



PRIVACY NOTICE

OVERIT PRODUCT AND SERVICES

as pursuant to Articles 13 and 14 of Reg. 679/2016/UE

Last Updated: Feb 20, 2023

In compliance with the provisions of EU Regulation 2016/679 (hereinafter "**GDPR**"), OverIT S.p.A., in its capacity of Data Controller¹ or Data Processor², together with its affiliated companies (hereinafter "**OverIT**", "we", "us", "**Controller**" or "**Processor**" as the case may be), informs you through this Privacy Notice for OverIT Products and Services (this "**Privacy Notice**") of the methods and purposes of the processing of your personal data (hereinafter "**Personal Data**")³ via OverIT's products and services (collectively, the "**Services**"). The term "Personal Data" is used also to collectively refer to all applicable privacy laws' definitions relating to Personal Data, including the CCPA definition of "Personal Information."

CCPA Notice at Collection: At or before the time of collection, you may have a right to receive notice of our practices, including the [categories](#) of Personal Data to be collected, the [purposes](#) for which such Personal Data is collected or used, whether such Personal Data is [sold or shared](#), and how long such Personal Data is [retained](#). You can find those details in this statement by clicking on the above links.

Capitalized terms not defined herein have the meanings ascribed to them in the customer agreement.

1. Purposes and Legal Basis of the Processing

In its capacity of Controller, OverIT will process Personal Data for its internal administrative purposes and to monitor Next-Gen FSM Platform usage and licensing. Such internal administrative purposes include but are not limited to, detecting security incidents, measuring interest and engagement in our Services, improving, upgrading or enhancing our Services, and enforcing our agreements and policies.

As Data Processor, OverIT will process Personal Data to provide the following Services:

1. Provide software licenses, and ensure their activation and operation
2. Application Maintenance Service (AMS)
3. Help Desk Service
4. Product customization

OverIT's legal basis for the processing of Personal Data as a Data Controller, is 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.

As a Data Controller, OverIT's legal basis is also the legitimate interests pursued by OverIT.

2. Type of Personal Data Collected

When the customer uses our Services, it may provide some information, including name, surname, username, password, contact details, payment information, IP Address, GPS coordinates, images and screenshots, device's operating system version, and other information that the customer or its authorized users transmit or receive utilizing the Services.

Depending on the customer's usage, the processing of Personal Data may also concern special categories of Personal Data as provided for by the customer.

We may obtain information about you from other sources, including through third-party services and organizations. For example, if you access our Services as an authorized user of a customer (i.e., your employer), the customer may provide us with Personal Data about you that we use to administer your account. In addition, if you access our Services through a third-party application, such as an app store or a third-party login service, we may collect information about you from that third-party application that you have made available via your privacy settings.

¹ "**Data Controller**" means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data

² "**Data Processor**" means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

³ "**Personal Data**" means any information relating to an identified or identifiable natural person (Art. 4(1) GDPR).



3. Data Processing, Communication and Disclosure of Personal Data

Data processing will be done by means of computerized methods or via email or other means of online communication in order to guarantee data security and confidentiality.

As for the scope indicated at section 3 herein above, Personal Data will be processed solely by whom by virtue of their duties have received specific instructions by the Data Processor on how to process as pursuant to article 29 of GDPR (*Processing under the authority of the controller or processor*).

Moreover, Personal Data may be processed for the above purposes by third parties acting on behalf of OverIT. The latter have been specifically appointed as Data Processors or Sub-processors pursuant to Article 28 of the GDPR by OverIT. The updated list of Data Processors or Sub-processors is available, upon request, by sending a communication to the contacts indicated below.

We may use Personal Data to tailor and provide you with content and advertisements. We may provide you with these materials as permitted by applicable law. Some of the ways we market to you include email campaigns, text messages, or phone calls. If you have any questions about our marketing practices, you may contact us at any time using the contact information set forth in the [“Data Controller and Data Protection Officer”](#) section below.

In addition to the subjects indicated above, where required or authorized by law, legal process, litigation, and/or requests or investigation from public and governmental authorities within or outside data subject’s country of residence, your Personal Data may be disclosed to courts, public and governmental authorities.

We may also access, preserve and disclose your Personal Data to external parties if, we in good faith, believe doing so is required or appropriate to protect your, our or others’ rights, property or safety, enforce our policies or contracts, collect amounts owed to us.

If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, your Personal Data may be sold or transferred as part of such a transaction, as permitted by law and/or contract.

Except for the previous cases, your Personal Data will not be disclosed.

4. Personal Data Transfer

OverIT has affiliates, and utilises third-party service suppliers, which are domiciled within the European Economic Area (the “EEA”) as well as outside of the EEA. With regard to Personal Data of EEA data subjects processed under this Privacy Notice, any data transfer data will be made under the Standard Contractual Clauses (according to EU Commission Decision 2021/914 of June 4th 2021; “SCCs”) or under such other safeguard as may be adopted and/or approved by the EU Commission (including any future replacement or amendment of the SCCs or such safeguards), in order to ensure that the Personal Data is protected at a level corresponding to the level applicable within the EEA.

5. Nature of Communication and Consequences in the Event of Denial

The communication of Personal Data to OverIT is necessary for the performance of the Services. Any refusal to provide Personal Data will prevent the establishment or proper continuation of the relationship with OverIT.

6. Data Retention Period

Personal Data shall be processed for the entire duration of the contract in order to perform the Services and fulfill the purposes above. When OverIT is also legally required to retain Personal Data, the Personal Data may be retained until the end of the relevant period prescribed by or allowed under applicable law.

In the event of legal disputes, Personal Data shall be retained for the entire duration of the legal action, until the time limits for appeals are exhausted.

Once the relevant retention period has expired, the Personal Data will be deleted and/or anonymised so as to prevent, even indirectly, the identification of the data subjects.

7. Data Subject Rights



OverIT S.p.A.

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C.S. € 300.000,00 i.v.



Each Data Subject⁴ located in the EEA has:

1. The right to withdraw its consent at any time;
2. The right to ask the Controller the access to the Personal Data processed by the same Controller or by third parties on his behalf;
3. The right to ask the Controller to amend its Personal Data when these latter are erroneous, not-updated or incomplete;
4. The right to ask the deletion or erasure of its Personal Data as pursuant to article 17 of GDPR, in the following situations: (i) when Personal Data is no longer necessary for the scope pursued, (ii) when the Data Subjects oppose to the Personal Data processing and there are no legitimate reasons prevailing for the processing, and (iii) when the Personal Data has been processed unlawfully;
5. The right to require a limitation in the processing of its Personal Data as pursuant to article 18 of the GDPR;
6. The right to oppose to the processing of its Personal Data;
7. The right to present a claim to the competent authority of the member state in which the Data Subject lives or works, as pursuant to the dispositions within article 77 of GDPR;
8. The right to receive Personal Data which regarding the subject or to ask the transfer to other Personal Data Controller, when possible, as complying with article 20 of the GDPR.

At any moment you may exercise your rights by sending an e-mail to the following e-mail address privacy@overit.it.

Supervisory Authority. If you are located in the European Economic Area, Switzerland, or the United Kingdom, you have the right to lodge a complaint with a supervisory authority if you believe our processing of your Personal Data violates applicable law.

8. Other Privacy Choices

The privacy choices you may have about your Personal Data are determined by applicable law and are described below.

- Email, Telephone, SMS, and Other Communications. You may opt out from receiving some text messages, calls and emails, from us by replying "stop" (for written communications) or informing us that you do not wish to be contacted (for calls). Note that you will continue to receive transaction-related communications regarding products or Services you have requested. We may also contact you with certain non-promotional communications regarding us and our Services, and you will not be able to opt out of those communications (e.g., communications regarding our Services or updates to our Terms or this Privacy Notice).
- "Do Not Track." Do Not Track ("DNT") is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.

9. Security of Your Information

We take steps to ensure that your Personal Data is treated securely and in accordance with this Privacy Notice. Unfortunately, no system is 100% secure, and we cannot ensure or warrant the security of any information you provide to us. To the fullest extent permitted by applicable law, we do not accept liability for unauthorized disclosure.

By using our Services or providing Personal Data to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of our Services. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on our Services or by sending an email to you.

10. Supplemental Notice to California Residents

This Supplemental Notice for California Residents only applies to our processing of your Personal Data that is subject to the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act (as amended, the "**CCPA**"). The CCPA provides California residents with the right to know what categories of Personal Data OverIT has collected about them, and whether OverIT disclosed that Personal Data for a business purpose (e.g., to a service provider) and whether such Personal Data is sold or shared. For purposes of this Supplemental Notice, the terms "**business purpose**," "**cross-contextual behavioral advertising**," "**personal information**," "**sale**," "**sell**," and "**share**" have the meanings provided to them under the CCPA. California residents can find this information below:

⁴ "Data Subject" means an identified or identifiable natural person (Art 4(1)GDPR).



Category of Personal Data Collected by OverIT	Category of Third Parties Personal Data is Disclosed to for a Business Purpose	Is the Personal Data Shared with any Third Parties for Cross-Contextual Behavioral Advertising?
Identifiers	• Service Providers	• No
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))	• Service Providers	• No
Protected classification characteristics under California or federal law	• N/A	• No
Commercial information	• N/A	• No
Biometric information	• N/A	• No
Internet or other electronic network activity	• Service Providers	• No
Geolocation data	• Service Providers	• No
Sensory data	• No	• No
Professional or employment-related information	• N/A	• No
Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g, 34 C.F.R. Part 99))	• No	• No
Inferences drawn from other personal information to create a profile about a consumer	• No	• No
Personal information that reveals a consumer's social security, driver's license, state identification card, or passport number	• N/A	• No
Personal information that reveals a consumer's account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account	• No	• No
Personal information that reveals a consumer's precise geolocation	• N/A	• No
Personal information that reveals a consumer's racial or ethnic origin, religious or philosophical beliefs, or union membership	• N/A	• No
Personal information that reveals the contents of a consumer's mail, email, and text messages unless OverIT is the intended recipient of the communication	• N/A	• No
Personal information that reveals consumer's genetic data	• No	• No



Category of Personal Data Collected by OverIT	Category of Third Parties Personal Data is Disclosed to for a Business Purpose	Is the Personal Data Shared with any Third Parties for Cross-Contextual Behavioral Advertising?
Biometric information that is processed for the purpose of uniquely identifying a consumer	• N/A	• No
Personal information collected and analyzed concerning a consumer's health	• No	• No
Personal information collected and analyzed concerning a consumer's sex life or sexual orientation	• No	• No

The categories of sources from which we collect Personal Data and our business and commercial purposes for using and disclosing Personal Data are set forth in the [“Types of Personal Data Collected”](#) and [“Data Processing, Communication and Disclosure of Personal Data”](#) Sections above, respectively. We will retain Personal Data in accordance with the time periods set forth in the [“Data Retention Period”](#) Section.

Additional Privacy Rights for California Residents

“Sales” of Personal Data under the CCPA. In the preceding twelve months, OverIT has not “sold” any Personal Data (as defined by the CCPA), nor does OverIT have actual knowledge of any “sale” of Personal Data of minors under 16 years of age.

Cross-Context Behavioral Advertising under the CCPA. In the preceding twelve months, OverIT has not “shared” any Personal Data for “cross-context behavioral advertising” (as such terms are defined in the CCPA), nor does OverIT have actual knowledge of any “sharing” of Personal Data of minors under 16 years of age for “cross-context behavioral advertising”.

Non-Discrimination. California residents have the right not to receive discriminatory treatment by us for the exercise of their rights conferred by the CCPA.

Authorized Agent. Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Data. You may also make a verifiable consumer request on behalf of your minor child. To authorize an agent, provide written authorization signed by you and your designated agent and contact us as set forth in the [“Data Controller and Data Protection Officer”](#) Section below for additional instructions.

Verification. To protect your privacy, we will take steps to reasonably verify your identity before fulfilling your request. These steps may involve asking you to provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Data or an authorized representative, or to answer questions regarding your account and use of our Services.

Opt-Out Preference Signal. OverIT does not “sell” Personal Data or “share” Personal Data for “cross-context behavioral advertising” so it does not respond to opt-out preference signals.

How To Exercise Your Rights Under the CCPA. If you are a California resident and would like to exercise any of your rights under the CCPA (including those listed in the “Data subject’s rights” Section above), please contact us as set forth in the [“Data Controller and Data Protection Officer”](#) Section below. We will process such requests in accordance with applicable laws.

De-Identified Information. If we create or receive de-identified information, we will not attempt to reidentify such information, except to comply with applicable law.

California Shine the Light. The California “Shine the Light” law permits users who are California residents to request and obtain from us once a year, free of charge, a list of the third parties to whom we have disclosed their Personal Data (if any) for their direct marketing purposes in the prior calendar year, as well as the type of Personal Data disclosed to those parties.

11. Supplemental Notice for Nevada Residents

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties who intend to license or sell that Personal Data. Please note that we do not currently sell your Personal Data as sales are defined in Nevada Revised Statutes Chapter 603A. If you have any questions, please contact us as set forth below.

12. Children’s Information



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The Services are not directed to children under 13 (or other age as required by local law), and we do not knowingly collect Personal Data from children.

If you are a parent or guardian believe your child has uploaded Personal Data to our site without your consent, you may contact us as described in the [Contact](#) Section below. If we become aware that a child has provided us with Personal Data in violation of applicable law, we will delete any Personal Data we have collected, unless we have a legal obligation to keep it, and terminate the child's account if applicable.

13. Other Provisions

- **Third-Party Websites/Applications.** Certain features and functionalities of the Services may link to or allow you to interface, interact, or share information with, access and/or use third-party websites, services, products, and technology (collectively, "**Third-Party Services**") through the Services. OverIT does not provide or control any aspect of the Third-Party Services and is not responsible for any compatibility issues, errors or bugs in the Services or Third-Party Services caused in whole or in part by the Third-Party Services or any update or upgrade thereto. We encourage our users to read the privacy policies of each Third-Party Service with which they interact. We do not endorse, screen or approve, and are not responsible for, the privacy practices or content of such Third-Party Services. Providing Personal Data to Third-Party Services is at your own risk.
- **Supervisory Authority.** If you are located in the European Economic Area, Switzerland, or the United Kingdom, you have the right to lodge a complaint with a supervisory authority if you believe our processing of your Personal Data violates applicable law.
- **Changes to our Privacy Notice.** We may revise this Privacy Notice from time to time in our sole discretion. If there are any material changes to this Privacy Notice, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Notice if you continue to use our Services after the new Privacy Notice takes effect.

14. Data Controller and Data Protection Officer

The OverIT corporate entity which will be processing the Personal Data, in its capacity of Controller or Processor – as the case may be – for the purposes indicated within this Privacy Notice is:

OverIT S.p.A.

Via U. Bassi, n 81, 33080 Fiume Veneto (PN)

E-mail Team Privacy: privacy@overit.it

The Data Controller has appointed a Data Protection Officer, which may be contacted at the following e-mail address: dpo@rbb-legal.it