the interested party opposed the processing pursuant to Article 21, paragraph 1, pending verification of the possible prevalence of the legitimate reasons of the data controller with respect to those of the interested party.
2. If the processing is limited pursuant to paragraph 1, such personal data are processed, except for storage, only with the consent of the interested party or for the assessment, exercise or defense of a right in court or to protect the rights of another natural or legal person or for reasons of significant public interest of the Union or of a Member State.
3. The interested party who has obtained the limitation of processing pursuant to paragraph 1 is informed by the data controller before this limitation is revoked.

Article 19

Obligation to notify in case of rectification or cancellation of personal data o limitation of processing

The data controller communicates to each of the recipients to whom the personal data have been transmitted any corrections or cancellations or limitations of the processing carried out pursuant to article 16, article 17, paragraph 1, and article 18, except for this proves impossible or involves a disproportionate effort. The data controller informs the data subject of these recipients if the data subject requests it.

Article 20

Right to data portability

1. The interested party has the right to receive in a structured format, commonly used and readable by an automatic device, the personal data concerning him provided to a data controller and has the right to transmit such data to another data controller without impediments on the part of the data controller to whom he provided them if:
 - a) the processing is based on consent pursuant to article 6, paragraph 1, letter a), or article 9, paragraph 2, letter a), or on a contract pursuant to article 6, paragraph 1, letter b); And
 - b) the processing is carried out by automated means.

2. In exercising their rights relating to data portability in accordance with paragraph 1, the interested party has the right to obtain the direct transmission of personal data from one data controller to the other, if technically feasible.
3. The exercise of the right referred to in paragraph 1 of this article is without prejudice to Article 17. This right does not apply to the processing necessary for the performance of a task in the public interest or connected to the exercise of public authority referred to the data controller is invested.
4. The right referred to in paragraph 1 must not affect the rights and freedoms of others.

RIGHT OF OPPOSITION AND AUTOMATED DECISION-MAKING PROCESS RELATING TO NATURAL PERSONS

Article 21

Right to object

1. The interested party has the right to object at any time, for reasons connected to his particular situation, to the processing of personal data concerning him pursuant to Article 6, paragraph 1, letters e) or f), including profiling on the basis of these provisions.

The data controller refrains from further processing personal data except that he demonstrates the existence of binding legitimate reasons to proceed with the processing that prevail over the interests, rights and freedoms of the data subject or for the assessment, exercise or defense of a right in court.

2. If personal data are processed for direct marketing purposes, the interested party has the right to object at any time to the processing of personal data concerning him for these purposes, including profiling to the extent that it is connected to such marketing. direct.

3. If the interested party objects to the processing for direct marketing purposes, the personal data are no longer processed for these purposes.

4. The right referred to in paragraphs 1 and 2 is explicitly brought to the attention of the interested party and is presented clearly and separately from any other information at the latest at the time of the first communication with the interested party.

5. In the context of the use of information society services and without prejudice to Directive 2002/58 / EC, the interested party can exercise his right to object with automated means that use specific techniques.

6. If personal data are processed for scientific or historical research purposes or for statistical purposes pursuant to Article 89, paragraph 1, the interested party, for reasons connected to his particular situation, has the right to object to the processing of personal data that concerns him, except if the processing is necessary for the performance of a task of public interest.

Article 22

Automated decision-making process relating to natural persons, including profiling

1. The interested party has the right not to be subjected to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or which significantly affects his person in a similar way.

2. Paragraph 1 does not apply if the decision:

- a) is necessary for the conclusion or execution of a contract between the interested party and a data controller;

b) is authorized by the law of the Union or of the Member State to which the holder is subject of the treatment, which also specifies adequate measures to protect the rights, freedoms and the legitimate interests of the data subject;

c) is based on the explicit consent of the interested party.

3. In the cases referred to in paragraph 2, letters a) and c), the data controller implements measures appropriate to protect the rights, freedoms and legitimate interests of the data subject, at least the right to obtain human intervention by the data controller, to express their opinion and to contest the decision.

4. The decisions referred to in paragraph 2 shall not be based on the special categories of personal data referred to in Article 9 (1), unless Article 9 (2) (a) or (g) applies, and there are no adequate measures in place to protect the rights, freedoms and legitimate interests of the data subject.

LIMITATIONS

Article 23

Limitations (C73)

1. Union or Member State law to which the controller or processor is subject may limit, by legislative measures, the scope of the obligations and rights referred to in Articles 12 to 22 and 34, as well as to 'Article 5, to the extent that the provisions contained therein correspond to the rights and obligations referred to in Articles 12 to 22, where such limitation respects the essence of fundamental rights and freedoms and is a necessary and proportionate measure in a company democratic to safeguard:

a) national security;

b) defense;

c) public safety;

d) the prevention, investigation, detection and prosecution of crimes or the execution of criminal sanctions, 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 State member, in particular a significant economic or financial interest of the Union or of

a Member State, including in monetary, budgetary and tax matters, public health and social security;

f) safeguarding the independence of the judiciary and judicial proceedings;

g) activities aimed at preventing, investigating, ascertaining and prosecuting violations of the ethics of regulated professions;

h) a control, inspection or regulatory function connected, even occasionally, to the exercise of public authority in the cases referred to in letters a), a) and g);

i) the protection of the interested party or the rights and freedoms of others;

j) the execution of civil actions.

2. In particular, any legislative measure referred to in paragraph 1 shall contain specific provisions concerning at least, where appropriate:

a) the purposes of the processing or the categories of processing;

b) the categories of personal data;

c) the extent of the restrictions introduced;

d) the guarantees to prevent abuse or illegal access or transfer;

e) the precise indication of the data controller or categories of data controllers;

f) the retention periods and applicable guarantees taking into account the nature, scope and purpose of the processing or categories of processing;

- g) the risks to the rights and freedoms of the data subjects; And
- h) the right of data subjects to be informed of the limitation, unless this is possible compromise the purpose of the same.

Jurisdictional protection

The EU Regulation 679/2016 provides in its Chapter VIII the means of recourse to protect the interested party. In particular, Articles 77 (Right to lodge a complaint with the Supervisory Authority), Article 78 (Right to an effective judicial remedy against the Supervisory Authority) and Article 79 (Right to effective judicial remedy against the holder of the treatment or the person in charge of the treatment).

METHOD OF EXERCISE OF RIGHTS AND RESPONSE

The rights of the interested party can be exercised by e-mail, certified e-mail, registered letter with return receipt.

To facilitate the exercise of these rights, the interested party can download the exercise form at the link www.jollycaffe.it

To exercise these rights, the interested party may write to the email address: posta@jollycaffe.it

The Data Controller, directly or through his appointee, provides the data subject with information relating to the request submitted by the data subject without undue delay and, in any case, within 30 days of receipt of the request.

This deadline can be extended by a further 60 days, if necessary, taking into account the complexity and number of requests. The data controller informs the interested party of this extension and the reasons for the delay, within 30 days of receiving the request. If the interested party submits the request by electronic means, the information is provided, where possible, by electronic means unless otherwise indicated by the interested party.

If he does not comply with the request of the interested party, the data controller informs the interested party without delay, and at the latest within 30 days from receipt of the request, of the reasons for the non-compliance and of the possibility to lodge a complaint with a supervisory authority and to propose judicial appeal.

The information provided by the interested party and any communications and actions taken are free.

If the data subject's requests are manifestly unfounded or excessive, in particular due to their repetitive nature, the data controller can:

- a) charge a reasonable fee, taking into account the administrative costs incurred to provide the information (€ 20.00 per file) or the communication or take the requested action; or
- b) refuse to satisfy the request.

The burden of demonstrating the manifestly unfounded or excessive nature of the request falls on the data controller.

If the data controller has reasonable doubts about the identity of the natural person submitting the request referred to in Articles 15 to 21, he may request additional information necessary to confirm the identity of the person concerned.