

## **PRIVACY POLICY PURSUANT TO ARTICLE 13 OF EU REGULATION 2016/679 – “Magic Spectrum – IoT & 5G Acceleration Program”**

### 1. Definitions

**Applicants, Evaluation Process, Events, Form, Participating Startups, Partner, Personal Data, Pitch, Privacy Policy, Processing, Profiling, Program, Regulation, Requirements, Startup, Website.**

**1.1 Applicants:** the natural persons applying to the Program, personally or on behalf of a Startup of which they are members or directors.

**1.2 Evaluation Process:** the evaluation process of the application sent by the Applicants through the Form performed by ZEST in order to assess the existence of the Requirements and consequently to select the Participating Startups. This evaluation process is carried on by a limited number of subjects, employees or partner of ZEST expressly appointed by this latter to select the Participating Startups. Therefore, this evaluation process does not constitute a decision based partially or solely on automated processing, including profiling, pursuant to article 22 of the Regulation.

**1.3 Events:** the events and promotional initiatives organized by ZEST, in-house or in cooperation with third parties.

**1.4 Form:** the form uploaded on the Website, through which Applicants, after completing the registration procedure, submit their application to the Program.

**1.5 Participating Startups:** the Startups selected through the Evaluation Process that join the Program.

**1.6 Partner:** third companies, business partners of ZEST that, jointly with this latter, launched, or cooperated to, the Program.

**1.7 Personal Data:** any information relating to an individual (e.g. the Applicant), identified or identifiable, directly and indirectly, by reference to their name, identification number, location data, online identifier or elements characteristic of their physical, physiological, genetic, psychic, economic, cultural or social identity.

**1.8 Pitch:** presentation documents relating to innovative projects and/or Startups, sent by Applicants to ZEST through the Form, in order to apply for the Program.

**1.9 Privacy Policy:** this document, consisting of the policy regarding the processing of Personal Data and our Policy relating to Cookies.

**1.10 Processing:** any operation or set of operations concerning Personal

Data, such as, by way of example, the collection, organization, structuring, preservation, modification, extraction, consultation, use, communication, interconnection, limitation, cancellation and destruction.

**1.11 Profiling:** Personal Data Processing through the evaluation of personal aspects of Applicants with the use of partially and solely automated procedures.

**1.12 Program:** the acceleration program designed and launched by ZEST named "Magic Spectrum – IoT & 5G Accelerator".

**1.13 Regulation:** EU Regulation 2016/679 of April 27th, 2016.

**1.14 Requirements:** criteria and objectives features required by ZEST in order to perform the Evaluation Process and consequently select the Participating Startups.

**1.15 Startup:** any company, incorporated or to be incorporated, in the form of an "innovative" startup or SME, in accordance with the provisions of, respectively, the Decreto Crescita-Bis converted into Law No 221 of 17 December 2012, and subsequent amendments and by Decree Law No 3/2015, that, through the filling in of the Form made by the Applicant, intends to apply and participate to the Program.

**1.16 Website:** this website and the website available at the following link: <https://www.f6s.com/magic-spectrum-acceleration-program-2021-2022>.

## 2. Data Controller

### **ZEST S.p.A.**

The Data Controller is ZEST S.p.A., with registered office in Rome, Via Marsala 29/H, Italian Fiscal Code, VAT and Milan Registrar of Companies' No 01932500026 ("ZEST").

Any request of the Applicants concerning the Processing of Personal Data performed by ZEST regarding their Personal Data (including the exercise of the rights referred to in paragraphs 8 and 9 below), shall be addressed to ZEST by mail at the registered office, or by e-mail to the following address [privacy@zestgroup.vc](mailto:privacy@zestgroup.vc)

## 3. Purposes and legal basis of Processing

**a) collection and managing of the application requests, performance of the Evaluation Process in order to select the Participating Startups:  
consent;**

- b) sending of direct marketing communications: legitimate interest;**
- c) Profiling: consent;**
- d) managing of contact requests: legitimate interests.**

ZEST collects and processes Personal Data of Applicants for the following purposes:

a) Collection and managing of the application requests, performance of the Evaluation Process in order to select the Participating Startups and to enable their participation to the Program. The processing of Personal Data for the purposes referred to in letter a) is necessary for the Applicants to submit their application request for the Program, to allow ZEST to perform the Evaluation Process and, potentially, to join the Program as a Participating Startup, and any refusal of the Applicant prevents this latter from submitting the application request, personally or on behalf of the Startup, and to compete for joining the Program. This processing is based on the free, specific, informed and unequivocal consent of the Applicant, expressed through a declaration or positive action (e.g. click on the "Join" button) on the Website.

b) Sending of direct marketing communications (i.e. newsletter) and invitation to Events in line with the interests expressed by Applicants regarding the Program, the Events and/or ZEST. The processing of Personal Data for the purposes referred to in letter b) is optional and any refusal by the Applicant prevents this latter from receiving newsletters and promotional communications referred to the Program, ZEST and/or the services by this latter carried out that are similar to those one supplied during the Program. This Processing is based on the legitimate interest of ZEST, constituted in the benefit that ZEST can obtain from the sending of the communications, concerning the promotion of services similar to the Program and/or Events in line with the interests expressed by Applicants regarding the Program. The right of opposition to this Processing can be exercised at any time by following the indications in point 9 of this Privacy Policy.

c) Subject to prior consent, performed Profiling. The Processing referred to in letter c) is optional and any refusal by the Applicant prevents this latter from receiving personalised commercial and promotional communications (e.g. direct marketing communications and invitation to Events). This Processing is based on the free, specific, informed and unequivocal consent of the Applicant, expressed through the Form. The withdrawal of consent can be exercised at any time, following the

instructions in point 12 letter a) of this Privacy Policy.

d) Managing of the contact requests. The processing of Personal Data for the purpose referred to in letter d) is necessary for sending a contact request to ZEST. This Processing is based on ZEST legitimate interest to manage and to reply to the contact requests sent by the Applicants through the Website and, in the meantime, to send a feedback to the Applicants.

#### 4. Personal Data collection procedures

**a) Personal Data automatically collected by the Website;**

**b) Personal Data expressly communicated to ZEST by Applicants through the Form, the contact request and/or included within the Pitch;**

**c) Personal Data collected during Program and Events.**

ZEST collects Personal Data in the following ways:

a) Personal Data automatically collected by the Website: these are the Personal Data collected by the Website;

b) Personal Data expressly communicated to ZEST by the Applicants through the Website, by filling in the Form, sending a contact request or including the Personal Data within the Pitch: Personal Data provided by the Applicants in order to complete the Form and apply to the Program (e.g. identification data, contact data, ecc.);

c) Personal Data collected during the Program and/or the Events: Personal Data provided by the Applicants during their participation in the Program and/or the Events, including the personal image of the Applicant.

#### 5. Potential categories of recipients of Personal Data

**Employees, collaborators, third parties service providers, third parties contractually linked to ZEST (for the performance of the Program), third parties with whom ZEST organizes the Program and some Events, technical and commercial third parties.**

Personal Data are processed by ZEST and/or third parties, selected for reliability and competence, and to which such Personal Data may be disclosed if necessary or appropriate. In particular, ZEST informs Applicants that Personal Data may be processed by, and/or communicated to:

a) employees and/or collaborators of ZEST;

- b) third parties' suppliers of services necessary to guarantee the functioning of the Website (by way of example: a company that deals with hosting services);
- c) third parties, contractually linked to ZEST, necessary for the performance of the Program;
- d) third parties that provide analysis services of the Website navigation data;
- e) third parties with whom ZEST organizes the Program and some Events (e.g. partners of the Program);
- f) third parties providing automatic services for sending direct marketing communications and/or any other type of commercial communication, marketing services, promotion, analysis of habits and consumption choices, also by means of Profiling.

6. Retention period of Personal Data (or criteria for its determination)

- a) Personal Data for the collection and managing of the application requests, the performance of the Evaluation Process and participation of the Participating Startups to the Program: 24 months from the conclusion of the Program.**
- b) Personal Data for commercial and promotional purposes (i.e. newsletter): 24 months (without Profiling) or 12 months (with Profiling);**
- c) Personal Data for the Profiling: 12 months from the collection of the Personal Data;**
- d) Personal Data for the managing of contact request: 6 months from the receipt of the request;**
- e) Personal Data for legal obligations and allowing ZEST itself to investigate, exercise and defend, where applicable, its own rights: 10 years from obtaining Personal Data.**

Personal Data are retained by ZEST for the terms strictly necessary to achieve the purposes for which they were collected, as indicated in point 3 above. In particular, except for the exercise of the right of withdrawal of the consent referred to in the following point 8 letter a), or the right of opposition referred to in point 8 letter f) and point 9, ZEST retains Personal Data for the following retention periods:

- a) Personal Data for the collection and managing of the application requests, the performance of the Evaluation Process and the participation of the Participating Startups to the Program: for the purposes referred to in

point 3 letters a), for a maximum period of 24 months from the end of the Program, without prejudice to the provisions of point 6 letter e) below;

b) Personal Data for direct marketing communications by ZEST: for the purpose referred to in point 3 letter b), for a maximum period of 24 months (without Profiling) or 12 months (in case of marketing associated with the Profiling) following the date of the last interaction by the Applicants with ZEST, which demonstrate the interest by Applicants to receipt the communications by ZEST relating to the Program and/or the services provided;

c) Personal Data for the Profiling by ZEST: for the purpose referred to in point 3 letter c), for a period of 12 months from the collection of Personal Data;

d) Personal Data for managing the contact request: for the purpose referred to in point 3 letter d), for a period of 6 months from the receipt of the contact request sent by the Applicant. By way of exception from this deadline, in case of a complaint or a claim being sent via the "contact" Form, the Applicant's Personal Data will be kept for the period referred to letter e) below;

e) in any case, ZEST is authorized to keep, in whole or in part, Personal Data for a maximum period of 10 years from their collection, limited to the information necessary to comply with legal obligations and allowing ZEST itself to investigate, exercise and defend, where applicable, its own rights. Once the above terms have expired, ZEST will automatically delete the Personal Data collected, or irreversibly transform them into anonymous data.

## 7. Profiling

### **Automated processing of Personal Data of Applicants for commercial and promotional purposes.**

Profiling performed by ZEST has the following characteristics:

- a) object: Personal Data of Applicants collected on the Website and/or during the Program, suitable to reveal essentially the geographical origin, as well as tastes, behavioural tendencies and preferences regarding the adherence to the services supplied by ZEST;
- b) purpose: improving the promotion and advertising of ZEST and the services supplied by ZEST, by sending commercial communications in line with the interests expressed by the Applicants regarding the services of ZEST and by informing the Applicants about events or initiatives organized

by ZEST within the same geographical area;

c) legal basis: consent;

d) modality of the Processing: the profiles of the Applicants are defined on a statistical basis through the analysis and processing of Personal Data of all Applicants and the creation of homogeneous categories of Applicants;

e) effects for Applicants: receipt of commercial communications relating to ZEST and/or the services supplied by this latter and invitations to events in line with the preferences expressed by the Applicants in navigating the Website and in the use of the services supplied by ZEST. In no way, the Profiling of ZEST: i) constitutes a partially or solely automated decision-making process from which derives legal or similarly significant effects for the Applicants pursuant to article 22 of the Regulation; ii) jeopardizes the behaviour and the purchase choices of the Applicants; iii) have a long and permanent impact on Applicants, considering that the Personal Data collected by ZEST can be independently updated at any time by Applicants; and iv) in light of the type of the services supplied by ZEST and the category of Applicants affected by such Processing, determines any discrimination of Applicants.

## 8. Applicants' Rights

**Withdrawal of consent, access to Personal Data, correction or integration of Personal Data, deletion of Personal Data, limitation of Processing, opposition to Processing, portability of Personal Data, *data breach*, complaint to competent authorities.**

Pursuant to and for the purposes of the Regulation, each Applicant has the right to:

- a) with reference to the Processing of Personal Data referred to in point 3 letter a) and c), withdraw the consent at any time, without prejudice to the lawfulness of the Processing based on the consent given before its withdrawal, by sending an email to ZEST or by opting out from the commercial communications of ZEST (see Article 7 of the Regulation);
- b) ask ZEST to access to Personal Data and information regarding the related Processing and any copy in electronic format, unless otherwise specified by the Applicant (see Article 15 of the Regulation);
- c) request the correction and/or integration of Personal Data, without undue delay (see Article 16 of the Regulation);
- d) for specific reasons (for example, unlawful processing, withdrawal of consent, non-existence of the purpose of the Processing), request

- cancellation of Personal Data, without unjustified delay (see Article 17 of the Regulation);
- e) with reference to specific cases (for example, inaccuracy of Personal Data, unlawful Processing, exercise of a right in court), request the limitation of Processing (Article 18 of the Regulation);
  - f) with reference to the Processing of Personal Data referred to in point 3 letter d), oppose to the Processing of Personal Data (cfr. Article 21 of the Regulation);
  - g) if the Processing does not involve anonymous data, oppose at any time to the Processing of Personal Data by sending an email to ZEST (see Article 21 of the Regulation);
  - h) in case of automated Processing, receive Personal Data in a readable format, in order to allow their communication to a third party, or, where technically feasible, to request the transmission of Personal Data by ZEST directly to such third party (so-called portability of Personal Data - see Article 20 of the Regulation);
  - i) be informed by ZEST without undue delay of any violations or unauthorized access by third parties to their systems containing Personal Data (so-called data breach - see Article 34 of the Regulation);
  - j) propose a complaint to the supervisory authority of the EU country in which the Applicant resides, works or in which they believe the violation of their rights has occurred (see Article 77 of the Regulation).

For further information on the terms and conditions for the exercise of the rights granted to the Applicant, the latter may consult the text of the Regulation published at the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>, or contact ZEST in the forms provided for by point 2 of this Privacy Policy.

## 9. Opposition to Direct marketing Processing by ZEST

### **Opposition at any time without justification**

Each Applicant may oppose at any time to the Processing of Personal Data referred to in point 3 letter b) by ZEST, by sending an e-mail to ZEST (cfr. Article 21 of the Regulation).