

## INFORMATION ON DATA TREATMENT FOR RECRUITING

This communication refers to (i) Italian D. Lgs. 30 June 2003, no. 196, the “Privacy Code” and subsequent modifications; and (ii) EU Regulation 2016/679 referring to ‘the protection of natural persons with regard to the processing of personal data, and the free movement of such data’ – the General Data Protection Regulation “GDPR”, arts 13 and 14, grouped under the heading of the ‘Privacy Policy’. This sets down a series of obligations for the data processing agent, listed as the collection, recording, organization, structuring, storage, adaptation or modification, extraction, consultation, use, communication by transmission, diffusion by any other means, comparison, interconnection, limitation, erasure or destruction of personal data referring to other subjects (hereinafter referred to as Processing).

The Mario Negri Institute for Pharmacological Research IRCCS, as the data processing agent under art. 4 of GDPR (the ‘Institute’ or the Data Controller) wishes to give you information here on how and why any data you provide, or that will be acquired any other way by the Institute, will be processed and to what purposes it will be put, when you start working for the Institute, as a consultant or a collaborator on any other basis, for the total duration of that relationship.

### A) The Data Controller and Data Protection Officer

The Data Controller decides how and why the personal data should be treated, and is represented by Prof. Giuseppe Remuzzi, Director of the Mario Negri Institute for Pharmacological Research, IRCCS, with head office in Via Mario Negri 2, 20156 Milano, Italy: e-mail [privacy@marionegri.it](mailto:privacy@marionegri.it).

The Data Protection Officer (DPO) can be reached at the following e-mail address: [DPO@marionegri.it](mailto:DPO@marionegri.it)

### B) Categories of personal data

The Data Controller may process the following categories of data (for example, but not limited to):

- Identifying data, such as name, surname, date of birth, address of residence, e-mail address and phone contact details, educational qualification, working experiences and any further data provided in your *curriculum vitae* and/or eventually submitted with supporting documents.
- Peculiar/sensitive data, whether any particular categories of data under art. 9 of the GDPR are mentioned in your *curriculum vitae* (“*personal data disclosing racial or ethnical origins, political opinions, religious or philosophical beliefs, trade union membership, genetical data, biometrical data intended to uniquely identify a physical individual, data relating to a natural person’s health, sexual life or orientation*”).

### C) Scope, nature, lawful basis for data processing, and storage

Your personal data may be processed by the Institute for the following purposes:

- a) **Personnel recruitment and selection:** Your data will be processed for the purpose of assessing whether the prerequisites for employment and/or the beginning of a collaboration have been fulfilled.

**Lawful basis:** processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Art. 6(1)(b) GDPR).

**Data storage:** data may be stored for the entire duration of the selection process, as well as for the following five years from the date of submission of your *curriculum vitae*, in order to evaluate your profile in any possible future selection procedures.

For the CVs submitted in a spontaneous application, where the contractual relationship is not followed up within the following 12 months, the data will be deleted from the archives five years after your *curriculum vitae* has been acquired.

- b) **Participation in public calls and/or contests organised by the Institute:** Your data will be processed for the purpose of conducting the selection process (assessment of the fulfilment of the participation, evaluation management, scoring, and ranking requirements). **Lawful basis:** processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract (Art. 6(1)(b) GDPR). **Data storage:** data may be stored for the entire duration of the selection process, as well as for ten years following the process’s closure, in order to comply with specific regulatory or contractual requirements, including those mandated by current civil and tax law regulations.

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- c) Legal defence of the Institute's rights: Your data may be processed if needed to defend or uphold a right in court or before an administrative body, as permitted by law, by EU regulations, and by collective regulations or contracts.

Lawful basis: the pursuit of the Institute's legitimate interests (art. 6 para. 1f of the GDPR) coinciding with internal verification to check for any illegal or fraudulent activities; You are obliged to provide data for these purposes, so should you refuse to do so the Institute will be unable to establish the working relationship and/or complete the necessary measures.

Data storage: your data will be stored for the time needed to permit the Institute to take action or defend itself against any claims put forward involving you or third parties.

The Institute will inform you if it intends to process your data for any purposes other than those listed here.

#### **D) Nature of data provision**

The provision of data for the aforementioned purposes is mandatory, as it is strictly functional for the Controller in order to implement the selection process in which the subject involved has taken part. If the data are not provided, it will be not possible to verify the prerequisites for recruitment and/or for the beginning of a collaboration and, thereby, for the eventual establishment of a relationship with the Controller.

#### **E) Data processing methods**

For the purposes set out above, data will be processed in compliance with the security measures set out in art. 32 of the GDPR, using automatic and/or manual informatic and telematic tools, to memorize, manage and transmit the data with the sole purpose of pursuing the aims for which the data were collected, always in full respect of the principles of correctness, permission and transparency.

#### **F) To whom your data may be communicated**

The personal data treated for the aforementioned purposes will be disclosed or will be available to employees and collaborators of the Institute as well as to clearly defined persons who have been authorised to the treatment and properly instructed for this purpose.

The Institute may disclose personal data of which it is the Controller where disclosure is required by Community provisions, laws or regulations.

Your data may be available to:

- employees and other collaborators of the Data Controller (in his/her capacity as person(s) "authorised" or "designed" for the Treatment) or system administrator(s);
- external third parties who perform outsourcing activities – on behalf of the Data Controller – technical and support tasks, within the limits of their own competences. These parties may act, according to the circumstances, as autonomous Data Controllers or as Data Processors, designated by the Data Controller itself;
- Vigilance Authorities, Justice Authorities as well as to all Institutional Entities to which the disclosure is required by Law for the fulfilment of the aforementioned purposes.

#### **G) Data transfer to other countries or to an international organisation**

Your personal data are processed in the European Union and stored on servers there. However, should it be necessary the Data Controller may transfer the data to a third country or international organisation and/or move to servers outside the EU. The Data Controller will take all necessary measures to ensure this transfer is made in full respect of articles 44 et seq. of the GDPR.

#### **H) Data storage policies**

The Institute will store all personal data in a form that enables the subject to be identified as promptly as required for the purposes for which they were processed. Your data will therefore be stored as follows:

- a) for the whole duration of the work and for ten years thereafter, in order to comply with regulations or contractual conditions, including any current civil and tax law requirements;
- b) beyond the terms of point a), when necessary data will be stored as long as needed for defence of rights in a trial in court, or in relation to the risk of any specific occupational disease.

#### **I) Rights of the data subject**

The Institute informs you that, as required by current regulations on the protection of personal data, you may exercise the following rights at any time, in fine, under arts. 15-22 of the GDPR – asking the Data Controller:

- a) to confirm whether your personal data are being processed and if so to obtain access to it;

- b) for rectification of any erroneous personal data, or integration of incomplete items;
- c) for cancellation of data with no unreasonable delay if any of the following apply:
- the data are no longer needed for the purposes for which it was collected or processed;
  - you revoke the consent to processing your data if there are no other legal grounds for processing it;
  - the personal data were processed illegally;
  - the cancellation is necessary for some legal obligation under EU or national law;
  - you are opposed to the processing and there is no legitimate need to proceed, or you are opposed to it under art. 21, para. 2, of the GDPR (personal data processed for purposes of *direct marketing*);
- d) to limit the processing if there is any erroneous data (for the time the Data Controller requires to check that the data are correct), or the processing is illegal and/or the data subject has opposed the processing, asking for it to be limited;
- e) for a portable copy: you have the right to receive a portable copy, in a common format, legible with an automatic device, and to transmit to another Data Processor, only for data based on consent and which have been processed automatically;
- f) to oppose processing of your own data, unless the Data Processor demonstrates the existence of legitimate reasons for proceeding;
- g) to revoke your consent at any time if the processing was based on your explicit consent, without prejudicing the lawfulness of processing done before your revocation.
- h) You have the right lodge a complaint with the authority responsible for these matters in the Member State where you normally live or work, or where the presumed violation occurred, without prejudice to any other administrative or judicial recourse, in case of violation of the Regulations.

If you want any further information on how your personal data will be processed, and to exercise your rights, you can **write to the Data Controller or the Data Protection Officer as indicated in section A** on Data Processing and Protection. Queries regarding your data will be answered as soon as possible – in any event within 30 days – unless it is not feasible or requires an unreasonable amount of work. If there is likely to be a delay, or it is not possible to answer your complaint, you will receive a full explanation.

Document available at this link:

[http://www.marionegri.it/media/privacy/PrivacyRecruiting\\_ENG.pdf](http://www.marionegri.it/media/privacy/PrivacyRecruiting_ENG.pdf)