

DATA PROCESSING POLICY

Date	Rev.	Revision Description	Prepared by	Approved by
03/04/19	0	First issue	TEAM PRIVACY	MD

eWitness Malta Ltd. **recognises and respects** the right to the protection of personal data as a **fundamental human right**.

eWitness Malta Ltd. processes personal data in order to perform its services and in the context of its legal relationships pertaining to its operations.

In this regard, it is helpful to refer to **Regulation (EU) 679/2016 (General Data Protection Regulation – GDPR)** which defines 'personal data' as **any information relating to an identified or identifiable natural person ('data subject')**. According to the GDPR, the term 'processing' refers to **any operation or set of operations** which is performed on **personal data or on sets of personal data**, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Information technology facilitates the circulation of personal data and amplifies the growing increase in the flow of the same. For this reason, **it is essential to not lose control of personal data** and therefore **continuous commitment and awareness** are required in order to ensure adequate levels of data protection.

The updated regulatory framework on the protection of personal data now includes *Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data – General Data Protection Regulation (GDPR)*, which came into full effect on 25 May 2018, and complementary Maltese Acts.

eWitness Malta Ltd. has duly undertaken the process of alignment with European legislation and pays continuous attention to personal data protection.

In accordance with the **principle of transparency with regard to Data Subjects** and for the purposes of **accountability**, **eWitness Malta Ltd. provides**, in this section, **information concerning the various types of data processing performed in its capacity as the Data Controller**, both in relation to external and internal relationships.

POLICY ON THE PROCESSING OF THE PERSONAL DATA OF EMPLOYEES PURSUANT TO ART. 13 OF REGULATION (EU) 679/2016 (GDPR)

eWitness Malta Ltd, with registered offices in Giuseppe Cali Street, Ta' Xbiex, XBX, 1425, Malta, VAT registration number MT25589001, as the Data Controller, shall provide you with all the information necessary to ensure the proper and transparent processing of data pertaining to you, the Data Subject.

1. Data Controller and Data Protection Officer

The Data Controller is eWitness Malta Ltd, with registered offices in Giuseppe Cali Street, Ta' Xbiex, XBX, 1425, Malta, VAT registration number MT25589001. The Data Protection Officer is Andrea Lisi, a lawyer with registered office in Lecce, Via Vito Mario Stampacchia no. 21, email: dpo@ewitness.eu

2. Processing methods and purposes

Data pertaining to you, including data of a special nature (which may include data on your state of health), will be processed strictly for the purposes connected with the work activities, which include:

- fulfilment of the requirements deriving from the individual employment contract or that of the relative CCNL;
- fulfilment of the specific requirements provided for by law in order to manage the work relationship (including with regard to occupational health and safety and social security);
- fulfilment of the general regulatory requirements arising under the applicable labour, civil and tax laws.

The data will be processed using paper and/or electronic means, also through authorised collaborators and employees who perform administration and HR duties, and who operate under the direct authority and in accordance with the instructions of the Data Controller, using methods that are strictly related to the purposes indicated and that, in any case, guarantee the security and confidentiality of the data processed.

3. Nature of the processing

The processing of your personal data, including special categories of data, is necessary in order to comply with the requirements and exercise the specific rights deriving from the work relationship and to fulfil the statutory requirements related to labour rights, safety and social protection.

If the necessary data is not provided, then it may be impossible to establish the work relationship or to properly proceed with the same.

4. Communication and sharing of the data

Your data may be shared, for the purposes indicated above, only with persons who are authorised to perform the services necessary for the proper management of the work relationship, such as:

- persons who, on behalf of eWitness Malta Ltd, in their capacity as Data Processors, perform technical-organisational services (accounting, IT services, events management, etc.). The data are shared only insofar as is necessary to perform the relative services and with adequate technical and organisational measures in place to ensure that they are properly processed in accordance with the law;
- legal, administrative, tax and labour consultancy firms;
- banking institutions in order to pay the salary;
- trade union organisations to which you may belong;
- persons authorised to transmit tax returns (CAF, trade associations, professionals, etc.);
- company doctor in relation to occupational health and safety;
- public authorities and bodies governed by public law in order to fulfil the relative legal requirements;
- law enforcement and judicial police bodies, in the manner and the cases provided for by the law.

Sometimes personal data may be communicated, shared, assigned or transferred to third parties for unlawful purposes and, in any case, without providing the relative information to the Data Subjects or obtaining their consent, where required by law.

Your personal data will not be transferred abroad, to countries or international organisations outside of the European Union that do not guarantee an adequate level of protection, which is recognised, in accordance with art. 45 of the GDPR, based on an adequacy decision of the EU Commission. If, in order to manage the work relationship, it is necessary to transfer personal data to countries or international organisations outside of the EU, for which the EU Commission has not adopted an adequacy decision in accordance with art. 45 of the GDPR, this will occur only if adequate guarantees are provided by the recipient country or international organisation, pursuant to art. 46 of the GDPR and on condition that the data subjects have enforceable rights and effective means of redress. In the absence of an adequacy decision of the Commission, pursuant to art. 45 of the GDPR, or of adequate guarantees, pursuant to art. 46 of the GDPR, including binding corporate rules, the cross-border transfer of data may occur only if one of the conditions indicated in art. 49 of the GDPR is verified.

5. Physical and organisational measures adopted by the Controller

In order to ensure the proper processing of your personal data, eWitness Malta Ltd. has adopted technical and organisational security measures to guarantee the adequate protection of your data, ensuring in particular:

- that the locations where the processing takes place are appropriately protected from any unwanted intrusion;
- that personal communications regarding you are made in a way that prevents any third parties or unauthorised persons from becoming aware of your data;
- the prohibition of any unauthorised persons from obtaining and reproducing any documents containing personal data pertaining to you (including electronic documents) in the absence of adequate authentication or specific authorisation systems.

6. Data retention period

Your personal data will be processed for the duration of the work relationship, within the limits of that necessary to fulfil the requirements deriving from the individual contract, the collective bargaining contract and the law.

Your data may be also be kept subsequent to the termination of the work relationship in order to satisfy legal requirements.

7. Rights of the Data Subject

Data Subjects have the right to access their personal data and to request that the data be rectified, updated, erased or restricted, if incomplete, erroneous or collected unlawfully, as well as to object to the processing of the data for legitimate reasons and to obtain portability of the same.

In particular, Data Subjects have the right to ascertain the existence or otherwise of personal data pertaining to them, even if not yet recorded, and communication of the same in a readable format.

Data Subjects also have the right to be informed:

- a) of the purposes and methods of the processing;
- b) of the method used in cases where the data is processed using electronic tools;
- c) of the identifying particulars of the Data Controller, the Data Processor and of the persons or categories of persons to whom personal data may communicated or who may become aware of it in their capacity as authorised data processors.

Data Subjects have the right to obtain:

- a) the update, rectification or supplementation of their data;
- b) the erasure, transformation into anonymous form or the blocking of any data processed unlawfully, including those that do not need to be retained in relation to the purposes of the processing;
- c) the restriction of the data processing, in any of the cases referred to in Article 18 of the GDPR;
- d) confirmation that the operations referred to in letters a), b) and c) have been brought to the attention of those to whom the data have been communicated, except in cases where such requirement proves to be impossible or requires the use of means that are manifestly disproportionate to the safeguarded right;

e) the transmission of the data concerning them, provided to the Data Controller and processed based on the consent given by the Data Subjects for one or more purposes, in a structured, commonly used and machine-readable format. In accordance with art. 20 of the GDPR, the Data Subjects also have the right to transmit said data to another Data Controller without impediment and, if technically feasible, for said personal data to be transmitted directly from one Data Controller to another;

f) if the processing is based on consent, to withdraw their consent at any time (pursuant to art. 7, paragraph 3 of the GDPR);

The Data Subjects have the right to object, wholly or in part:

a) to the processing of their personal data, for legitimate reasons, even though they may be pertinent to the purposes for which they were collected;

b) to the processing of their personal data for advertising or direct marketing purposes or for conducting market research or commercial communications;

c) to automated decision-making processes that significantly affect them.

Without prejudice to any other administrative or judicial recourse, Data Subjects have the right to submit a complaint/report/appeal to a supervisory authority in the Member State in which they habitually reside or work or the place in which the alleged breach has occurred.

8. Exercise of rights

The above-mentioned rights may be exercised by submitting a request to the Data Controller through the privacy pool by sending an email to privacy@ewitness.eu.

The format of the request is free and without formalities and the data subject has the right to receive a response within a reasonable time limit, based on the circumstances of the case.

In exercising their rights, Data Subjects may avail themselves of non-profit bodies, organisations or associations whose statutory objectives are public interest and who operate in the sector covering the protection of the rights and freedoms of the Data Subjects with regard to data protection, giving, for this purpose, the appropriate mandate. Data Subjects may also be assisted by a person they trust.

Further information on the data processing purposes and methods can be obtained by sending an email to privacy@ewitness.eu with the word "Privacy" in the subject line.

For more information on your rights, to submit a complaint/report/appeal, and to be kept up to date on data protection legislation, you can consult the Maltese Office of the Information and Data Protection Commissioner (<https://idpc.org.mt/en/Pages/Home.aspx>)

POLICY ON THE PROCESSING OF PERSONAL DATA IN DEALINGS WITH CUSTOMERS AND SUPPLIERS PURSUANT TO ARTICLES 13 AND 14 OF REGULATION (EU) 679/2016 (General Data Protection Regulation - GDPR)

In its dealings with Customers and Suppliers, eWitness Malta Ltd (hereinafter eWitness) interacts and deals with various natural persons and processes the personal data relating to the same.

In accordance with Regulation (EU) 679/2016 (GDPR), this policy provides those Data Subjects whose data is processed in the context of dealings with eWitness' Customers and Suppliers with all the information regarding the method and purposes of said processing, in relation to the specific context in which the personal data are collected and processed.

1. Data Controller and Data Protection Officer (DPO)

The Data Controller is eWitness Malta Ltd, with registered offices in Giuseppe Cali Street, Ta' Xbiex, XBX, 1425, Malta, VAT registration number MT25589001.

The Data Protection Officer (DPO) can be contacted by email at dpo@ewitness.eu

2. Type of processing and data processing categories

The processing of your personal data is necessary for the purposes of establishing and fulfilling contractual relationships with eWitness Malta Ltd' Customers and Suppliers, and also in order to comply with the regulatory obligations deriving therefrom.

The acquisition and subsequent processing of your personal data is therefore necessary in order to ensure that said contractual relationships are properly fulfilled. If the necessary data is not provided, then it may be impossible to establish or to fulfil the contractual relationship.

The data to be processed may be collected by eWitness Malta Ltd from the Data Subject, or communicated by the Customer/Supplier, in the context of the respective contractual relationships and for the purposes related thereto. Said data may include, by way of example but not limited to, anagraphic data, job title, telephone numbers, email addresses, working hours, etc.

3. Processing methods and purposes

Your personal data will be processed for purposes strictly related to establishing and fulfilling contractual relationships with eWitness Malta Ltd.' Customers and Suppliers, and also in order to comply with the regulatory obligations deriving therefrom. All processing shall, in any case, be limited to achieving said purposes and may include, for example:

- the formation of contracts, the performance of the services covered by said contracts, the performance of payment services, etc.;
- compliance with the regulatory obligations deriving from the contracts, including accounting and tax obligations;
- the performance of preparatory and preliminary activities for the formation of contractual relationships and maintenance of relationships with Customers and Suppliers.

The data will be processed using paper and/or electronic means, also through authorised collaborators and employees, who operate under the direct authority and in accordance with the instructions of the Data Controller, using methods that are strictly related to the purposes indicated and that, in any case, guarantee the security and confidentiality of the data processed.

4. Communication and sharing of the data

Within the limits of the laws in force and the purposes indicated above, your personal data may be shared with the following subjects:

- partner companies of eWitness Malta Ltd in order to perform the services covered by the contracts with individual Customers/Suppliers;
- suppliers of administrative, financial, accounting, IT and other services, as well as professionals and/or consultants used by eWitness Malta Ltd for purposes strictly related to those for which the data are collected and processed;
- public authorities, supervisory and inspection bodies, law enforcement and judicial police bodies, in the manner and the cases provided for by the law.

The subjects pertaining to the categories indicated above will process your personal data as independent Controllers or as Processors specifically appointed by eWitness, with the guarantees referred to in art. 28 of the GDPR.

In the context of its internal organisation, eWitness will make your personal data available only to authorised personnel who have been specifically instructed for this purpose, in the context of their relative duties.

Sometimes personal data may be communicated, shared, assigned or transferred to third parties for unlawful purposes and, in any case, without providing the relative information to the Data Subjects or obtaining their consent, where required by law.

Your personal data will not be transferred abroad, to countries or international organisations outside of the European Union that do not guarantee an adequate level of protection, which is recognised, in accordance with art. 45 of the GDPR, based on an adequacy decision of the EU Commission. If, in order to manage the contractual relationship, it is necessary to transfer personal data to countries or international organisations outside of the EU, for which the EU Commission has not adopted an adequacy decision in accordance with art. 45 of the GDPR, this will occur only if adequate guarantees are provided by the recipient country or international organisation, pursuant to art. 46 of the GDPR and on condition that the data subjects have enforceable rights and effective means of redress. In the absence of an adequacy decision of the Commission, pursuant to art. 45 of the GDPR, or of adequate guarantees, pursuant to art. 46 of the GDPR, including binding corporate rules, the cross-border transfer of data may occur only if one of the conditions indicated in art. 49 of the GDPR is verified.

5. Physical and organisational measures adopted by the Controller

In order to ensure the proper processing of your personal data, eWitness Malta Ltd. has adopted technical and organisational security measures to guarantee the adequate protection of your data, ensuring in particular:

- that the locations where the processing takes place are appropriately protected from any unwanted intrusion;
- that personal communications regarding you are made in a way that prevents any third parties or unauthorised persons from becoming aware of your data;

- the prohibition of any unauthorised persons from obtaining and reproducing any documents containing personal data pertaining to you (including electronic documents) in the absence of adequate authentication or specific authorisation systems.

6. Data retention period

Your personal data will be processed for the time necessary to establish, fulfil and maintain the contractual relationships with eWitness Malta Ltd' Customers and Suppliers.

Your data may be also be kept subsequent to the termination of the aforementioned contractual relationships in order to satisfy legal requirements.

7. Rights of the Data Subject

Data Subjects have the right to access their personal data and to request that the data be rectified, updated, erased or restricted, if incomplete, erroneous or collected unlawfully, as well as to object to the processing of the data for legitimate reasons and to obtain portability of the same.

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Data Subjects also have the right to be informed:

- a) of the purposes and methods of the processing;
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- c) the restriction of the data processing, in any of the cases referred to in Article 18 of the GDPR;
- d) confirmation that the operations referred to in letters a), b) and c) have been brought to the attention of those to whom the data have been communicated, except in cases where such requirement proves to be impossible or requires the use of means that are manifestly disproportionate to the safeguarded right;
- e) the transmission of the data concerning them, provided to the Data Controller and processed based on the consent given by the Data Subjects for one or more purposes, in a structured, commonly used and machine-readable format. In accordance with art. 20 of the GDPR, the Data Subjects also have the right to transmit said data to another Data Controller without impediment and, if technically feasible, for said personal data to be transmitted directly from one Data Controller to another;
- f) if the processing is based on consent, to withdraw their consent at any time (pursuant to art. 7, paragraph 3 of the GDPR);

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