



PRIVACY POLICY

FOR PARTICIPATION IN TENDERS AND MANAGEMENT OF CONTRACTS AND ORDERS OF THE INFN

1. WHY THIS PRIVACY POLICY?

Pursuant to EU Regulation 2016/679 (hereinafter EU Regulation) and Italian Legislative Decree No. 196 of June 30, 2003 and subsequent amendments, this privacy policy describes the methods of processing the personal data provided by parties interested in participating in a procedure launched by the INFN pursuant to the law on procurement and public contracts and the signing of a contract or when placing an order.

2. THE DATA CONTROLLER

The Data Controller is the National Institute of Nuclear Physics (INFN), Via E. Fermi 54, Frascati (Rome), email: presidenza@presid.infn.it
PEC certified email: amm.ne.centrale@pec.infn.it

3. THE DATA PROTECTION OFFICER

The Data Protection Officer can be reached at the email address: dpo@infn.it

4. NATURE OF THE DATA PROCESSED, LEGAL BASIS AND PURPOSE OF THE PROCESSING

“*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.

The data processed for the purposes specified below are as follows:

- common personal data (e.g. personal and contact details, tax, banking) contained in self-declarations or in certificates.
- data relating to criminal convictions and crimes (so-called "judicial" information) pursuant to art. 10 of the EU Regulation, limited for the sole purpose of assessing the possession of the requirements and qualities required by current applicable law for the purposes of participation in the tender and award.

The data being processed are related to natural people for whom declarations must be made by the economic operator admitted to participate in the procedures for awarding public contracts and to execute them. In pursuit of the purposes described below, the INFN may

also acquire certain data through consultation of public registers or following disclosure by public authorities.

The provision of data is required due to the legal obligations arising from procurement and public contract laws. Depending on the case, the refusal to provide the requested data may result in the impossibility of admitting the tenderer to participate in the tender or its exclusion, the forfeiture of the award, or the impossibility of concluding the contract or its termination.

The INFN processes the data collected for the fulfillment of the obligations envisaged by the law on procurement and public contracts, for the performance of the public evidence procedure aimed at selecting the contractor, and specifically for the purpose of verifying the satisfaction of the requirements required by law for participating in the procedure, the awarding of the contract, the management of the pre-contractual phase, the stipulation of the contract or order, as well as the economic, administrative and fiscal management and execution of the contract or order itself.

Such checks may also be carried out for cases of outsourcing and/or subcontracting and/or temporary association of companies and/or networks of companies and/or consortia.

The data can also be processed for the establishment, exercise or defense of a right or a legitimate interest in court.

The data acquired may also be processed for study and statistical purposes, in compliance with current regulations, for the purposes of monitoring consumption and checking expenditures, as well as for the analysis of further savings that may be achieved.

5. METHODS OF PROCESSING

The INFN processes personal data also with the aid of electronic or otherwise automated means in accordance with the principles set out in Article 6 of the EU Regulation, with the use of security measures to ensure the protection of their confidentiality and to prevent the risks of loss, destruction, unauthorized access, unauthorized processing, or processing that does not comply with the above purposes.

The data will be processed by INFN staff or contractors authorized to manage the contracting process and the subsequent execution of the contract or order or also by external parties designated as data processors, committed to confidentiality and assigned to perform the activities related to the purposes described above.

The INFN does not adopt automated decision-making processes, nor does it perform profiling using the personal data collected.



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6. TRANSFER OF DATA ABROAD

The personal data provided will not be transferred to third countries or to international organizations, except in fulfillment of legal obligations. In this case, the transfer will take place in compliance with the provisions of the EU Regulation.

7. DISCLOSURE AND DISSEMINATION

The data may be disclosed to the following parties:

- parties external to the Institute, being part of the awarding and testing commissions that will be constituted from time to time.
- external parties identified as Data Processors.
- contractors, professionals, consultants or law offices in the event of litigation and legal protection.
- entities, Administrations or Authorities, social security, welfare, insurance, banking institutions in execution of legal obligations.
- other competitors who request access to tender documents within the limits allowed under Italian Law No. 241 of August 7, 1990.
- police, judicial authorities, information and security bodies, or other public entities for purposes of defense or state security or the prevention, detection, or suppression of crimes.

In execution of obligations on administrative transparency (art. 1, paragraph 16, lett. b, and paragraph 32 of Italian Law 190/2012; art. 35 of Italian Legislative Decree No. 33/2013; as well as art. 29 of Italian Legislative Decree No. 50/2016) the data may be published and disseminated on the web page: Transparent Administration of the INFN.

Except for the aforementioned cases, the data collected will not be disseminated or disclosed to third parties, except in cases envisaged by law and in the manner permitted thereby.

8. DATA RETENTION PERIOD

The INFN processes personal data collected from each data subject for the time necessary for the purposes they were requested for, and in any case no longer than 5 years for those contained in documents produced by participants in the bidding process (bids, requests for clarifications); 10 years from the conclusion of the execution of the Contract due to potential legal actions that can be exercised, for those contained in the reports, award orders and contracts. The personal data may be retained for a longer period if the need arises for a legitimate purpose, such as the defense, including judicial, of the Institute's rights. In this case, the personal data will be retained for as long as necessary to achieve this purpose. The data may be kept, even in aggregate

form, for a longer period for study or statistical purposes in compliance with current regulations.

9. RIGHTS OF THE DATA SUBJECT AND HOW TO EXERCISE THEM

The INFN recognizes and guarantees to each data subject the rights to confirmation, access, rectification, restriction, deletion, portability and the right to object to the processing of their personal data. The INFN guarantees the right to lodge a complaint with the Data Protection Authority about the processing performed.

The rights indicated can be exercised by sending a request addressed to the Data Controller or the Data Protection Officer, sent by email to dpo@infn.it or by registered letter to the address of the Data Controller's headquarters.

To exercise these rights the request may also be made orally, and, unless justified reasons are given, renewed at an interval of not less than 90 days.

To exercise these rights it is permitted to authorize another person in writing to act on one's behalf and also to be assisted by a trusted person.