

PERSONAL DATA PROCESSING INFORMATION SHEET

EXS Italia S.r.l. (henceforth, “**EXS**” or “**Controller**”) hereby provides you, pursuant to articles 13 and 14 of (EU) Reg. 2016/679 (henceforth, “**GDPR**”), with information on the processing of your personal data provided in relation to your spontaneous candidature (“Community Leader”) or in reply to a specific advertisement (“Open projects”) for employment with EXS client companies or, possibly, directly with EXS.

1. PURPOSE AND LEGAL BASIS FOR THE PROCESSING AND DATA RETENTION PERIOD

Why are your personal data processed?	What condition makes their processing lawful?	How long do we retain your personal data?
<p>a) For the purpose of personnel search and selection and, more specifically, to assess your candidacy.</p> <p>It is understood that, in the event that you have applied for a specific position, your profile will also be considered for any other open positions for which your profile is considered suitable.</p>	<p>The completion of the pre-contractual measures adopted on your request and, if "sensitive" data (meaning special categories of data, such as those related to your state of health) are provided, also to fulfil the obligations and exercise the rights of the Controller or the data subject party foreseen by applicable regulations on employment, social security and social protection rights, or by collective bargaining agreements pursuant to art. 9.2, lett. b) of the GDPR</p> <p>The processing of your data in order to select candidates for additional positions other than that which you applied for, is based on the legitimate interest of the Controller or third parties (considered to prevail over the interests, rights and freedoms of the data subject, given that the data have been collected within the context of a relationship whereby the data subjects can reasonably expect such processing).</p>	<p>In the event of a spontaneous candidature (self-candidature) for 30 months from the time of conferring the data or their updating.</p> <p>For candidatures for a specific position, for the entire duration of the selection process and, in any case for 30 months subsequent to the conferral of the data for future selections.</p> <p>It is understood that you may object to processing at any time pursuant to art. 21.1. of the GDPR as better detailed in par. 6.</p>
<p>b) In order for EXS to be able to set up recorded audio/video selection interviews and potentially share this audio/video content with client companies.</p>	<p>Your specific consent for each purpose.</p> <p>It is understood that failure to provide consent shall not prejudice the selection process.</p>	
<p>c) In order to track your responses during the interview (remotely or in person) by means of an artificial intelligence system that detects your personality</p>		

traits, in order to **facilitate the selection process.**

The processing of your physical and behavioural traits is not therefore for the purpose of your identification.

You will find additional information on this type of processing in a specific note at the end of this document.

d) If necessary, to establish, exercise or defend the rights of the Controller in court.	The Controller's legitimate interest and, especially if "sensitive" data is provided, the need to establish, exercise and/or defend a right in court pursuant to art. 9.2, lett. f) of the GDPR.	For the entire duration of the dispute, until the end of the deadlines for bringing appeal actions
e) To send informative and promotional communications relating to events and/or conferences organised by EXS, both by traditional contact methods (post, operator call) and by automated contact methods (email, SMS, MMS, <i>instant messaging systems</i>);	Your consent.	For 30 months.

Once the above retention periods have expired, the Data will be destroyed, erased or rendered anonymous, consistent with technical scheduling of erasure and backup procedures.

2. DATA CATEGORIES AND SOURCE

- 2.1. EXS processes "common" data (name, surname, date of birth, residence, email address and phone contacts, educational diplomas, work experience, etc.), as well as all other data you have included in the documentation (*curriculum vitae*, covering letter, etc.) and/or acquired during an interview (image, voice, etc.), including the "sensitive" data (i.e. inclusion in a protected category), if necessary and pertinent to the establishment of a working relationship. The latter are processed by the Controller in compliance with the Provision containing the prescriptions relative to the processing of special categories of data, pursuant to art. 21, paragraph 1 of Italian Legislative Decree no. 101 of 10 August 2018 - Prescriptions on the processing of special categories of data in employment relationship (gen. auth. no. 1/2016) issued by the Data Protection Authority.
- 2.2. The data may be collected from the data subject - either directly provided by you through the dedicated channels (EXS *Internet* website set up for this purpose, interview) - or through third parties (e.g. other group companies) or via professional *social networks* (e.g. LinkedIn).

3. REQUIREMENT FOR PROVISION OF DATA

- 3.1. The provision of personal data marked by an asterisk in the candidature form on the EXS website is required to enable personnel selection.
- 3.2. You are free to decide not to provide consent to the purposes indicated under par. 1) lett. b), c) and e), without incurring in any consequence with regard to the selection process.

4. DATA RECIPIENTS

- 4.1. Your personal data (including the audio/video material detailed in the preceding par. 1, lett. c), if you give your consent) may be communicated by EXS to client companies or entities that will process them as independent controllers.
- 4.2. Your personal data may also be processed, on behalf of EXS, by external subjects, appointed as data processors pursuant to art. 28.3 of the GDPR, which supply EXS with services required to pursue the purposes indicated above, such as: site management and maintenance services, candidate *database* management and maintenance services, communication services, video-conference services.

5. DATA TRANSFERS OUTSIDE THE EU

- 5.1. The data may be transferred to subjects set up outside the European Union to the extent that said transfer is required for the purpose of selecting candidates to be introduced into client companies set up in "third countries". In this case, the waiver pursuant to art. 49, lett. b of the GDPR applies, meaning the need to transfer in order to execute pre-contractual measures adopted on the data subject's request.
- 5.2. Outside of the reasons identified in the previous paragraph, in the event that EXP transfers data to third parties not deemed adequate by the European Commission, the same shall adopt the mechanisms foreseen by art. 46 of the GDPR, including, if necessary, the implementation of additional measures to raise the protection level of the transferred data.
- 5.3. More information can be obtained on the third countries where the data is transferred, on the existence or lack of an adequacy decision or of the appropriate safeguards used and on the procedures by which the relative documents can be obtained by contacting the Controller at the email address it.privacy@exsitalia.it.

6. RIGHTS OF THE DATA SUBJECT

- 6.1. The data subjects, meaning the natural persons to whom the personal data refer, have rights granted to them by articles 15 to 22 of the GDPR, where applicable.
- 6.2. More specifically, the data subjects can ask the Controller to confirm whether or not personal data that concern him are undergoing processing and, in this case, access to the same and to the information detailed under art. 15, the rectification of incorrect data, integration of incomplete data, as well as the erasure of data in the cases foreseen by art. 17, the restriction of processing in the cases foreseen by art. 18 of the GDPR.
- 6.3. The data subjects have the right to object to processing of the data required for the pursuit of the Controller's legitimate interest at any time, for reasons connected to their particular situation.
- 6.4. The data subjects, if the conditions foreseen by art. 20 of the GDPR regarding the right to data portability apply, also have the right to receive the data supplied by the Controller in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller, where technically feasible, without hindrance from the controller to which the personal data have been provided.
- 6.5. The data subjects have the right to withdraw the consent granted and to object to processing of the processed data for direct marketing purposes at any time. The data subject that prefers to be contacted for marketing purposes exclusively using traditional methods has the option of only expressing his/her objection to receiving communications that involve automated procedures.
- 6.6. These rights can be exercised by writing to the address indicated in the subsequent art. 6 of to the following *email* address: it.privacy@exsitalia.it.
- 6.7. The data subjects have the right to file a complaint with the competent controlling Authority (especially in the member state where they usually reside or work or in the state where the alleged violation took place).

7. IDENTITY AND CONTACT DATA OF THE DATA CONTROLLER

The data controller is EXS Italia S.r.l., tax code 12796090152, with registered offices in Piazza IV Novembre 5, Milan, exs.info@exsitalia.it.

8. CONTACT DATA FOR THE DATA PROTECTION OFFICER (DPO)

The DPO can be contacted at the following addresses: Piazza IV Novembre n. 5, 20124 Milan *c/o Data Protection Officer*, or by email at dpo@gigroup.com.

FURTHER INFORMATION ON PROCESSING USING THE ARTIFICIAL INTELLIGENCE SYSTEM

EXS provides additional information on the processing of your personal data if, as part of the selection procedure carried out by EXS, you have decided to undertake an automated profiling process using an artificial intelligence system (henceforth "**AI System**").

The purpose, legal basis and retention period of the data are specified in the information sheet detailed above, under par. 1, lett. c).

A. HOW THE AI SYSTEM WORKS

I. THE PROCESS STAGES

1. The interview, carried out in person or remotely on the special video-conference portal, will be video-recorded by the EXS operator.
2. This video material will be transmitted - via a special APIs (*Application Programming Interfaces* that enable two different applications to interact in the safest and most versatile way) - to the supplier of the AI System (henceforth, "**Supplier**"), linked to an ID code instead of your name and surname.
3. The supplier will verify that the video material is suitable, and, if this is the case, will analyse it using the AI System, as better specified in the next point II "AI System logic"; otherwise (i) it will conduct the analysis with the help of its experts without the use of the AI System or (ii) if the material cannot be analysed in any way, shall inform EXS, which, in turn, shall inform you of this situation.
4. The Supplier will send EXS a report containing the results of the analysis referred to in the previous point, *i. e.* a description of your profile (*see next point II "The AI System logic"*).
5. EXS shall be responsible for sharing said report with the client company for which the selection is taking place, unless said sharing is no longer necessary (for example if you have withdrawn from the selection after the interview or the client company in the meantime has closed the position).

II. THE AI SYSTEM LOGIC

The AI System will analyse your behaviour during the interview - focusing, by way of example, on facial expressions, tone of voice, posture, mastery of language - in order to examine 5 characteristics (so called *big five personality traits*) of your personality.

1. extroversion (sociability, liveliness, etc.);
2. "agreeableness" (empathy, politeness, etc.);
3. conscientiousness (discipline, meticulousness, etc.);
4. emotional stability (self-confidence, ability to control your emotions, etc.);
5. open-mindedness (open to change, creative, etc.).

The AI System will collect the results of this analysis in a report which assigns marks from 1 to 10 to the above personality traits and briefly sums up the "strengths" and "areas for improvement" of your profile.

B. WHO PROCESSES YOUR PERSONAL DATA - TRANSFER OF YOUR DATA OUTSIDE THE EU

The data controller is EXS Italia S.r.l., which appoints, as indicated above, the Supplier, as data processor by means of a special agreement pursuant to art. 28 of the GDPR (*data processing agreement*, "DPA") designed to guarantee adequate protection of personal data; the Supplier may in turn employ subcontractors, to which it has undertaken to impose the same obligations on personal data protection issues foreseen by the DPA.

Given that the Supplier is located in the United States, the processing *in question* entails the transfer of your personal data to said third country (which in other words is not a member of the European Union). As a result, the DPA annexes, as adequate guarantee, standard data protection clauses (so called *SCCs*, i.e. *standard contractual clauses*) adopted by the European Commission with its [decision 2021/914 of 4 June 2021](#), in compliance with the provisions found in Chapter V of the GDPR.

As specified under point no. 5 of the "process stages" (par. A, I) above), the final report is transmitted to the client company where the selection is taking place, which will process the personal data contained therein as independent data controller for the purpose of personnel selection.

C. NON-EXISTENCE OF A FULLY AUTOMATED DECISION-MAKING PROCESS

The outcome of the selection does not only depend on the results of the analysis performed using the AI System.

In fact, said analysis is only one of the tools used by EXS and by the client company to reach the final decision, together with the curriculum vitae and the other information you provided at the time of submitting your application and during your interview, along with any tests/questionnaires you may have taken/filled out.

To such an extent that undertaking the processing in question is entirely optional and failure to provide consent does not entail any negative consequences.

Human intervention is on-going throughout all stages of the selection process, including the examination of the report, carefully assessed by EXS operators and/or by the client company's appointees, also by comparison with information collected during the other stages (for example during your interview or in the documentation you have provided).

Therefore, the processing in question does not consist in an entirely automated decision making process (art. 22 of the GDPR), but only in a profiling process (art. 4, no. 4 of the GDPR: "*any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements*"), the logic of which is described in the preceding para. A, II.

D. DATA SECURITY

EXS implements guarantees, security measures and appropriate mechanisms to ensure the protection of personal data, even as a result of the outcome of a data protection impact assessment carried out pursuant to art. 35 of the GDPR.