

PRIVACY NOTICE: PROCESSING OF PERSONAL DATA

Under Art. 13 of the General Data Protection Regulation (EU Regulation 2016/679 of 27 April 2016, hereinafter “the **GDPR**”), the Mimmo Rotella Foundation, registered office 8 via Sangallo, Milan, in the person of its incumbent legally-authorized representative (“the Foundation”) is obliged as **Data Controller** to provide you with certain information concerning the manner in which and the purposes for which it processes those of your personal data which may come into its possession, including sensitive data.

Sources of personal data: legal basis of processing

The personal data in the Foundation’s possession will have been gathered directly from you, the person to whom this Notice is addressed (“the Data Subject”) when you contacted the Foundation as (i) a collector of works by Mimmo Rotella, (ii) a person entering into a legal relationship with the Foundation, or (iii) a person who has asked for works to be registered in the Foundation’s archive.

All the data acquired will be handled (“processed”) in accordance with current laws and regulations relating to the protection of personal data (“Privacy”) and with the rules of confidentiality, rules which are applied quite naturally in the Foundation’s activities as they enshrine principles which have always governed its work.

The legal basis of the processing of your data is the existing relationship with the Foundation.

Purposes of the processing to which the data are subjected

Personal data are processed in the course of the Foundation’s normal activities for the following purposes:

- a) purposes strictly connected with and instrumental to the management of the relationship with you (eg getting preliminary details, applications for registration of works in the Foundation’s archive, performance of obligations arising from agreements made with galleries, collectors, etc.);
- b) purposes arising from legal obligations or from European or Italian laws or regulations, or from orders issued by official regulators or other duly empowered authorities.

Your provision of the data needed for purposes (a) and (b) above, though not compulsory, is essential and indispensable for some or all of the activities involved in managing the relationship with you and also for the performance of legal obligations; a refusal to provide the data in question would accordingly make it impossible in practice for the Foundation to carry out those activities.

Whenever the Foundation intends to use personal data for any purpose other than those for which they were originally gathered or for which consent has been given it will give you an opportunity, by informing you beforehand, of refusing or withdrawing your consent.

Manner in which the data are processed

Personal data are processed for the above purposes by manual and computerized means of recording, managing and transmitting them, for no other purpose than those for which they were gathered, and in any case in such a manner as to guarantee their security and confidentiality.

The Foundation undertakes to do the following when carrying out these processing activities:

- a) to ensure that the data processed are accurate and up to date, acting promptly on any corrections and/or additions requested by the Data Subject;
- b) to notify Data Subjects of any privacy breach (misuse or wrongful disclosure of their personal data) in those situations where such notification is required by laws or regulations, within the deadlines prescribed thereby;
- c) to ensure that the processing operations comply with applicable laws.

In processing the personal data it has acquired, moreover, the Foundation complies fully with the principles of accuracy, propriety, lawfulness and transparency. In accordance with current applicable laws and regulations, the Foundation configures (or at all events undertakes to configure) its information systems and computer programmes so as to minimize the use of personal data and arrange never to process personally-identifiable data when the same purpose could be served by using anonymous data or arrangements which enable the Data Subject to be identified only when necessary.

Categories of person to which/whom the data may be disclosed

For the above purposes the Foundation may need to disclose your personal data to the courts and/or police if specifically required by them to do so in order that they may identify the perpetrator(s) of any unlawful act committed against the Foundation.

The Foundation will also need – having been given your consent or having put adequate safeguards in place, as provided for by the GDPR – to disclose your personal data to third-party contractors, some of whom may be located outside Italian territory and even, in some cases, outside the European Union.

Contractors in the above categories act either as Data Processors or quite independently as separate Data Controllers.

Within the Foundation the only individuals who have access to your personal data are those employees or freelance contractors appointed by us to process them and the parts of the organization which carry out technical support duties for the Foundation (in particular the Legal, IT and Delivery departments).

Policy on storing personal data

Personal data acquired by the Foundation are stored on its own servers in a form enabling Data Subjects to be identified for no longer than it takes to achieve the purposes for which they are being processed or to discharge specific obligations under contract, laws or

regulations. You can in any case be assured that the Foundation will not keep your data for more than ten years after your legal relationship with us has ceased.

Rights of the Data Subject

Lastly, we give you notice that under Arts. 15-22 of the GDPR you, as Data Subject, can exercise certain specific rights by applying to the Data Controller. Those rights include the following:

- a) The right of access: the right to obtain from the Data Controller confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and to information on the origin, purposes, categories of data processed, and recipients to whom the personal data have been or will be disclosed and/or transferred, etc.
- b) The right to rectification: the right to obtain from the Data Controller without undue delay the rectification of inaccurate personal data concerning you, and also the right to have incomplete personal data completed, by providing a supplementary statement or otherwise.
- c) The right to erasure: the right to obtain from the Data Controller the erasure of 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 are processed;
 - b. the data subject withdraws the consent on which the processing is based and there is no other legal ground for the processing;
 - c. the personal data have been unlawfully processed;
 - d. the personal data have to be erased for compliance with a legal obligation.
- d) The right to object to the processing: the right to object at any time to the processing of personal data when the legal basis is the Data Controller's legitimate interest.
- e) The right to restrict processing: the right to obtain from the Data Controller restriction of processing where the accuracy of the personal data is contested (for a period enabling the Data Controller to verify their accuracy), or where the processing is unlawful and/or where the Data Subject objects to the processing.
- f) The right to data portability: the right to receive the personal data in a structured, commonly used and machine-readable format and to transmit them to another Data Controller, but only where the processing is based on consent and only where the data are processed by electronic means.
- g) The right to lodge a complaint with a supervisory authority: without prejudice to any other administrative or judicial remedy, if you consider that the processing of your personal data infringes current applicable Privacy laws or regulations you have the right to lodge a complaint with the supervisory authority of the member state where you habitually live or work or where the alleged infringement took place.

Where the processing of the data is based on your consent you can withdraw that consent at any time. The withdrawal of consent will not affect the lawfulness of processing based on consent before its withdrawal..

For further information on the processing of your personal data or to exercise any of the above rights you should write by registered post to *Fondazione Mimmo Rotella, via Sangallo, 8, 20133 Milan*.

Further details can also be requested by e-mailing archive@fondazionemimmorotella.net.

CONSENT FORM

To: the Fondazione Mimmo Rotella

Whereas – as explained in the above Notice – the disclosure of my personal data to the following categories of person and the processing thereof by them are required for the achievement of the purposes described in that Notice:

- [●], established in EU or non-EU countries, to which the data may be communicated for the purpose of [●],

I hereby

consent

do not consent

to the disclosure and processing referred to above. I realize that if I do not consent the Foundation will only be able to carry out operations or provide services which do not require such disclosure.

Date _____

Signature (must be legible)_____