

## PRIVACY NOTICE ON THE PROCESSING OF PERSONAL DATA PURSUANT TO ARTICLES 13 AND 14 OF THE GDPR (EU REGULATION 2016/679) REGARDING THE "SIM 4.0" IoT SYSTEM

The **European General Data Protection Regulation (EU) 2016/679 ("GDPR")** requires any entity processing personal data to inform the data subject (i.e. the individual to whom the data relate) about the processing of such data in a fair, lawful, and transparent manner, while safeguarding the data subject's privacy and rights. Through this document ("**Privacy Notice**"), we intend to provide **Data Subjects ("Data Subjects")**, in accordance with **Articles 13 and 14 of the GDPR**, with information regarding the processing of **personal data ("Data")** collected by **STARPOOL S.R.L.** (hereinafter referred to as the "**Data Controller**" or "**we**") through the **IoT System** and the related **Services**, as defined below.

For the purposes of this **Privacy Notice**, "**IoT System**" or "**System**" means the system called "**SIM 4.0**", owned by **STARPOOL S.R.L.** The System is based on **Cloud monitoring**, which enables certain **STARPOOL products** (hereinafter "**Product**" or "**Products**") to be monitored through electronic devices such as PCs, tablets, and smartphones, provided that the customer (hereinafter also referred to as the "**user**") purchases the relevant service and chooses to activate it. The System allows users to remotely control and manage the Products through a range of available settings, as well as to remotely monitor the operating parameters of the Products installed at the customer's premises. Furthermore, the System provides a detailed overview of the Product's operating status over time and allows users to view current and past alerts and faults, as well as to modify the Product's control and advanced settings by **Starpool** and, where applicable, by authorized third parties (e.g. authorized service partners or distributors). Hereinafter, the use of the System by the Data Subject and the provision of the above-mentioned services shall collectively be referred to as the "**Services**".

For further information regarding the terms and conditions governing the use of the **System** and the **Services**, please refer to the **General Terms and Conditions of Use**, available on the **STARPOOL** website and within the System (see the **T&C** section).

### CHANGES AND UPDATES TO THE PRIVACY NOTICE

This **Privacy Notice** does not preclude the possibility that additional information regarding the processing of **Data** may be provided through other means, for example by issuing specific privacy notices following the activation or request of particular **Services**. This **Privacy Notice** is subject to periodic updates. We will inform **Data Subjects** of any changes by publishing the updated Privacy Notice using the means deemed most appropriate (e.g. within the **System** and on the **Starpool** website).

### A. IDENTITY AND CONTACT DETAILS OF THE DATA CONTROLLER

With regard to the processing of **Data** described in this **Privacy Notice**, **STARPOOL S.R.L.**, VAT No. **01397570225**, with its registered office at **Via Stazione No. 25, 38030 Ziano di Fiemme (TN), Italy ("STARPOOL")**, acts as the **Data Controller**. Data Subjects may contact the **Data Controller** at any time with any questions or requests for clarification regarding this **Privacy Notice**, or to exercise the rights set out in Section **I**) below, by sending an email to **info@starpool.com** or by sending a registered letter to the above-mentioned registered office of **Starpool.info@starpool.com**.

### B. DATA AND INFORMATION WE PROCESS

The information collected through the **System**, both during the activation phase and subsequently during its use, includes certain **personal data** of a general nature. The mandatory fields required to create an account and activate the **Service** are clearly indicated. Specifically, for the provision of the **Services**, **STARPOOL** processes the following information and **personal data**:

#### a) Personal Data:

When first accessing the **App** or the **Portal**, the **Data Subject** must register by creating a user account ("**System Activation**"). The information collected through the **System**, both during registration and during subsequent use, whether provided by the user or collected automatically by the **System**, includes the following **personal data** of a general nature:

- Email address; as well as information which, when associated with the above-mentioned data, may indirectly constitute personal data;
- Product location or installation site (physical installation address, including the country).
- Date and time of registration;
- Date and time of acceptance of the Terms and Conditions of Use;
- Date and time of acknowledgement of the Privacy Notice;
- Date and time of marketing consent, where provided;

- Date and time of the last access to the System;
- IP address of the device used to access the System.

No special categories of personal data pursuant to Article 9 of the GDPR are collected through the System.

Please note that, for B2B customers (companies/business purchasers with a VAT number), the following information is required: company name and VAT number. Although this information does not constitute personal data, the Company undertakes to process it with the same level of care and protection applied to personal data.

## **b) Technical information:**

During the registration process, as well as following the activation of the System, the System collects technical information, some of which is provided by the user and some of which is collected automatically.

Specifically:

- **Information relating to the system configuration and the customer's profile.** This information is provided for the purpose of configuring the System and managing its maintenance. It is used to ensure the optimal use of the software by the customer and includes information relating to system settings, such as activating or deactivating the System, setting daily and/or weekly timers, adjusting the temperature, switching the lights on or off, controlling music playback, as well as other operational functions of the System.
- **Environmental and usage data collected by the System sensors.** The System sensors may collect environmental variables including, but not limited to, the internal and external temperature of the Product, water level and water replenishment in the balancing tank, filtration pump operation, heating times, automatic or manual water refilling, as well as the number of door and access point openings and closures for the algorithmic estimation of traffic flows. It is expressly clarified that the sensor installed in the Product does not detect the presence of individuals within the premises.
- **Energy consumption and usage information.** The System may record and store historical data relating to electrical power consumption for the purpose of calculating energy usage, as well as the time and duration of System operation, in order to provide useful information such as, by way of example and not limitation, peak usage periods, maintenance requirements, and energy-saving recommendations.
- **Technical device information.** The System records information relating to the characteristics of the installed devices, the software versions in use, connectivity status, and any malfunctions detected through error messages, in order to ensure the effectiveness and timeliness of the actions required to resolve faults and optimize the Service.

The following is a list of the technical data collected by the System:

- Product serial number / hardware ID;
- Product settings (e.g. power status, operating mode, setpoint, scheduling status);
- Configuration settings;
- Equipment sensor data (e.g. temperatures, pressures, flow rates, power consumption, voltage);
- Counters (operating hours, start-up cycles, energy consumption and energy production).

Please note that technical information does not constitute personal data under the applicable data protection legislation. Nevertheless, STARPOOL undertakes to treat such information with the utmost confidentiality, applying, wherever possible, the same safeguards and protection measures adopted for personal data.

## **C. PURPOSES AND LEGAL BASES FOR PROCESSING**

The data and information are processed for the following four purposes:

### **1) To provide the services contractually agreed with the user:**

Specifically, STARPOOL processes information and personal data in order to enable:

- Activities related to the management of the contract entered into with the customer (including administrative, accounting, tax, and internal control activities), as well as the provision of the Service, enabling the user to remotely control the Product through the System.
- Upon the user's request, to provide assistance relating to the Product, where applicable also through authorized third parties (depending on the nature of the request and the location of the Product), such as Authorized Service Centres or Distributors (where relevant, including those located outside the

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EU/EEA). In such cases, where necessary to provide the requested service, the information and data may be disclosed by the Data Controller to the above-mentioned parties, always in compliance with the safeguards provided by the GDPR.

For the purposes described above, the processing of the Data is based on Article 6(1)(b) of the GDPR, according to which processing is necessary for the performance of a contract to which the data subject is a party.

## **2) Purposes related to compliance with legal obligations:**

The processing of the Data is based on Article 6(1)(c) of the GDPR, according to which processing is necessary for compliance with a legal obligation to which the Data Controller is subject.

## **3) To ensure the best possible provision of the Services to the user and the optimal use of the Product, as well as to improve the Company's products and services:**

Specifically, STARPOOL processes the information and data collected through SIM 4.0 in order to:

- Aggregate and analyze information and data in order to conduct research and produce statistics, anonymized wherever possible, with the aim of improving the Company's products and services, also for the benefit of the customer;

Furthermore, STARPOOL may process the information and data collected through SIM 4.0 in order to:

- Send the user service communications and notifications regarding system status and alerts, current or potential faults, new features, operating performance, recommendations for the optimal use of the Product, and upcoming deadlines (such as warranty expiration, wear thresholds, or scheduled maintenance), with the aim of improving technical support (including any interventions on the Product), reducing downtime, and minimizing costs.

Where personal data cannot be anonymized, the relevant processing is carried out on the basis of STARPOOL's legitimate interest pursuant to Article 6(1)(f) of the GDPR, namely the need to ensure the best possible provision of the Services to the user, the optimal use of the Product, and the continuous improvement of the Company's products and services. Before relying on this legal basis, STARPOOL has carefully balanced its legitimate interest against the data subject's right to privacy, in accordance with Article 6(1)(f) of the GDPR and taking into account the reasonable expectations of the data subject arising from their relationship with the Data Controller, as set out in Recital 47 of the GDPR.

## **4) For direct marketing purposes by Starpool S.r.l. (optional purpose):**

Specifically, STARPOOL processes the information and data collected through the System (in particular, the email address, location, customer type, and type of Product purchased) for its own direct marketing purposes, namely to send the data subject commercial communications (e.g. promotions, special offers, new versions of the System, market research, and customer satisfaction surveys) by email, through the System, or by any other communication channels used by the Data Controller.

For the above purpose, the processing of the Data is based on the explicit consent of the data subject, who may withdraw such consent at any time, in accordance with Article 6(1)(a) of the GDPR. Consent is collected when the user registers with the System or at a later stage through a dedicated electronic form. The user's consent (including the related technical data, such as IP address, date, and time) is retained in accordance with current best practices for accountability purposes.

## **D. CATEGORIES OF DATA RECIPIENTS**

The Data are not disclosed. They are processed within STARPOOL's organization by personnel who have been duly authorized and trained pursuant to Article 29 of the GDPR (employees of the Data Controller), and outside STARPOOL by entities acting as Data Processors, duly appointed in accordance with Article 28 of the GDPR.

Where applicable, the Data may also be disclosed to parties authorized to receive them in their capacity as independent Data Controllers.

More specifically, as of the date of this Privacy Notice, the potential recipients of the Data collected through the System are:

- IT service providers who, where they have access to personal data, act as Data Processors pursuant to Article 28 of the GDPR and, where applicable, also serve as outsourced System Administrators.
- Providers of technical support and maintenance services who act as Data Processors pursuant to Article 28 of the GDPR.

- Distributors and Authorized Service Centres (ASCs), including those located outside the EU/EEA, acting as Data Processors pursuant to Article 28 of the GDPR (or as Sub-processors, where the ASCs have been appointed directly by the Distributors). Where the recipients are located outside the EU/EEA, the transfer of Data is governed by the applicable Standard Contractual Clauses or otherwise carried out in compliance with the safeguards provided for by the GDPR (e.g. Adequacy Decisions).

The updated list of Data Processors is maintained by Starpool S.r.l. and may be made available to the data subject upon request by sending a communication to the contact details indicated in Section A) of this Privacy Notice.

## **E. DATA TRANSFERS**

The Data and Information collected through the System may be transferred to countries outside the European Union/European Economic Area (EU/EEA). For each third country receiving the Data/Information, the Data Controller will first assess whether an adequacy decision (or another transfer mechanism recognized as equivalent by the European Commission) is in place. Where no such decision exists, the Data Controller will enter into the appropriate Standard Contractual Clauses (SCCs) with the recipients and, where necessary, implement additional security measures. The list of non-EU/non-EEA countries involved in the processing, which may change over time as a result of the expansion of Starpool S.p.A.'s business activities, is kept at the Data Controller's registered office. Any data subject whose Data are processed may request further information regarding the transfer of their Data at any time by contacting the Data Controller using the contact details provided in Section A) of this Privacy Notice.

## **F. NATURE OF THE PROVISION OF DATA AND CONSEQUENCES OF FAILURE TO PROVIDE THEM. SOURCE OF THE DATA.**

With the exception of: (a) the Data that the user may choose not to provide to the Data Controller because they are expressly identified as optional during the System registration/activation process (optional Data); and (b) the Data and consent provided for direct marketing purposes (which are entirely optional), the provision of the Data is necessary for the proper and complete delivery of the Services. Failure to provide all or part of the required Data will therefore make it impossible to access, in whole or in part, the Services.

The Data are generally collected directly from the Data Subject and/or through the System. Where the System allows it, the Data may also be obtained through third parties (for example, where the administrator user/customer creates multiple user accounts within the System, such as for family members or other users).

## **G. METHODS OF PROCESSING**

The Data are hosted on:

- cloud infrastructure;
- servers located within the European Union (EU).

The Data are processed electronically (through software and hardware) and, where relevant and/or necessary, in paper form, always in accordance with the Company's internal policies and, where the Data are processed by recipients outside the Data Controller's organization, in compliance with the Data Controller's instructions, so as to ensure their security and confidentiality. Please note that the processing activities described in this Privacy Notice do not involve automated decision-making processes.

## **H. DATA RETENTION PERIOD**

The Data are retained for no longer than is necessary to achieve the purposes for which they are collected and processed, namely:

- For the purposes referred to in Section C), points 1) and 2), for a maximum period of 10 years;
- For the purpose referred to in Section C), point 3), for a maximum period of 10 years;
- For the purpose referred to in Section C), point 4) (direct marketing), for a maximum period of 5 years, unless the data subject renews their consent.

With regard to the user account (required to activate and use the System) and its contents, please note the following: if the Data Subject requests STARPOOL to delete the account, it will be deactivated within a maximum of 30 days from the date of the request. From that moment on, the user will no longer be able to remotely control the Product or access the Services through the System. However, the Information and Data collected through the System up to that point may continue to be processed by the Data Controller for the purpose of improving the Services and Products. Please also note that the user may delete their account directly through the App without submitting a specific request to STARPOOL. In this case, the user is informed, both through the Terms and

Conditions and by means of a dedicated pop-up message within the System, that account deletion is irreversible. Furthermore, in accordance with the data storage limitation principle, the user's account will be deactivated in the event of prolonged inactivity. Specifically, if no access to the System is recorded for a continuous period of two years, the user will receive an email notifying them of the possible deactivation of the account. The user will then have 30 days from receipt of the notice to confirm their intention to keep the account active by taking a positive action, such as logging into the System (via the App or the Portal, as applicable) or replying to the communication according to the instructions provided. If no response is received within the specified period, the account will be deactivated and the associated personal data will be deleted, without prejudice to any statutory data retention obligations and to the continued processing of the Data/Information collected up to that point for the purpose of improving the Services and Products. The user always remains free to register and create a new account, provided that the contractual relationship with STARPOOL is still in force.

The Data may be retained for longer than the periods indicated above where necessary to comply with legal obligations, respond to legitimate requests from competent authorities, or resolve disputes requiring the processing of the Data.

## **I. RIGHTS OF THE DATA SUBJECT**

The Data Subject may exercise the rights granted under the GDPR against the Data Controller at any time. In particular, by sending an email or a registered letter to the contact details provided in Section A) of this Privacy Notice, the Data Subject may exercise the following rights:

### **Right of Access**

The Data Subject may ask us whether or not we process their personal data and, where this is the case, obtain access to such data in the form of a copy. When responding to an access request, we will also provide additional information, including the purposes of the processing, the categories of personal data concerned, and any other information necessary to enable the effective exercise of this right.

### **Right to Rectification**

The Data Subject has the right to have inaccurate or incomplete personal data rectified. Upon request, we will correct any inaccurate personal data and, taking into account the purposes of the processing, complete any incomplete data.

### **Right to Erasure**

The Data Subject also has the right to request the erasure of their personal data. Personal data may only be erased in the cases provided for by law and listed in Article 17 of the GDPR. These include situations where the personal data are no longer necessary for the purposes for which they were originally processed, or where they have been processed unlawfully. Please note that, due to the nature of the Services covered by this Privacy Notice, it may take some time before backup copies are also deleted.

### **Right to Restriction of Processing**

The Data Subject has the right to obtain the restriction of the processing of their personal data, meaning that we may suspend the processing of the Data for a certain period of time. The circumstances giving rise to this right (Article 18 GDPR) include situations where the accuracy of the personal data has been contested and we require time to verify its accuracy. This right does not prevent us from continuing to store the personal data. The Data Subject will be informed before the restriction is lifted.

### **Right to Object**

The Data Subject also has the right to object to the processing of their personal data, meaning that they may request that we cease processing their personal data for certain purposes (e.g. direct marketing). This right applies only in the circumstances provided for by Article 21 of the GDPR and, in particular, where the legal basis for the processing is the legitimate interest of the Data Controller.

### **Right to Data Portability**

The right to data portability allows the Data Subject to request that their personal data be provided in a structured, commonly used, and machine-readable format. The Data Subject may also request that such data be transmitted directly to another Data Controller, where technically feasible.

### **Right to Withdraw Consent**

Where the processing of personal data is based on the Data Subject's consent (e.g. for direct marketing purposes), the Data Subject has the right to withdraw that consent at any time. The withdrawal of consent shall not affect the lawfulness of any processing carried out before the withdrawal. In the case of commercial communications (marketing), the Data Subject may also object to further communications by clicking the unsubscribe link included in the communications sent by the Data Controller.

### **L. RIGHT TO LODGE A COMPLAINT WITH THE SUPERVISORY AUTHORITY**

The Data Subject also has the right to lodge a complaint with the competent data protection supervisory authority if they believe that their Data are being processed in violation of their rights or of the applicable legislation. This right may be exercised in accordance with the complaint procedures established by the relevant national supervisory authority, available at the following link: <https://www.garanteprivacy.it/web/guest/home/footer/link>.