

## **INFORMATION NOTICE ON PERSONAL DATA PROCESSING**

This information notice is intended for all those who visit and interact with **Cosmo Hotel S.p.A.** (hereinafter the "**Company**") *website* and is valid only for this website and not for any other *websites* possibly consulted by the user through *links* contained in this website. The Company shall not in any way be liable for any possible unlawful processing of your personal data carried out by third parties. Therefore, for the exercise of the rights referred to in paragraph "*Rights of the data subject*" reference is to be made to the specific information notices which shall be provided from time to time by such third parties as autonomous data processing Controllers.

This information notice is also referred to Recommendation no. 2/2001 implemented on 17 May 2001 by the European authorities for the protection of personal data, gathered in the Group created by Art. 29 of the Directive no. 95/46/CE to define some minimum requirements for the *online* personal data collection and, in particular, the modalities, the time and the nature of the information to be provided by the data processing controllers to the users upon connecting to the webpages, regardless of the purposes of this action.

Specific information notices on the processing of your personal data shall be gradually indicated or visualised in the pages of the website dedicated to particular on-demand services.

The Company shall process your personal data in compliance with the directives as per Regulation (UE) 2016/679 of 27 April 2016—General Data Protection Regulation (hereinafter the "**Regulation**").

### **Processed data**

#### **Data provided by the user**

The data provided by the user and required by the Company to access to the services offered by the present website shall be processed for the purposes and in compliance with the modalities indicated, from time to time, by specific information notices indicated or visualised in the pages of the website dedicated to the access to such services and to the collection of the relevant data.

The voluntary sending of e-mails to the addresses indicated in this website implies the subsequent acquisition of the sender's address, necessary to answer the requests, as well as of the possible other personal data included in the message.

Any freely entered personal data, such as *e-mail address* or information required to fill out forms or fields, shall be processed—if considered pertinent and necessary—to handle the requests sent by the user.

The above mentioned personal data, when required, are necessary to fulfil pre-contractual obligations, to act correctly and in compliance with our agreement with the user, as well as to fulfil our legal obligations.

Should the data communicated not be considered pertinent nor necessary to provide the service required, or, if the necessary relevant consent has not been expressed, our company shall reserve the right, at its incontestable discretion, to remove such data.

Information about minors shall be collected and used exclusively if provided by a parent or guardian or with their consent. Should we realise having processed information about a minor without a parent's or guardian's valid consent, we shall reserve the right to erase such information.

#### **Personalised services and commercial marketing**

The data provided by the user for the supply of a service may be used also for personalised services and commercial *marketing* activities **exclusively prior express and free consent from the user himself**, who shall have the possibility to express his consent at the bottom of the specific information provided from time to time for every service in the different pages of this website.

#### **Special categories of data**

Our Company might also process particular categories of personal data, such as illnesses, disabilities, religious orientation, etc., if necessary to satisfy your specific requests and exclusively to protect your health, your physical safety and/or your religious belief. Such data might be communicated to our employees and/or collaborators appointed as personal data processors at the beginning of our relation, i.e. during your stay at our hotel and shall be processed exclusively if freely provided and prior free and express consent.

Our company reserves the right to erase the data provided if not considered pertinent and necessary for the supply of the service required, as well as in case of absence of the relevant express consent, if necessary.

### **Service evaluation**

In order to improve the services offered, our Company might process personal data also to conduct surveys aimed at evaluating such services, as well as at testing the guests' satisfaction level in relation to the stay at our hotels.

Your personal data shall be processed for such further purpose only prior express and free consent.

### **Navigation data**

The IT systems and the *software* procedures necessary for the functioning of this *website* acquire during their standard activities some personal data the transmission of which is implicit in the use of the *Internet* communication protocols.

Although these kinds of information are not collected to be associated to identified subjects, due to their peculiarity, they might allow the identification of the user through processing and associations with data owned by third parties.

This category of data includes IP addresses, the *computer* domain names chosen by the users connecting to the website, the URI addressed ("*Uniform Resource Identifier*") of the resources required, the time of the request, the method used to submit the request to the *server*, the dimension of the resulting file obtained, the numerical code indicating the status of the answer given by the server (successful, error, etc.) and other parameters related to the operating system and to the user's IT environment.

Such data shall be used only to collect anonymous statistic information about the website use, as well as to verify the relevant correct functioning and shall be erased immediately after processing. The data might be used to ascertain responsibilities in case of hypothetical cybercrimes against the website: except for this possibility, the data on *web contacts* shall be stored for a maximum period of fifteen days.

### **Cookies**

Visit the website section related to [\*Cookies policy\*](#).

### **Consequences of the refusal to provide personal data and/or to give consent to the relevant processing**

Apart from the specific indications regarding the navigation data, the user is free to provide personal data filling out the different data collection forms provided by the Company for the access to the various services offered by this website.

The refusal to provide personal data shall imply the impossibility to obtain the services required.

The refusal to give consent to personal data processing shall imply the impossibility for our Company to provide the services for which this specific and free consent is necessary (*marketing*, personalised services, surveys, etc.).

Under no circumstances the refusal to give consent (or the relevant withdrawal) to personal data processing for personalised services shall imply the impossibility to have access to those services for which no specific consent is necessary and/or required.

Under no circumstances the refusal to give consent (or the relevant withdrawal) to personal data processing for commercial *marketing* purposes shall imply the impossibility to purchase and/or benefit from our services, including the personalised ones, except for the cases in which the service required is aimed at obtaining commercial information by the Company (such as, for example, to subscribe to our *newsletter* or to request commercial information through our "Contact us" services).

The refusal to give consent (or the relevant withdrawal) to personal data processing to conduct surveys on the services provided shall imply exclusively the impossibility for our Company to process your personal data also for this further purpose.

### **Subjects or categories of subjects to whom the data can be communicated and data disclosure scope**

Your data shall not be disclosed.

They shall be accessible—solely and exclusively for the purposes referred to in the specific information notices, also in order to guarantee the constant correctness and update—to the employees, to the collaborators of the Company appointed as personal data processors and to the companies in the group performing services for our Company as external data processing controller.

Any other possible third party to whom the data might be communicated shall be indicated from time to time in the specific information notices provided by the Company for the access to the different services offered through this website.

Moreover, personal data shall be accessible to third parties in charge of the maintenance/development service of this *website* and of our IT system for the period of time strictly necessary to perform such services.

#### **Duration of the data processing**

Your data shall be stored by our Company for the period of time necessary to guarantee the correct supply of the services required—without prejudice to the need to store them for a longer period of time in compliance with the applicable law and/or for the period of time necessary to exercise a Controller’s right in court. At the end of such period of time your data shall be erased and/or shall become anonymous.

You shall always have the right to withdraw your consent to personal data processing for the supply of personalised services.

In addition to this, you shall also have the right to withdraw at any time the consent to the processing of your data for *marketing* purposes and, in particular, you shall have the possibility to do this for every single commercial communication.

You shall always also have the right to withdraw your consent to the use of your personal data for surveys on the quality of the services offered.

In case of consent withdrawal, our Company shall no longer have the right to process your personal data for the purposes this consent was referred to. Nevertheless, the withdrawal of the consent shall under no circumstances affect the lawfulness of the data processing based on the consent expressed before the relevant withdrawal.

#### **Data controller**

The data Controller shall be **Cosmo Hotel S.p.A.**, with registered office in Vimercate (MB)–20871, Via Torri Bianche 4, Italy, which may be contacted also for the exercise of the rights referred to in the following paragraph, at the e-mail address [privacy@cosmohotels.it](mailto:privacy@cosmohotels.it).

#### **Rights of the data subject**

The data subject shall have the right to require the Company:

- the access, the rectification, the erasure or the restriction of the data processing, as well as the refusal to give consent to the processing of personal data in accordance with Articles 15-18 and 21 of the Regulation;
- the data portability in accordance with Article 20 of the Regulation.

The data subject shall, moreover, have the right to lodge a complaint with the European Data Protection Supervisor (EDPS) for the protection of personal data.

Here below please find the complete text of the articles mentioned in this paragraph.

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#### **Article 15 - Right of access by the data subject**

1.The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information: (a) the purposes of the processing; (b) the categories of personal data concerned; (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations; (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period; (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing; (f) the right to lodge a complaint with a supervisory authority; (g) where the personal data are not collected from the data subject, any available information as to their source; (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. 2.Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer. 3.The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form. 4.The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

#### **Article 16 Right to rectification**

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

#### **Article 17 Right to erasure ('right to be forgotten')**

1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies: (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; 4.5.2016 L 119/43 Official Journal of the European Union EN (b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing; (c) the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2); (d) the personal data have been unlawfully processed; (e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject; (f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1). 2. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data. 3. Paragraphs 1 and 2 shall not apply to the extent that processing is necessary: (a) for exercising the right of freedom of expression and information; (b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; (c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3); (d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or (e) for the establishment, exercise or defence of legal claims.

#### **Article 18 Right to restriction of processing**

1. The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies: (a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data; (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead; (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; (d) the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject. 2. Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State. 4.5.2016 L 119/44 Official Journal of the European Union EN 3. A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.

#### **Article 20 Right to data portability**

1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where: (a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1); and (b) the processing is carried out by automated means. 2. In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible. 3. The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. 4. The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.

#### **Article 21 Right to object**

1. The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims. 2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing. 3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes. 4.5.2016 L 119/45 Official Journal of the European Union EN 4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information. 5. In the context of the use of

information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications. 6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.