
	ORGANIZATIONAL MODEL FOR THE PROTECTION OF PERSONAL DATA – GDPR	
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DATA BREACH POLICY

under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 concerning the protection of natural persons with regard to the processing of personal data and the free movement of such data

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1. INTRODUCTION

Cereal Docks International S.p.A. (hereinafter also referred to as the "**Controller**" or "**Company**") is required, pursuant to:

(i) the General Regulation on Data Protection - Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter "**GDPR**") and

(ii) the Legislative Decree no. 196/2003 containing the "Personal Data Protection Code" and the amendments introduced by the Legislative Decree. no. 101/2018 (hereinafter the "**Code**"),

hereinafter jointly referred to as the "**Personal Data Protection Legislation**",

to maintain the security of personal data processed within the scope of its activities and to act without unjustifiable delay in case of data breach (including any notification to the competent Guarantor Authority and any communication to the interested parties).

It is of paramount importance to provide for action to be taken in the event of potential or actual infringements of personal data, in order to avoid any risk to the rights and freedoms of the affected recipients, as well as economic damage to the Company and to be able to report the event in the time and manner provided by the GDPR to the Guarantor Authority and/or the persons concerned.

2. PURPOSE OF THE MODEL

The purpose of this procedure is to define the flow of activities for the management of infringements of personal data processed by the Controller.

3. RECIPIENTS

This procedure is addressed to all persons who, for any reason, process personal data falling within the competence of the Controller including:


- the employees, as well as those who in any capacity - and therefore regardless of the type of relationship - have access to the personal data processed in the course of their employment on behalf of the Controller (hereinafter referred to as "**Internal Recipients**");
- any person (natural person or legal entity) other than the Internal Recipients who, by reason of the existing contractual relationship with the Controller, has access to the above mentioned data and acts as Data Processor pursuant to art. 28 of the GDPR or autonomous Data Controller (hereinafter referred to as the "**External Recipients**"),

hereinafter generically referred to as "**Recipients**".

All Recipients must be duly informed of the existence of this procedure by methods and means that ensure their understanding.

4. DEFINITIONS

- *Personal Data* means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, by reference in particular to an identifier such as a name, an identification number, location data, an online identifier or to one or more characteristics of his or her physical, physiological, genetic, mental, economic, cultural or social identity (hereinafter referred to as "**Personal Data**");
- *Processing* means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automatic 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 of data, restriction, erasure or destruction (hereinafter referred to as "**Processing**");

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- *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; where the purposes and means of such processing are determined by the European Union or Member State law, the Controller or the specific criteria applicable to its designation may be determined by Union or Member State law (hereinafter referred to as '**the Controller**');
- *Data Processor* means the natural or legal person, public authority, service or other body processing personal data on behalf of the Controller (hereinafter referred to as the '**Processor**');
- *Data Subject* means any identified or identifiable natural person (hereinafter referred to as the '**Data Subject**');
- *Data Protection Officer* is a technical consultant appointed by the Data Controller, whose competencies are regulated by the GDPR (hereinafter "**DPO**");
- *Privacy Team*, is a group of persons appointed by the Data Controller with the function of
 - (i) carrying out, also with the help of external consultants appointed by the Company, all activities related to and necessary for *compliance* with data protection legislation;
 - (ii) managing the Organizational Model for the Protection of Personal Data adopted by the Controller;
 - (iii) dealing with the DPO, where appointed;
(hereinafter "**Privacy Team**");
- *Supervisory Authority* means the independent public authority set up by a Member State in accordance with Article 51 of the GDPR (in Italy this authority is identified with the Data Protection Authority') (hereinafter referred to as the "**Authority**");
- *Breach of Personal Data*, the breach of security that involves accidentally or illegally destruction, loss, modification, unauthorized disclosure or access to personal data transmitted, stored or otherwise processed (hereinafter '**Infringement**' or '**Data Breach**').

Infringements can occur for various reasons which may include, but are not limited to:


- disclosure of confidential data to unauthorized persons;
- loss or theft of data or instruments in which the data is stored;
- loss or theft of paper documents;
- corporate infidelity (e.g.: data breach caused by an internal person who has permission to access the data shall produce a copy distributed in a public environment);
- abusive access (e.g. data breach caused by unauthorised access to systems information with subsequent disclosure of the information acquired);
- cases of computer piracy;
- databases altered or destroyed without authorisation issued by their Owner;
- viruses or other attacks on the computer system or company network;
- violation of physical security measures (e.g.: forcing doors or windows of security rooms or archives containing confidential information);
- loss of laptops, devices or company computer equipment;
- sending e-mails containing personal and/or particular data to the wrong recipient.

5. BREACH NOTIFICATION PROCEDURE

Infringements are handled by the Controller with the help of the Privacy Team and under the supervision of the DPO, where appointed.

Specifically, the Privacy Team and the DPO have the task of assisting the Controller in the resolution of issues relating to a suspected, alleged or actual Data Breach event by addressing the following aspects (by way of example but not limited to) where applicable:

1. determine whether or not the infringement in question is to be considered an infringement;
2. assign a level of severity to the Infringement;
3. ensure that a proper and impartial investigation is initiated, conducted, documented and concluded;

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4. identify the requirements for resolution of the infringement and monitor the resolution;
5. coordinate with the Authority;
6. coordinate internal and external communication;
7. ensure that those concerned are adequately informed.

If deemed appropriate and necessary, following the outcome of the initial analyses carried out with regard to the potential degree of seriousness as well as specificity of the Breach, the Controller, in consultation with the Privacy Team and the DPO, if appointed, may also involve additional external experts in the management activities of Data Breach (by way of example, a computer security expert or an external communication agency to assist the Controller in case of need for communication to third parties).

In case of suspected, alleged or actual Breach, it is of utmost importance to ensure that the Breach is addressed immediately and correctly in order to minimize the impact of the Breach and prevent its possible repetition.

In the event that one of the Recipients becomes aware of a suspected, presumed or actual Breach, he/she must give immediate communication as follows:

- (i) if he or she is an Internal Recipient, to his or her area/function manager who will deal with the support of the recipients themselves, to inform the Controller through the compilation of Annex A - "Internal Data Breach Communication Form" to be sent by email to teamprivacy@cerealdocks.it;
- (ii) if he is an External Recipient, he/she shall inform the Controller without undue delay by filling out Annex A - "Internal Data Breach Communication Form" to be sent by email to the address teamprivacy@cerealdocks.it.

6. BREACH MANAGEMENT PROCEDURE

To handle a personal data breach the following steps shall be followed:

- Step 1: Identification and preliminary investigation
- Step 2: Containment, data recovery and risk assessment
- Step 3: Possible notification to the Authority
- Step 4: Possible communication to interested parties
- Step 5: Documentation of the Breach event

Step 1: Identification and preliminary investigation


Annex A, duly completed, will allow the Controller, with the help of the Privacy Team and with the support of the DPO, if appointed, to conduct an initial assessment of the communication received, in order to determine whether a Data Breach event has actually occurred and whether a more in-depth investigation is necessary, proceeding in this case with step 2.

In the event of a breach of data contained in a computer system, the Controller must also involve the IT Manager or his delegate in the whole procedure indicated in this document in case of absence.

Step 2: Containment, data recovery and risk assessment

Once it has been established that a Data Breach incident has occurred, the Controller together with the Privacy Team and the DPO, if appointed, will have to establish:

- whether there are actions that could limit the damage that the Breach could cause (i.e. physical repair of instrumentation; use of back up files to recover lost or damaged data; isolation/closure of a compromised sector of the network; change of access codes, etc.);
- who should act to contain the Breach, once these actions have been identified;
- whether it is necessary to notify the Breach to the Authority (where the infringement is likely to present

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- a risk to the rights and freedoms of physical persons);
- whether it is necessary to notify the Breach to the persons concerned (where the breach presents a high risk for the rights and freedoms of natural persons).

In order to identify the need for notification to the Authority and communication to the parties concerned, the Controller, assisted by the Privacy Team and the DPO, where appointed, will assess the seriousness of the breach by using Annex B - "Data Breach Risk Assessment Form" which must be examined together with Annex A, also taking due account of the principles and indications set out in Articles 33 and 34 of the GDPR.

Step 3: Possible notification to the Authority

Once it has been assessed the need to notify the Authority of the infringement suffered on the basis of the procedure described in step 2, as prescribed by the GDPR, the Controller must do so without undue delay and, where possible, within 72 hours from the time it has become aware of it.

If notification to the Authority is not made within 72 hours, the notification shall be accompanied by the reasons for the delay.

The notification shall at least:

- describe the nature of the breach including, where possible, the categories and approximate number of Interested parties concerned and the categories and approximate number of personal data records in question;
- communicate the name and contact details of the DPO, if appointed, or of another contact person who can provide with further information;
- describe the likely consequences of the breach;
- describe the measures taken or proposed to be taken by the Controller to remedy the breach; and, where appropriate, to mitigate its possible negative effects.

If and to the extent that it is not possible to provide the information at the same time, the information may be provided to the Authority at a later stage without further undue delay.

Step 4: Possible communication to interested parties


Once the need to communicate the breach to the Interested Parties has been assessed on the basis of the procedure referred to in step 2, as prescribed by the GDPR, the Controller must do so, without undue delay. Communication to the interested parties must be in clear and simple language and must contain:

- the name and contact details of the DPO or of another contact person who can provide further information;
- a description of the likely consequences of the breach;
- a description of the measures taken or proposed by the Controller to remedy the infringement; and, where appropriate, to mitigate its possible negative effects.

With regard to the methods of communication, on a case-by-case basis, the Controller must always give priority to a direct method of communication with interested parties (such as emails, SMS or direct messages). The message shall be communicated in a simple and transparent way, thus avoiding sending information through newsletters, which could easily be misinterpreted by the interested person. In case the direct notification requires a disproportionate effort, then public communication may be used. It will have to be as effective as addressing directly the person concerned.

Step 5: Documentation of the Breach

Regardless of the need to notify the Authority (step 3) and/or the Interested Parties (step 4) of the

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breach, whenever a potential Data Breach is communicated by the Recipients through Annex A, the Controller is required to document it.

This documentation activity will be carried out by the Controller, with the help of the Privacy Team, of a special "Personal Data Breach Record Table" shown in Annex C.


The Personal Data Breach Record Table must be continually updated and made available to the Authority if he requests access.

7. ACCOUNTABILITY

Compliance with this procedure is mandatory for all Recipients and its non-compliance may lead to disciplinary measures against employees in default or the termination of existing contracts with defaulting third parties, in accordance with the applicable legislations.

8. RECORD RETENTION PERIOD BASED ON THIS DOCUMENT

Document	Legal basis for the treatment	Period of retention
Internal and external Data Breach communication forms	(Art. 6, para. 1(c), GDPR) Treatment necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Treatment necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	Permanent
Documented decisions of the Controller regarding the Breach	(Art. 6, para. 1(c), GDPR) Treatment necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Treatment necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	5 years
Communication of a Breach	(Art. 6, para. 1(c), GDPR) Treatment necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Treatment necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	5 years
Inventory of personal data breaches	(Art. 6, para. 1(c), GDPR) Treatment necessary to fulfill a legal obligation to which the Controller is subject (Art. 6, para. 1(f), GDPR) Treatment necessary for the pursuit of the legitimate interest of the Controller as part of the management of its organization	Permanent


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9. USE OF THE PRESENT DOCUMENT

The person responsible for this document is the Controller, who must check the document at least once a year and, if necessary, make any amendments/updates.

Annexes

- “A - Internal Data Breach Communication Form”
- “B - Data Breach Risk Assessment Form”
- “C – Personal Data Breach Record Table”

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Annex "A" – Internal Data Breach Communication Form

If a suspected, presumed or actual personal data breach is detected, immediate notice shall be given to the Data Controller by filling out the form below to be sent by e-mail to following address: teamprivacy@cerealdocks.it

Data Breach Communication

Document filled out on (date):

INTERNAL RECIPIENT *

Data of the person reporting the breach:

Surname and name	
Task/Job	
Contact Data (address e-mail, telephone number)	

EXTERNAL RECIPIENT *


Data of the subject reporting the breach:

Firm\Company name	
Contact data of the DPO (if appointed)	
Surname and name of the reporter	
Contact Data (e-mail address, telephonenumber)	

* indicate, alternatively, whether the reporting entity is an Internal Recipient or an External Recipient.


DESCRIPTION OF THE EVENT

Date of discovery of the breach (date, time)	
Date and place of the breach (date, time, place)	
Description of what happened	
Description of how it happened	
Categories and approximate number of interested parties involved in the breach	
Other relevant details (any actions taken at the moment of discovery of the breach, etc.)	

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Annex "A" – Internal Data Breach Communication Form

To be filled out by the Data Controller (or the contact person appointed by it)	DATE AND TIME THE FORM HAS BEEN RECEIVED:	
Please indicate how the form has been received:	Sequential number of the reported event (from the Data Breach Record)	
Systems being involved:		
Detected vulnerabilities:		

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Annex "B" – Data Breach Risk Assessment Form

Assessment of the seriousness of the breach	To be filled out by the Controller with the help of the Privacy Team, DPO (where appointed) and possibly of the IT Manager
Devices affected by Data Breach (computer, mobile device network, file or part of a file, back up tool, paper document, other).	
Modes of exposure to risk (type of breach): reading (presumably the data has not been copied), copy (the data is still present on the systems of the Controller), alteration (the data are present on the systems but have been altered), deletion (the data are no longer present and even the breacher does not have them), theft (the data are no longer on the Controller's systems and are owned by the breacher), other.	
Brief description of the processing systems or data storage involved, with indication of their location.	
If your laptop or other mobile device has been lost / stolen: when was the last time that the laptop has been synchronized with the central IT system?	
How many people have been affected by the breach of the personal data being processed within the database breach?	
What is the type of data involved in the breach?	
May the breach result in damage to the reputation, loss of confidentiality of data protected by professional secrecy, unauthorized decryption of pseudonymisation, or any other crucial economic or social data?	
Do those concerned risk being deprived of the control over their personal data?	
What technical and organisational measures are taken regarding the data breach? (i.e. pseudonymisation, encryption of personal data, etc.)	
Has the Data Controller taken measures to prevent the occurrence of a high risk for the rights and freedoms of the persons concerned after the breach?	
Classification of the severity of the breach (1-low, 2-critical or 3-high) and reasons:	
Has the Data Breach been reported to the Data Protection Authority?	YES/NO If yes, please indicate the date: Details:
Has the Data Breach been reported to the Data Subjects concerned?	YES/NO If yes, please indicate the date: Details:



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Annex "C" – Personal Data Breach Record Table (see Excel file)

DATA CONTROLLER		Cereal Docks S.p.A. Via Dell'Innovazione n. 1, 36043 Camisano Vicentino (VI) - Italy Tel. +390444 439111 Email: info@cerealdocks.it Certified E-mail: info@cerealdocks@gpec.milano.it P. IVA: 04361810246-0291426700																										
DATA PROTECTION OFFICER		ISBA Studio Associati (hereinafter referred to as "DPO") Email: dpo@cerealdocks.it																										
EVENT ID	NOTIFICATION			BREACH EVENT				DATA AND DATA SUBJECTS			CONSEQUENCES		REMEDY		MITIGATION OF ADVERSE EFFECTS		TIME	NOTIFICATION TO THE GUARANTOR			NOTIFICATION TO THE INTERESTED PARTIES			NOTE				
Event ID	Date and Time	Reporting person	organizational unit affected by the breach	addresses of the notification	place of the breach event	methods of committing the breach event	systems/equipment/networks/data banks subject to data breach	nature of the personal data breach	other elements useful in the description of the breach event	data subjects affected	approximate number of affected data subjects	categories of personal data	approximate number of personal data records	consequences of personal data breach	measures taken to remedy the breach event	measures intended to remedy the subsequent	measures proposed to remedy the breach event	measures proposed to mitigate possible adverse effects	restore time	risk to the rights and freedoms of natural persons	warning notification to the Authority	reasons for the delay in notifying the Authority	reasons for failure to notify the Authority	indicate whether there is a high-risk to the rights and freedoms of natural persons	notification to the interested parties	methods of notification to interested parties	reasons for failure to inform interested parties	notes