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DATA BREACH POLICY

under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 concerning the protection of natural persons with regard to the processing of personal data and on the free movement of such data

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1. INTRODUCTION

Nateo S.r.l. (hereinafter also referred to as the "**Controller**" or "**Company**") is required, pursuant to:

- (i) the General Regulation on Data Protection - 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**") and
- (ii) the Legislative Decree no. 196/2003 containing the "**Personal Data Protection Code**" and the amendments introduced by the Legislative Decree. no. 101/2018 (hereinafter the "**Code**"),

hereinafter jointly referred to as the "**Personal Data Protection Legislation**",

to maintain the security of personal data processed within the scope of its activities and to act without undue delay in case of a personal data breach (including any notification to the competent Supervisory Authority and any communication to the data subject).

It is of paramount importance to provide for action to be taken in the event of potential or actual infringements of personal data, in order to avoid any risk to the rights and freedoms of the data subjects, as well as economic damage to the Company and to be able to report the event in the time and manner provided by the GDPR to the Supervisory Authority and/or the data subjects.

2. PURPOSE

The purpose of this procedure is to define the flow of activities for the management of infringements of personal data processed by the Controller.

3. RECIPIENTS

This procedure is addressed to all persons who, for any reason, process personal data falling within the competence of the Controller including:

- the employees, as well as those who in any capacity - and therefore regardless of the type of relationship - have access to the personal data processed in the course of their employment on behalf of the Controller (hereinafter referred to as "**Internal Recipients**");
- any person (natural person or legal entity) other than the Internal Recipients who, by reason of the existing contractual relationship with the Controller, has access to the above mentioned data and acts as Data Processor pursuant to art. 28 of the GDPR or autonomous Data Controller (hereinafter referred to as the "**External Recipients**"),

hereinafter generically referred to as "**Recipients**".

All Recipients must be duly informed of the existence of this procedure by methods and means that ensure their understanding.

4. DEFINITIONS


- *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 (hereinafter referred to as "**Personal Data**");
- *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, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction (hereinafter referred to as “**Processing**”);

- *controller*, means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law (hereinafter referred to as “**Controller**”);
- *processor*, means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller (hereinafter referred to as “**Processor**”);
- *data subject*, means any identified or identifiable natural person (hereinafter referred to as “**Data Subject**”);
- *data protection officer*, is a technical consultant appointed by the Controller, whose competencies are regulated by the GDPR (hereinafter referred to as “**DPO**” or “**RPD**”);
- *team privacy*, is a group of persons appointed by the Controller with the function of:
 - (i) carrying out, also with the help of external consultants appointed by the Company, all activities related to and necessary for *compliance* with data protection legislation;
 - (ii) (ii) managing the Organizational Model for the Protection of Personal Data adopted by the Controller;
 - (iii) (iii) dealing with the DPO, where appointed;
 (hereinafter referred to as “**Privacy Team**”);
- *Supervisory Authority* means the independent public authority set up by a Member State in accordance with Article 51 of the GDPR (in Italy this authority is identified with the “Garante per la protezione dei dati personali”) (hereinafter referred to as “**Supervisory Authority**”);
- *Breach of Personal Data*, the breach of security that involves accidentally or illegally destruction, loss, modification, unauthorized disclosure or access to personal data transmitted, stored or otherwise processed (hereinafter “**Infringement**” or “**Data Breach**”).

Infringements can occur for various reasons which may include, but are not limited to:

- disclosure of confidential data to unauthorized persons;
- loss or theft of data or instruments in which the data is stored;
- loss or theft of paper documents;
- corporate infidelity (e.g.: data breach caused by an internal person who has permission to access the data shall produce a copy distributed in a public environment);
- abusive access (e.g. data breach caused by unauthorised access to systems information with subsequent disclosure of the information acquired);
- cases of computer piracy;
- databases altered or destroyed without authorisation issued by their Owner;
- viruses or other attacks on the computer system or company network;
- violation of physical security measures (e.g.: forcing doors or windows of security rooms or archives containing confidential information);
- loss of laptops, devices or company computer equipment;
- sending e-mails containing personal and/or particular data to the wrong recipient.

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5. BREACH NOTIFICATION PROCEDURE

Infringements are handled by the Controller with the help of the Privacy Team and under the supervision of the DPO, where appointed.

Specifically, the Privacy Team and the DPO have the task of assisting the Controller in the resolution of issues relating to a suspected, alleged or actual Data Breach event by addressing the following aspects (by way of example but not limited to) where applicable:

1. determine whether or not the infringement in question is to be considered an infringement;
2. assign a level of severity to the Infringement;
3. ensure that a proper and impartial investigation is initiated, conducted, documented and concluded;
4. identify the requirements for resolution of the infringement and monitor the resolution;
5. coordinate with the Authority;
6. coordinate internal and external communication;
7. ensure that those concerned are adequately informed.

If deemed appropriate and necessary, following the outcome of the initial analyses carried out with regard to the potential degree of seriousness as well as specificity of the Breach, the Controller, in consultation with the Privacy Team and the DPO, if appointed, may also involve additional external experts in the management activities of Data Breach (by way of example, a computer security expert or an external communication agency to assist the Controller in case of need for communication to third parties).

In case of suspected, alleged or actual Breach, it is of utmost importance to ensure that the Breach is addressed immediately and correctly in order to minimize the impact of the Breach and prevent its possible repetition.

In the event that one of the Recipients becomes aware of a suspected, presumed or actual Breach, he/she must give immediate communication as follows:

- i. if he or she is an Internal Recipient, to his or her area/function manager who will deal with the support of the recipients themselves, to inform the Controller through the compilation of Annex A - " Modulo di comunicazione interna di Data Breach " to be sent by email to teamprivacy@cerealdocks.it;
- ii. if he is an External Recipient, he/she shall inform the Controller without undue delay by filling out the following form of Annex A - " Modulo di comunicazione interna di Data Breach " to be sent by email to the address teamprivacy@cerealdocks.it.


6. BREACH MANAGEMENT PROCEDURE

To handle a personal data breach the following steps shall be followed:

- Step 1: Identification and preliminary investigation
- Step 2: Containment, data recovery and risk assessment
- Step 3: Possible notification to the Authority
- Step 4: Possible communication to Data Subjects
- Step 5: Documentation of the Breach event

Step 1: Identification and preliminary investigation

Annex A, duly completed, will allow the Controller, with the help of the Privacy Team and with the support of the DPO, if appointed, to conduct an initial assessment of the communication received, in

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order to determine whether a Data Breach event has actually occurred and whether a more in-depth investigation is necessary, proceeding in this case with step 2.

In the event of a breach of data contained in a computer system, the Controller must also involve the IT Manager or his delegate in the whole procedure indicated in this document in case of absence.

Step 2: Containment, data recovery and risk assessment

Once it has been established that a Data Breach incident has occurred, the Controller together with the Privacy Team and the DPO, if appointed, will have to establish:

- whether there are actions that could limit the damage that the Breach could cause (i.e. physical repair of instrumentation; use of back up files to recover lost or damaged data; isolation/closure of a compromised sector of the network; change of access codes, etc.);
 - once these actions have been identified, who should act to contain the Breach;
- whether it is necessary to notify the Breach to the Authority (where the infringement is likely to present a risk to the rights and freedoms of physical persons);
- whether it is necessary to notify the Breach to the data subject (where the breach presents a high risk for the rights and freedoms of natural persons).

In order to identify the need for notification to the Authority and communication to the data subjects, the Controller, assisted by the Privacy Team and the DPO, where appointed, will assess the seriousness of the breach by using Annex B - "Modulo di valutazione del rischio connesso al Data Breach" which must be examined together with Annex A, also taking due account of the principles and indications set out in Articles 33 and 34 of the GDPR.

Step 3: Possible notification to the Authority

Once it has been assessed the need to notify the Authority of the infringement suffered on the basis of the procedure described in step 2, as prescribed by the GDPR, the Controller must do so without undue delay and, where possible, within 72 hours from the time it has become aware of it.

If notification to the Authority is not made within 72 hours, the notification shall be accompanied by the reasons for the delay.

The notification shall at least:

- a. describe the nature of the breach including, where possible, the categories and approximate number of Data Subjects and the categories and approximate number of personal data records in question;
- b. communicate the name and contact details of the DPO, if appointed, or of another contact person who can provide with further information;
- c. describe the likely consequences of the breach;
- d. describe the measures taken or proposed to be taken by the Controller to remedy the breach; and, where appropriate, to mitigate its possible negative effects.

If and to the extent that it is not possible to provide the information at the same time, the information may be provided to the Authority at a later stage without further undue delay.

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Step 4: Possible communication to Data Subjects

Once the need to communicate the breach to the Data Subjects has been assessed on the basis of the procedure referred to in step 2, as prescribed by the GDPR, the Controller must do so, without undue delay.

Communication to the Data Subjects must be in clear and simple language and must contain:

- a. the name and contact details of the DPO or of another contact person who can provide further information;
- b. a description of the likely consequences of the breach;
- c. a description of the measures taken or proposed by the Controller to remedy the infringement; and, where appropriate, to mitigate its possible negative effects.

With regard to the methods of communication, on a case-by-case basis, the Controller must always give priority to a direct method of communication with Data Subjects (such as emails, SMS or direct messages). The message shall be communicated in a simple and transparent way, thus avoiding sending information through newsletters, which could easily be misinterpreted by the Data Subject. In case the direct notification requires a disproportionate effort, then public communication may be used. It will have to be as effective as addressing directly the Data Subjects.

Step 5: Documentation of the Breach

Regardless of the need to notify the Authority (step 3) and/or the Data Subjects (step 4) of the breach, whenever a potential Data Breach is communicated by the Recipients through Annex A, the Controller is required to document it.

This documentation activity will be carried out by the Controller, with the help of the Privacy Team, of a special "Schema di Registro delle violazioni dei dati personali" shown in Annex C.

The Personal Data Breach Record Table must be continually updated and made available to the Authority if he requests access.

7. ACCOUNTABILITY

Compliance with this procedure is mandatory for all Recipients and its non-compliance may lead to disciplinary measures against employees in default or the termination of existing contracts with defaulting third parties, in accordance with the applicable legislations.

8. RECORD RETENTION PERIOD BASED ON THIS DOCUMENT

Document	Legal basis for the processing	Period of retention
Internal and external Data Breach communication forms	(Art. 6, para. 1(c), GDPR) Processing necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Processing necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	Permanent

Documented decisions of the Controller regarding the Breach	Art. 6, para. 1(c), GDPR) Processing necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Processing necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	5 years
Communication of a Breach	(Art. 6, para. 1(c), GDPR) Processing necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Processing necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	5 years
Inventory of personal data breaches	(Art. 6, para. 1(c), GDPR) Processing necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Processing necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	Permanent

9. USE OF THE PRESENT DOCUMENT

The person responsible for this document is the Controller, who must check the document at least once a year and, if necessary, make any amendments/updates.

Annexes:

- “A - Modulo di comunicazione interna di Data Breach” – *only Italian version*
- “B - Modulo di valutazione del rischio connesso al Data Breach” – *only Italian version*
- “C – Schema di Registro delle violazioni dei dati personali” – *only Italian version*

Allegato "A" – Modulo di comunicazione di Data Breach

Qualora sia rilevata una sospetta, presunta o effettiva violazione dei dati personali, è necessario darne immediata comunicazione al Titolare del trattamento mediante compilazione del modulo che segue da inviare a mezzo e-mail al seguente indirizzo: teamprivacy@cerealdocks.it

Comunicazione di Data Breach
Data di compilazione:
 DESTINATARIO INTERNO *
Dati della persona che fa la segnalazione:

Cognome e nome	
Incarico/Mansione	
Dati di contatto (indirizzo e-mail, numero di telefono)	

 DESTINATARIO ESTERNO *
Dati del soggetto che fa la segnalazione:

Ditta\Ragione sociale	
Dati di contatto del DPO (ove nominato)	
Cognome e nome del soggetto segnalatore	
Dati di contatto (indirizzo e-mail, numero di telefono)	

* indicare, alternativamente, se il soggetto che fa la segnalazione è un Destinatario interno o un Destinatario esterno.

DESCRIZIONE DELL'EVENTO

Data di scoperta della violazione (data, ora)	
Data e luogo della violazione (data, ora, luogo)	
Descrizione di cosa è successo	
Descrizione di come è successo	

Allegato "A" – Modulo di comunicazione di Data Breach

Categorie e numero approssimativo di interessati coinvolti nella violazione	
Altri dettagli rilevanti (eventuali azioni poste in essere al momento di scoperta della violazione ecc..)	

A cura del Titolare del trattamento (o del referente da esso incaricato)	DATA E ORA RICEZIONE MODULO:	
Modalità di ricezione:	N° Progressivo di segnalazione (da Registro Violazione Dati):	
Sistemi coinvolti:		
Vulnerabilità rilevate:		

Allegato "B" – Modulo di valutazione del rischio connesso al Data Breach

Assessment di gravità della violazione	Da compilare a cura del Titolare con l'ausilio del Team privacy, del DPO (ove nominato) ed eventualmente del Responsabile IT
Dispositivi oggetto del Data Breach (computer, rete dispositivo mobile, file o parte di un file, strumento di back up, documento cartaceo, altro).	
Modalità di esposizione al rischio (tipo di violazione): lettura (presumibilmente i dati non sono stati copiati), copia (i dati sono ancora presenti sui sistemi del titolare), alterazione (i dati sono presenti sui sistemi ma sono stati alterati), cancellazione (i dati non sono più presenti e non li ha neppure l'autore della violazione), furto (i dati non sono più sui sistemi del titolare e li ha l'autore della violazione), altro.	
Breve descrizione dei sistemi di elaborazione o di memorizzazione dati coinvolti, con indicazione della loro ubicazione.	
Se il laptop o altro dispositivo mobile è stato perso/rubato: quando è stata l'ultima volta in cui il laptop è stato sincronizzato con il sistema IT centrale?	
Quante persone sono state colpite dalla violazione dei dati personali trattati nell'ambito della banca dati violata?	
Qual è la tipologia dei dati coinvolti nella violazione?	
La violazione può comportare pregiudizio alla reputazione, perdita di riservatezza di dati protetti da segreto professionale, decifrazione non autorizzata della pseudonimizzazione, o qualsiasi altro dato economico o sociale significativo?	
Gli interessati rischiano di essere privati dell'esercizio del controllo sui dati personali che li riguardano?	
Quali misure tecniche e organizzative sono adottate ai dati oggetto di violazione? (i.e. pseudonimizzazione, cifratura dei dati personali ecc..)	
Il Titolare del trattamento ha adottato misure atte a scongiurare il sopraggiungere di un rischio elevato per i diritti e le libertà degli interessati successivamente alla violazione?	
Classificazione della gravità della violazione (1-non grave, 2-grave o 3-molto grave) e motivazioni:	

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Allegato "B" – Modulo di valutazione del rischio connesso al Data Breach

Notificazione del Data Breach all'Autorità Garante	Sì/NO Se sì, notificato in data: Dettagli:
Comunicazione del Data Breach agli interessati	Sì/NO Se sì, notificato in data: Dettagli:



MODELLO ORGANIZZATIVO PRIVACY GDPR

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Allegato "C" – Schema di registro delle violazioni dei dati personali (cfr. file Excel)

ID evento	SEGNALAZIONE				VIOLAZIONE				INTERESSATI E DATI				CONSEGUENZE		RISCHI		ATTENUAZIONI		TEMPI		NOTIFICA AI GARANTI				COMUNICAZIONE AGLI INTERESSATI		NOTE	
	data e ora	segnalante	unità organizzativa coinvolta	organi informati	luogo violazione	modalità violazione	software/apparati/veicoli/banche dati soggetti a data breach	natura della violazione dei dati personali	altri elementi utili alla descrizione violazione	categorie di interessati	numero approssimativo di interessati	categorie dei dati personali	numero approssimativo di violazioni dei dati personali	conseguenze della violazione dei dati personali	rischio adottato per porre rimedio alla violazione	rischio di cui si propone l'eliminazione per porre rimedio alla violazione	rischio adottato per eliminare i pericoli e/oppo mitigarli	tempi di cui si propone l'eliminazione per porre rimedio alla violazione	tempo ripristino	rischio per i diritti e la libertà delle persone fisiche	tempo di notificazione all'Autorità	regioni del mondo di notificazione all'Autorità	regioni di interesse notificata all'Autorità	indicare se ritiene (clicco diretto per il clicco) se la libertà delle persone fisiche	comunicazione agli interessati	modalità della comunicazione agli interessati		regioni della stessa comunicazione agli interessati

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