

ALLEGATO 3 / ANNEX 3

AGREEMENT CONCERNING THE JOINT CONTROL PROCESSING OF PERSONAL DATA FOR MARKETING AND PROFILING PURPOSES

Officina Profumo Farmaceutica di Santa Maria Novella S.p.A., tax code no. 00459370482, legal address in Firenze, Via della Scala, 16, in person of its *interim* legal representative Sig. Leonardo Senni (hereinafter, "SMN ITA").

and

Santa Maria Novella France SAS, VAT No. and Tax Code FR24 912 938 784, with registered office in Immeuble Allure, 101-109 Rue Jean Jaurès 92300, Levallois-Perret (Ile de France) c/o Orcom H3P Business Solutions, in the person of its *pro tempore* legal representative Sig. Gian Luca Perris (hereinafter also only "SMN FR")

hereinafter also jointly referred to as the "**Parties**" or the "**Joint Controllers**".

WHEREAS

- The Parties are part of the same corporate group operating in the sector of production and retail sale;
- The Parties guarantee that they know and they apply in the context of their respective activities the applicable data protection law;
- As part of the relationship established between them, with regard to the processing procedures listed in this Agreement, the personal data of the data subjects will be processed jointly by the Parties, who will therefore act as Joint Data Controllers, thus determining together the methods and purposes of the processing activities, pursuant to Article 26 of Regulation (EU) 2016/679 on the protection of personal data (hereinafter also only the "Regulation" or "GDPR");
- [OMITTED]
- The essential content of this Agreement will be made accessible to the interested parties;
- [OMITTED]

IN VIEW OF THE ABOVE, THE PARTIES AGREE ON THE FOLLOWING

1. RECITALS

- 1.1. The recitals and annexes to this agreement concerning the joint control of personal data (hereinafter also referred to as the "Agreement") form an integral part thereof.

2. DEFINITIONS

[OMITTED]

3. PURPOSE OF AGREEMENT

[OMITTED]

4. DESCRIPTION OF PROCESSING

4.1. The processing to be carried out as Joint Controllers is as follows: collection and retention of personal data in unique CRM in order to carry out marketing and profiling activities.

4.2. The processing by the Joint Data Controllers will be carried out through the use of suppliers contracted by SMN ITA. In order to receive information about the processors engaged, it's possible send an e-mail to dpo@fr.smnovella.com.

4.3 For a list of types and purposes of processing, categories of data subjects, types of data processed, legal basis, storage period, processing operations, transfers outside the European Economic Area (EEA) and recipients/processors of the data, please refer to Annex 1 (**Annex 1**) of this Agreement.

5. PROCESSING METHODS

[OMITTED]

6. RIGHTS OF DATA SUBJECTS

6.1. The Parties agree to appoint the Company named SMN ITA to handle the requests of the data subjects, designating as contact point for data subjects the DPO belonging to the same, who may be contacted at the following addresses: by e-mail: dpo@fr.smnnovella.com; by postal mail: Firenze, via della Scala 16.

6.2 The Joint Controller responsible for handling requests from data subjects undertakes to reply within the time limits and in the manner prescribed by the GDPR. Data subjects may therefore exercise their rights according to the GDPR by making an informal request to the above addresses.

6.3 It is understood that the data subject may contact any Joint Controller independently of this Agreement.

6.4 In order to handle requests from data subjects in a consistent manner, if a Party receives such requests, it undertakes to notify the Joint Controller in charge of handling them by forwarding them to the designated contact point, which will act in the manner and within the time limits prescribed by the GDPR.

7. OBLIGATIONS OF EACH JOINT CONTROLLER

7.1. The Parties undertake to comply with the following:

- Storage of personal data: the Parties undertake to store the data collected for the period of time that may be required by law or regulations and, at any rate, for a period not exceeding that which is strictly necessary for the purposes of this Agreement; on this point please refer to Annex 1.
- Appropriate security measures pursuant to Art. 32 of the GDPR: [OMITTED]
- Appointment of Data Processors (pursuant to Article 28 of the GDPR): where necessary and in accordance with the provisions of data protection legislation, the Parties will entrust the processing operations covered by this Agreement to suppliers/consultants appointed pursuant to Article 28 of the GDPR as Data Processors (specifically identified in **Annex 1**). [OMITTED]
- Appointment of Persons Authorised to process personal data (pursuant to Article 29 of the GDPR): each Party undertakes to instruct and commit to confidentiality its employees and/or collaborators involved in the processing operations covered by this Agreement.
- Appointment of System Administrator: [OMITTED]
- Record of processing activities: [OMITTED]
- Transfers outside the EEA and safeguards provided: the Parties undertake to comply with Chapter V of the GDPR. Please refer to **Annex 1** of this Agreement on this point;
- Data Protection Impact Assessment (DPIA): [OMITTED]
- Information to be provided to data subjects pursuant to art. 13 and 14 of the GDPR and collection/management of consents (privacy policy statements and consent forms): the privacy notice to be provided to data subjects will be drafted by SMN ITA and provided by SMN FR; it will be drafted and provided in accordance with the provisions of Art. 13 and 14 of the GDPR and any other applicable regulations. Consent to the processing of personal data, where necessary, may be collected in ways agreed by the Parties.
- Notification of personal data breaches: [OMITTED]
- Relations with Supervisory authorities: [OMITTED]
- Publication of an extract of the Agreement concerning the Joint Control of personal data: [OMITTED]

8. RESPONSIBILITIES OF JOINT CONTROLLERS AND INDEMNITY

8.1 Each Joint Controller is responsible for breaching the obligations set out in the previous paragraph as part of the data processing activities performed.

8.2 The Party breaching the obligations set out in the previous paragraph agrees to indemnify and hold the other Party harmless from any claims, damages, liabilities, expenses - including any legal fees - that may arise from such breach and/or failure to comply with the requirements set out in this Agreement.

9. STARTING DATE, DURATION AND WITHDRAWAL

[OMITTED]

10. AMENDEMENTS TO THE AGREEMENT

[OMITTED]

11. CONFIDENTIALITY

[OMITTED]

12. FINAL CLAUSES

[OMITTED]

Florence, 07/04/2023

ANNEX 1
DESCRIPTION OF PROCESSING (date of last version: contract signing date)

Processing	Purposes of the processing	Data subjects	Personal data	Legal basis	Storage period	Main processing operations	Extra-EU Transfers and Chapter V of the GDPR	Recipients / Data Processors
Marketing	Send commercial communications by post, telephone, e-mail, social network, MMS or SMS messages and other forms of electronic communication	Shop Clients Web Users	Common data (registry data, contact data)	Consent	24 months from the date of consent	<p><u>Collection:</u> the collection is carried out with methods and instruments that are jointly identified by the Parties</p> <p><u>Use:</u> Each Party uses personal data collected in autonomous way to marketing purpose</p> <p><u>Retention:</u> the storage is carried out by Hubspot, that are contracted by SMN ITA on behalf of both Parties</p>	Yes (USA, SCC) Yes (Canada, Adequacy decision)	In order to receive information about the processors engaged, it's possible send an e-mail to dpo@fr.smnovella.com.
Soft-spam	Send commercial communications by email concerning products similar to those that has been purchased	Shop Clients Web Users	Common data (registry data, contact data, purchase data)	Legitimate interest	The sending will carry out until the opposition, the purchase data will be storage for 24 months from the date of purchase	<p><u>Collection:</u> the collection is carried out with methods and instruments that are jointly identified by the Parties</p> <p><u>Use:</u> Each Party uses personal data collected in autonomous way to soft-spam purpose</p> <p><u>Retention:</u> the storage is carried out by Hubspot, that are contracted by SMN ITA on</p>	Yes(USA, SCC) Yes (Canada, Adequacy decision)	In order to receive information about the processors engaged, it's possible send an e-mail to dpo@fr.smnovella.com.

Processing	Purposes of the processing	Data subjects	Personal data	Legal basis	Storage period	Main processing operations	Extra-EU Transfers and Chapter V of the GDPR	Recipients / Data Processors
						behalf of both Parties		
Profiling	Personalization of commercial communications considering interests and preferences	Shop Clients Web Users	Common data (registry data, contact data, purchase data)	Consent	24 months from the date of consent	<p><u>Collection:</u> the collection is carried out with methods and instruments that are jointly identified by the Parties</p> <p><u>Use:</u> Each Party uses personal data collected in autonomous way to profiling purpose</p> <p><u>Retention:</u> the storage is carried out by Hubspot, that are contracted by SMN ITA on behalf of both Parties</p>	Yes (USA, SCC) Yes (Canada, Adequacy decision)	In order to receive information about the processors engaged, it's possible send an e-mail to dpo@fr.smnovella.com.
Personalization of the communications considering language and geographical area of residence	Personalization of the communications considering language and geographical area of residence	Shop Clients Web Users	Languages and geographical area of residence	Legitimate interest	24 months from the date of consent	<p><u>Collection:</u> the collection is carried out with methods and instruments that are jointly identified by the Parties</p> <p><u>Use:</u> Each Party uses personal data collected in autonomous way to</p>	Yes (USA, SCC) Yes(Canada, Adequacy decision)	In order to receive information about the processors engaged, it's possible send an e-mail to dpo@fr.smnovella.com.

Processing	Purposes of the processing	Data subjects	Personal data	Legal basis	Storage period	Main processing operations	Extra-EU Transfers and Chapter V of the GDPR	Recipients / Data Processors
						<p>personalization purpose</p> <p><u>Retention:</u> the storage is carried out by Hubspot, that are contracted by SMN ITA on behalf of both Parties</p>		