

## Privacy Notice

Pursuant to article 13 of the *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data* (hereinafter “GDPR”), this Privacy Notice is issued to Data Subjects who wish to register on the platform accessible at the URL: [challenges.reply.com](https://challenges.reply.com) (hereinafter, “Platform”).

Provided that the registration to the Platform is free (subject to the necessary connection to the Internet with normal tariff plan), the Platform aims to allow Registered Users to test their skills in Information Technology (e.g., software programming, problem solving, etc.) or in the Digital Content (e.g., digital marketing, digital advertising, digital media, social media, etc.), individually or in teams, both through the section called Training Area and to demonstrate them during a Challenge (if organized by Reply S.p.A. and published on the Platform, under the specific Terms & Conditions dedicated to the Challenge).

**It is strongly recommended that the Data Subject frequently consults this document, in order to know the possible variations or modifications that could be made to it, mainly due to regulatory changes.**

### **Data Controller - Who we are**

Reply S.p.A., with registered offices in Torino, Corso Francia, 100 - Tax ID: 9757921001 and VAT number: 08013390011 is the Data Controller of your personal data (hereinafter “Data Controller” or “Reply”).

This means that Reply decides how personal data are processed and for what purposes.

Within the Reply Group 3 Data Protection Officers have been designated.

- DPO Italy: [dpo.it@reply.it](mailto:dpo.it@reply.it)
- DPO Germany: [dpo.de@reply.de](mailto:dpo.de@reply.de)
- DPO UK: [dpo.uk@reply.com](mailto:dpo.uk@reply.com)

### **Your personal data – What they are**

As per definition of the GDPR, *‘personal data’ means 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 a 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 natural person.*

This means the data by which the Data Subject, as natural person, can be identified. Identification can be by the information alone or in conjunction with any other information in the Data Controller’s possession or likely to come into such possession. If the subject will complete the registration, through the online form available previously to access the functions offered by the Platform, Reply will process his/her personal data as per this Privacy Notice, in compliance with GDPR.

### **Data processing**

For the processing of personal data, we mean, pursuant to article 4 of 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, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.*

Such data will be processed with the support of IT or telematic means and/or manual modalities for the purposes described below.

### **Use of the Platform (primary purposes): legal basis for the data processing**

The processing of the requested personal data that the Data Subjects must provide during the registration procedure through the Platform, pursues the purposes of:

- allowing the subject to use the services offered by the Platform, including the Training Area;
- make it possible for the Data Subjects to accede to a possible Challenge that takes place in accordance with the relevant Terms & Conditions;
- allow the Data Subjects to request support during the eventual development of a Challenge;
- update the Data Subject, including by e-mail, regarding new technical contents published on the Platform (for this purpose, it is specified that the Platform does not provide for the publication of banners or advertising content aimed at

selling products or services).

The legal basis for the processing activities is the fulfillment of the request of users registered to “Code Challenge” initiative. The above registration procedure consists in filling out an online form in which it is required to indicate personal data - some to be entered obligatorily and others (including the so-called ‘Avatar’ consisting in a graphic icon or a photo of the Data Subjects) optionally - for the activation of access credentials (login + password) with which the Data Subjects will be identified at subsequent accesses. Therefore, the fulfillment of the registration procedures, the creation of the access credentials, the enrollment procedures, the consequent technical and administrative management of the Platform, including the technical or operational assistance that may be requested by the Data Subjects for the sections of the Platform where it is planned are included as part of the processing.

If the Data Subject decides, freely and optionally, to enter the ‘Avatar’ during the registration procedure must be aware that the Avatar will be part of his account on the Platform and will be visible by the other users of the Platform.

In any case, personal data may also be processed to fulfill the obligations provided for by Italian or EU legislation, as well as for civil, accounting and tax purposes, in particular related to the performance of a possible Challenge. In this case, the legal basis for the processing activities by the Data Controller is the need to fulfill a legal obligation to which the Data Controller is subject.

### **Referral**

In the event that the Data Subject is invited to participate to a Challenge by a Reply employee and has accepted this Privacy Notice and the Terms & Conditions dedicated to the Challenge, the Data Subject’s data (i.e. name and surname) may be viewed on a Reply dashboard, which is accessible exclusively to the Reply employee who sent the invitation and to Reply staff who manage the Challenges.

Such data are processed for the following purposes:

- i) monitoring the Reply invitation campaign;
- ii) having a prompt overview of how many Data Subject invited to the Challenge has accepted the invitation.

Such data will be retained and can be viewed on the dashboard for the time necessary for the registration procedure through the Platform and, in any case, for a maximum period of three months.

### **Mandatory or optional consent for the pursuit of the primary purposes of data processing**

In order to pursue the primary purposes of the processing, in the manner described above, the Data Controller is not obliged to acquire the specific consent to the processing of data of the Data Subjects, as the processing is necessary to fulfill regulatory or contractual obligations related to the provision of functionality offered by the Platform and a possible Challenge. For Data Subject aged 14 to 18 years, in relation to the offer provided by the Platform and the possible Challenge, the processing of the personal data of a child shall be lawful where the child is at least 16 years old.

Pursuant to D.Lgs. 101/2018, art. 2 quinquies, the processing of the personal data of a child shall be lawful in Italy where the child is at least 14 years old.

A simplified Privacy Notice is provided at the end of this document for Data Subject aged 14 to 18 years (page 4-6).

The age declared by Data Subject may be eventually verified and Data Subject under the age of 14 years shall be excluded in accordance with the T&C provisions.

If the Data Subject did not intend to provide the personal data requested and necessary based on the above, it would not be possible to register with the Platform and use the related functionalities.

### **Communication and dissemination of personal data for the pursuit of primary purposes of data processing**

In all cases related to the primary purposes of the processing and in particular in the case where a Challenge is organized, the Data Controller may communicate personal data to third parties to whom communication is necessary for the fulfillment of the provisions of the relevant Terms & Conditions and Waiver as well as the current legislation in this area, including: companies or individuals involved in the Challenge, companies or professional firms that provide Reply with assistance or advice in accounting, administrative, legal, tax and financial matters relating to the Challenge, etc.

In addition, for the pursuit of the primary purposes, the data may be disclosed to any other third party when the communication is mandatory by law or in compliance with the provisions, in the case of a Challenge, the relevant Terms & Conditions and Waiver.

The subjects or categories of subjects who may become aware of the personal data, as data processor or persons in charge of the processing, are:

- employees of the Data Controller appointed as persons in charge of the processing and/or system administrators;
- third parties who provide Reply with support activities in the organization and management of all the obligations

related to the management of the Platform and of a possible Challenge, appointed as Data Processors.

All the third parties that will process the data as Data Processor guarantee that will not process the data for purposes different from the ones above described, as per the specific contract or other legal act by which the Data Processor appointed the Data Processor.

Finally, in the event of a Challenge providing for the assignment of rights on computer programs, in this case transferred by the only subjects that, pursuant to the Terms & Conditions, have been selected for this purpose obtaining the corresponding payment in kind provided, the data personnel consisting of the name and surname of these subjects will be disseminated as authors of the work (being the moral right on the software code that constitutes it - as a work consisting of a computer program - inalienable, imprescriptible and indispensable).

The personal data of the Data Subject will not be disseminated for different purposes.

### **Potential recruitment activities (secondary purposes): legal basis for the data processing of data processing**

Personal data collected for the primary purposes described above could also be processed using computer or manual methods, to contact the data subject for potential recruitment activities by the Data Controller.

To proceed with the treatment for the aforementioned purposes, it is mandatory to acquire a specific, separate, optional, free and informed consent by the Data Subject. In this case, the legal basis for the processing activities by the Data Controller is the consent of the Data Subject.

It is understood that Data Subject under the age of 16 years old are excluded from the aforementioned recruiting activities and their data shall be processed solely in relation of the primary purposes and to fulfill a legal obligation to which the Data Controller is subject.

By consenting to the aforementioned processing, the Data Subject therefore acknowledges that such purposes of recruiting the personnel entail the right, for the Data Controller, to contact the Data Subject either by telephone (by operator) or by e-mail.

The ability for the Data Subject remains in place, in addition to being able to totally revoke his consent to the processing, to communicate his will to receive the aforementioned communications only by one of the contact information (telephone or e-mail). This communication will be sent to the address of the Data Controller as indicated below.

### **Mandatory or optional consent for the pursuit of secondary purposes of data processing**

The consent to the processing for secondary purposes of recruitment of personnel, by the Data Subject is absolutely elective and optional.

Therefore, even in the absence of such consent, the Data Subject can still register and use the features offered by the Platform.

It is understood that Data Subject under the age of 16 years old are excluded from the aforementioned secondary purposes and the processing of their data shall concern only the activities carry out in relation to the primary purposes.

### **Communication of personal data to third parties for recruitment purposes**

Prior acquisition of a specific, separate, optional, free and informed consent by the Data Subject, personal data collected for the primary purposes can also be communicated to third parties for potential recruitment activities by third parties for the following their own purposes: potential recruitment activities and engagement in training activities by third parties.

Such third parties:

- a) operate in these areas of activity: insurance, banking, IT (Information Technology)
- b) will be independent data controller
- c) (in case the Data Subject gives the consent to communicate his/her personal data) will have to provide – during the first communication to the Data Subject – their Privacy Notice, in compliance with artt. 13 e 14 GDPR.

The specific third party, that will receive the personal data in case of consent given by the Data Subject, will be indicated, time after time, in the form by which such consent could be given by the Data Subject.

The legal basis for the communication of personal data to third parties for recruitment and training purposes is the consent of the Data Subject.

### **Place, data retention periods and additional information**

The Platform, through which the collection, storage and processing of personal data for the purposes set out in this Notice is

carried out, is installed on a cloud system located within the European Union.

The data will be retained for the period defined by the reference legislation (five-year or ten-year terms for the conservation of documents and related data of a civil, accounting and tax nature as required by the current laws) and for the period necessary to perform the services offered by Platform or lower term, if the Data Controller receives from the Data Subject a revocation of consent and/or request for erasure (provided that, in case of request for erasure, will be less, for the person concerned, the ability to access the Platform).

With reference instead to personal data processed for secondary purposes, the same will be retained for 24 months from collection or lower term if the Data Controller receives from the Data Subject revocation of consent and/request for erasure. All data collected will not be subject to any automated decision-making process, including profiling.

### **Extra EU Data Transfer**

Data may be transferred abroad to countries outside the EU for managing the communications with users.

In the absence of an adequacy decision by the European Commission regarding the level of safeguard assigned to data subjects by these countries, pursuant to art. 45 of the GDPR, the transfer shall undergo the prior signature of the standard contractual clauses adopted / approved by the European Commission pursuant to art. 46, 2, lett. c) and d) in order to protect your data.

### **Exercise of rights by Data Subject**

The data subjects can ask to Data Controller the access to data concerning them, rectification of inaccurate data or integration of incomplete data, erasure of data, restriction of processing activity in the cases provided by art.18 GDPR; to receive data in a structured, commonly used and machine readable format, as well as, if technically possible, to transmit data to other data controller without hindrance, in the cases in which the conditions for the exercise of data portability right are present, according to art. 20 GDPR (processing is based on the consent pursuant to art. 6.1 lett. a) or art. 9.2 lett. a) or on a contract pursuant to point (b) of art 6.1 GDPR or in the case in which processing is carried out by automated means). Data subjects have the right to object, for reasons connected to their particular situation, the processing activity for pursuing the purposes based on the legitimate interest of the Data Controller.

The Data Subjects have also the right to lodge a complaint with the Italian Data Protection Authority, following the procedures and indications published on the Authority's official website on [www.garanteprivacy.it](http://www.garanteprivacy.it).

Any corrections or cancellations or limitations of the processing performed at the request of the Data Subjects, except in cases where this proves impossible or involves a manifestly disproportionate means, will be communicated by the Data Controller to each of the recipients to whom the personal data was transmitted. The Data Controller of the information may inform the recipient of these recipients on request. The exercise of these rights is not subject to any form constraint and is free of charge.

The address to write to exercise the rights is:

by e-mail: [challenges@reply.com](mailto:challenges@reply.com)

or

by mail: to Reply's registered office

## **SIMPLIFIED PRIVACY NOTICE FOR DATA SUBJECT aged 14 to 18 years**

this Privacy Notice is issued to Data Subjects who wish to register on the platform accessible at the URL: [challenges.reply.com](https://challenges.reply.com) (hereinafter, "Platform").

Provided that the registration to the Platform is free (subject to the necessary connection to the Internet with normal tariff plan), the Platform aims to allow Registered Users to test their skills in Information Technology (e.g., software programming, problem solving, etc.) or in the Digital Content (e.g., digital marketing, digital advertising, digital media, social media, etc.), individually or in teams, both through the section called Training Area and to demonstrate them during a Challenge (if organized by Reply S.p.A. and published on the Platform, under the specific Terms & Conditions dedicated to the Challenge).

**Data Controller** → Reply S.p.A., with registered offices in Torino, Corso Francia, 100 - Tax ID: 9757921001 and VAT number: 08013390011. Reply decides how personal data are processed and for what purposes

**Data Subject** → person who gives his/her personal data to the Data Controller.

**Personal Data** → the data by which the Data Subject, as natural person, can be identified. Identification can be by the information alone or in conjunction with any other information.

**Data Processing** → 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, organisation, 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	Personal Data	Data Processing
<p><b>REPLY SPA</b> Data Controller may communicate personal data to third parties to whom communication is necessary for the fulfillment of the provisions of the services:</p> <ul style="list-style-type: none"> <li>• companies or individuals involved in the Challenge, companies or professional firms that provide Reply with assistance or advice in accounting, administrative, legal, tax and financial matters relating to the Challenge, etc.</li> <li>• employees of the Data Controller appointed as persons in charge of the processing and/or system administrators;</li> <li>• third parties who provide Reply with support activities.</li> </ul>	<p>If you will complete the registration, through the online form available previously to access the functions offered by the Platform, Reply will process your personal data as per this Privacy Notice, in compliance with GDPR</p>	<p>Your data will be processed with the support of IT or telematic means and/or manual modalities for the purposes of (1) Use of the Platform and for (2) potential recruitment activities.</p> <p><b>(1) Use of Platform</b></p> <ul style="list-style-type: none"> <li>• allowing you to use the services offered by the Platform, including the Training Area;</li> <li>• make it possible for you to accede to a possible Challenge that takes place in accordance with the relevant Terms &amp; Conditions;</li> <li>• allow you to request support during the eventual development of a Challenge;</li> <li>• update you, including by e-mail, regarding new technical contents published on the Platform (for this purpose, it is specified that the Platform does not provide for the publication of banners or advertising content aimed at selling products or services).</li> </ul> <p>The legal basis for the processing activities is the fulfillment of the request of users registered to “Code Challenge” initiative.</p> <ul style="list-style-type: none"> <li>• fulfill the obligations provided for by Italian or EU legislation, as well as for civil, accounting and tax purposes.</li> </ul> <p><b>(2) Potential recruitment activities (age: 16+)</b></p> <p>Personal data collected for the purposes described above (1) could also be processed using computer or manual methods, to contact the data subject for potential recruitment activities by the Data Controller.</p> <p>it is mandatory to acquire a specific, separate, optional, free and informed consent by the Data Subject. In this case, the legal basis for the processing activities by the Data Controller is the consent of the Data Subject.</p>

<p><b>Data storage and data transfer</b></p>	<p>The Platform, through which the collection, storage and processing of personal data for the purposes set out in this Notice is carried out, is installed on a cloud system located within the <b>European Union</b></p>	<p>Data may be transferred abroad to countries outside the EU for managing the communications with users.</p>
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<p><b>Data retention</b></p>	<p>the period defined by the reference legislation (five-year or ten-year terms for the conservation of documents and related data of a civil, accounting and tax nature as required by the current laws) and for the period necessary to perform the services offered by Platform or lower term, if the Data Controller receives from the Data Subject a revocation of consent and/or request for erasure</p>	<p>With reference instead to personal data processed for secondary purposes, the same will be retained for 24 months from collection or lower term if the Data Controller receives from the Data Subject revocation of consent and/request for erasure.</p> <p>All data collected will not be subject to any automated decision-making process, including profiling</p>
<p><b>Exercise of rights by Data Subject</b></p>	<p>The Data subjects can ask to Data Controller:</p> <ul style="list-style-type: none"> <li>• the access to data concerning them,</li> <li>• rectification of inaccurate data or integration of incomplete data,</li> <li>• erasure of data,</li> <li>• restriction of processing activity in the cases provided by art.18 GDPR;</li> </ul>	<p>The address to write to exercise the rights is:  by e-mail: <a href="mailto:challenges@reply.com">challenges@reply.com</a>  by mail: to Reply's registered office</p>
	<ul style="list-style-type: none"> <li>• to receive data in a structured, commonly used and machine readable format, as well as, if technically possible, to transmit data to other data controller without hindrance, in the cases in which the conditions for the exercise of data portability right are present.</li> <li>• to object, for reasons connected to their particular situation, the processing activity for pursuing the purposes based on the legitimate interest of the Data Controller</li> <li>• to lodge a complaint with the Italian Data Protection Authority, following the procedures and indications published on the Authority's official website on <a href="http://www.garanteprivacy.it">www.garanteprivacy.it</a>.</li> </ul>	