

## PRIVACY POLICY “CANDIDATES (PERSONNEL RECRUITMENT)” PURSUANT TO ART. 13 OF EU REGULATION NO. 679/2016

### DATA CONTROLLER AND CONTACTS

The Data Controller is Azienda Trasporti Milanesi S.p.A. (ATM), with registered office in Foro Buonaparte 61, 20121, Milan (Italy).

The Data Protection Officer can be contacted at the following email address: [rpd@atm.it](mailto:rpd@atm.it)

### PURPOSE OF THE PROCESSING AND LEGAL BASIS

- A) The purpose of the processing is the proper conduct of the personnel selection process, including, by way of example and without limitation: the collection and recording of unsolicited applications or applications submitted in response to specific open positions; the assessment of curricula vitae; the organization and management of interviews (including remote interviews); the verification of professional requirements and of the experience declared; any contact with the candidate for the purpose of requesting supplementary documentation; the management of communications relating to the outcome of the selection process; as well as any activity strictly instrumental to the possible establishment of an employment or collaboration relationship. The legal basis is the performance of pre-contractual measures pursuant to art. 6, paragraph 1, letter b) of EU Regulation No. 679/2016.
- B) The purpose of the processing is the fulfilment of obligations under labour law and social security legislation, in order to properly manage the personnel selection process in compliance with applicable regulations (e.g. verification of the requirements for the mandatory recruitment of persons belonging to protected categories pursuant to Law No. 68/1999, application of social security or tax incentives). The legal basis is the fulfilment of obligations and the exercise of specific rights of the Data Controller or of the data subject in the field of employment law and social security and social protection pursuant to art. 9, paragraph 2, letter b) of EU Regulation No. 679/2016.
- C) The purpose of the processing is the assessment of fitness for the specific position, limited to the final stages of the selection process or in view of the establishment of the employment relationship, in order to ascertain the candidate's working capacity in relation to the specific risks associated with the position to be filled, where required by occupational health and safety legislation. The legal basis, for purposes of preventive medicine or occupational medicine, assessment of the employee's working capacity, medical diagnosis, provision of health or social care or treatment, or the management of health or social care systems and services, is art. 9, paragraph 2, letter h) of EU Regulation No. 679/2016.
- D) The purpose of the processing is the verification of the requirements of good repute and integrity necessary for the establishment of the employment relationship, with particular reference to positions involving responsibility for public safety, transport safety, or the management of critical assets. Such verification, also carried out through checks of substitute declarations pursuant to Article 46 of Presidential Decree No. 445/2000 with the Criminal Records Office, is aimed at preventing structural risks connected with the specific job position and ensuring the reliability of personnel in public service contexts. The legal basis for the processing of data pursuant to art. 10 of EU Regulation No. 679/2016 is the fulfilment of a legal obligation pursuant to art. 6, paragraph 1, letter c) of EU Regulation No. 679/2016 and, in the absence of a specific statutory obligation, the legitimate interest of the Data Controller pursuant to art. 6, paragraph 1, letter f) of EU Regulation No. 679/2016.

- E) The purpose of the processing is the management of activities related to the declaration and verification of situations, including potential ones, of conflicts of interest, in implementation of the Company's Code of Ethics and internal organizational procedures, with the aim of preventing situations liable to compromise impartiality, independence and fairness in the performance of work duties, as well as ensuring transparency and compliance with applicable regulations and with the principles of good administration. The legal basis is the pursuit of an important public interest on the basis of Union or Member State law, pursuant to art. 9, paragraph 2, letter g) of EU Regulation No. 679/2016.
- F) The purpose of the processing is the prevention and repression of unlawful acts, as well as the exercise of the Data Controller's rights in judicial proceedings and the management of disputes. The Data Controller's interest corresponds to the constitutionally guaranteed right of action (Article 24 of the Italian Constitution) and, as such, is socially recognized as prevailing over the interests of the individual data subject. The legal basis is the legitimate interest of the Data Controller pursuant to art. 6, paragraph 1, letter f) of EU Regulation No. 679/2016.
- G) Where the purposes of the processing relating to the prevention and repression of unlawful acts, as well as the exercise of the Data Controller's rights in judicial proceedings and the management of disputes referred to in point F), involve special categories of data, the legal basis is the necessity to establish, exercise or defend a legal claim in judicial proceedings or whenever judicial authorities exercise their judicial functions, pursuant to art. 9, paragraph 2, letter f) of EU Regulation No. 679/2016.

#### **CATEGORIES OF DATA PROCESSED**

Ordinary personal data are processed (for example, name, surname, address, email address, telephone number, place and date of birth, fiscal code, data relating to education and professional background). Where necessary, special categories of personal data relating to health may be processed, such as data required to verify fitness for specific tasks; data relating to membership of protected categories, where required for the position applied for; and judicial data, where the position applied for falls within those for which it is necessary to carry out further checks by submitting a request to the Public Prosecutor's Office for the issuance of the criminal record certificate pursuant to Article 28, paragraph 3 of Presidential Decree No. 313 of 14 November 2002 and the Ministerial Decree of the Ministry of Justice of 5 December 2012.

#### **DATA DISCLOSURE**

Personal data are processed by personnel authorized pursuant to Article 29 of the GDPR and Article 2-quaterdecies of the Italian Data Protection Code, by the data controller and may be communicated to companies that provide goods and/or services related to the processing.

#### **METHODS OF PROCESSING**

The processing of personal data may also be carried out through automated and computerized procedures, by means of the operations of collection, recording, organization, storage, consultation, processing, alteration, selection, retrieval, comparison, use, interconnection, restriction, disclosure, erasure and destruction of the data. Furthermore, the data are processed solely for the purposes indicated above, in accordance with the principles of lawfulness, fairness, transparency, accuracy, integrity and confidentiality established by the applicable legislation.

## **DATA TRANSFER**

No transfer of the personal data collected for the purposes set out above to third countries outside the European Economic Area or to international organizations is currently envisaged. Should such transfer become necessary, it will be carried out based on an adequacy decision pursuant to Article 45 of the GDPR and in compliance with the appropriate safeguards provided for under Article 46 of the GDPR.

## **DATA RETENTION PERIOD**

The data will be retained with reference to the purpose:

A) the candidates who successfully complete the selection process and are hired shall have their data retained for the periods provided for the management of the employment relationship and, following its termination, for a period of 10 years (ordinary limitation period) or for the longer periods established by specific labour law, social security and occupational health and safety regulations. The data of other candidates shall be retained for 24 months and/or, in the event of litigation, until the final judgment becomes res judicata for all levels of jurisdiction provided for by the legal system. Data relating to curricula vitae submitted spontaneously shall be retained for 24 months. For hired candidates (Purposes A, B, C, D), the data shall be included in the personnel file and retained for the entire duration of the employment relationship;

B) and C) data relating to fitness for the specific position shall be retained, where the selection process is successfully completed, for the periods provided for the management of the employment relationship and, following its termination, for 10 years (ordinary limitation period) or for the periods established by specific labour law, social security and occupational health and safety regulations;

D) data relating to checks carried out with the Criminal Records Office shall be deleted after 6 months, unless retention is necessary for the purposes referred to under point E);

E) 10 years from the date of the declaration, without prejudice to longer retention periods provided for by specific legislation or to needs related to the defence of the Data Controller in judicial proceedings (e.g. in the event of ascertained violations of the Code of Ethics or disciplinary sanctions resulting from the conflict of interest identified).

F) for the time strictly necessary to establish, exercise or defend a right in judicial proceedings, until the expiry of the time limits for bringing appeals;

G) for the time strictly necessary to establish, exercise or defend a right in judicial proceedings, until the expiry of the time limits for bringing appeals.

## **PROVISION OF DATA**

Where the provision of personal data constitutes a legal or contractual obligation, or a requirement necessary for entering into a contract, the data subject is required to provide such personal data. The failure to provide the requested data may result in the impossibility of initiating or continuing the recruitment process and may also lead to sanctions in accordance with applicable laws and regulations. In all other circumstances, the provision of personal data is optional.

## **DATA SUBJECT RIGHTS**

All the rights of the data subject are guaranteed in accordance with the provisions of Articles 15, 16, 17, 18, 20, 21, 22 and 77 of the GDPR:

- right of access to your personal data and all information on the processing carried out;

- right to rectification of inaccurate personal data and integration of incomplete data;
- right to erasure ('right to be forgotten');
- right to limit the processing of your personal data;
- right to data portability;
- right to object to the processing of your personal data;
- right not to be subject to a decision based solely on automated processing;
- right to lodge a complaint with the Italian Data Protection Authority in case a violation is thought to have been carried out.

Should the data subject believe that their rights have been infringed, they are entitled to lodge a complaint.

For further information, we invite you to consult the website of the Italian Data Protection Authority – [www.garanteprivacy.it](http://www.garanteprivacy.it) – where a dedicated section on these rights is available.

#### **METHODS FOR EXERCISING RIGHTS**

You may exercise your rights at any time by:

- sending a registered letter with return receipt to the address of Data Controller;
- sending an email to: [protezionedatipersonali@atm.it](mailto:protezionedatipersonali@atm.it)