

Warsaw, 14 June 2019

NOTICE ON PERSONAL DATA PROCESSING

FERRERO POLSKA COMMERCIAL sp. z o.o. ("**Ferrero**"), in its position as the data controller, pursuant to art. 13 and art. 14 of the **General Data Protection Regulation (GDPR)** (Regulation (EU) 2016/679) concerning the protection of personal data ("**Regulation**"), wishes to provide you with the following information:

1. Categories of personal data

Ferrero processes the data (i) provided by you and concerning you, if you are running your business activity as a sole entrepreneur, and data (ii) of your personnel, proxies, representatives and persons indicated as contact persons in the contract concluded between you and Ferrero ("**Data Subjects**"),

If you are running your business activity as a sole entrepreneur, Ferrero processes the following categories **of your personal data**: identification data (e.g. name and surname), data related to your business activity (e.g. company name and registered office, tax identification number and REGON number, contact details (e.g. telephone number, e-mail address), correspondence data (e.g. address of the registered office), financial data (e.g. bank name and bank account number).

In case of the contract concluded between your organization and Ferrero, Ferrero processes the following categories of personal **data of the members of your personnel, proxies, representatives and persons indicated as contact persons in the contract concluded between you and Ferrero**: identification data (name and surname, position or function, IDs), contact details (e.g. telephone number, e-mail address).

Data from the above-mentioned categories are obtained directly from you, if you are running your business activity as a sole entrepreneur, or your organization, if you belong to personnel, proxies, representatives or persons indicated as contact persons in the contract concluded between your organization and Ferrero, as well as from publicly available sources or records. Regardless of the method of obtaining, data processing takes place in accordance with the applicable data protection law, in particular the Regulation and national regulations, including possible decisions of the competent Supervisory Authority, as appropriate.

2. Purposes and legal ground of the processing

Ferrero will process the data of the Data Subjects while carrying out its commercial and financial activities and on the basis of purposes that are in connection with the selection, entering into, handling and performance of trading or contractual relationships (including the stage preceding the entering into an agreement and/or the registration with the register of Ferrero's suppliers). In particular, the data shall be processed in order to comply with the obligations established by the law (including, without limitation, tax and accounting obligations, obligations arising from the regulations on tenders or on health and safety at work, for qualifying as suppliers), for the administrative management of the agreements including for handling payments and invoices, for the receipt of goods and/or services, to determine, investigate and defend against claims (including handling litigation), in order to make choices of goods and/or services in relation to Ferrero's needs, for internal reporting in the Group and internal controls (in the area of security, performance, quality of services, maintaining financial integrity), for the purpose of management control, for the purpose of obtaining certificates.

The data of Data Subjects may also be processed for recurring valuations concerning whether the ethical and legal requirements established by Ferrero in its Code of Ethics have been complied with.

The processing of data for the above-mentioned purposes does not require the individual consent of the concerned persons as it **takes place on the legal bases referred to in article 6 par. 1 lit. b), c) and f) of the Regulation.**

3. Nature of collection and processing methods

The processing of personal data indicated in point 1 above is necessary for the conclusion and proper performance of trade agreements. Lack of the above data will make it impossible to sign a trade agreement, to duly fulfil the relevant pre-contractual or contractual obligations or, in case of existing agreements, to fulfil the obligations and commitments arising from such agreements.

The data shall be processed by Ferrero, and by those entrusted by Ferrero with its processing. Data will be processed traditionally (manually) and electronically (IT systems), according to the principles of fairness, integrity and transparency that are required by the Regulation and any other applicable laws on data protection, while preserving the privacy of the concerned persons through the implementation of technical and organizational measures ensuring an adequate security level (including, without limitation, by preventing access from unauthorized persons - unless such access is required by the applicable laws - or by ensuring restoration of access to data after material or technical accidents).

4. Data storage and retention

The data shall be stored in compliance with the applicable regulations on the protection of personal data **for the time that is necessary to comply with the above mentioned purposes**, this being a period of **24 months**, as far as concerns the data collected with reference to the selection of suppliers in case of unsuccessful outcome, or a period of **3 years** following the successful outcome of the selection process, in case that no supply is required within such period. In case that a contractual relationship arises, instead, Ferrero shall store only personal data that are needed to comply with contractual, legal and tax obligations, for the whole duration of the agreement and in compliance with such obligations (including, without limitation, the obligation to keep the invoices and other company documents for at least **5 years** from the end of the fiscal year) as well as until the time limits for claims or the completion of related proceedings, in reference to the data necessary for their investigation.

5. Disclosure, dissemination and transfer of data

Without prejudice to the duty of disclosure in order to fulfil any legal or contractual obligations, the **data may be disclosed** to tax or legal consultants, to collaborators of Ferrero, to government or other public entities if required in the framework of tenders, as well as to those persons that are authorized by the laws to receive such data, to Polish or foreign judicial or other public authorities for the fulfilment of legal obligations, or for the performance of the obligations arising from an agreement, including for the purposes of defending before the courts. **Contact details may also be disclosed** on occasion and for single reasons, to customers and/or suppliers of Ferrero, including -without limitation - if it becomes necessary to collaborate with any of these persons for the performance of services.

Furthermore, **data may also be processed** by the personnel entrusted with the contract and service management within Ferrero. In order to perform certain services implying the need of personal data processing, Ferrero may also avail of third parties.

Data may also be disclosed to other companies belonging to the **Ferrero Group** - meaning Ferrero and any other company directly or indirectly owned and/or controlled at any time by or under common ownership and/or control with Ferrero - if necessary for the coordination and control of the Group. These companies shall operate as data processors in compliance with specific and adequate instructions by Ferrero concerning the processing methods and safety measures as specified in specific agreements. Both the personnel mentioned above and the third party processors have undertaken an obligation of confidentiality or are subject to an appropriate legal obligation of confidentiality.

The full and updated **list of the companies acting as data processors** is available on request from our Privacy Department by writing to [**iod.polska@ferrero.com**](mailto:iod.polska@ferrero.com).

Personal data shall not be disseminated. As a general rule, the **data shall not be transferred outside the territory of the European Union.** However, should the need arise to transfer the data to countries outside the European Economic Area, including countries not offering adequate data protection, Ferrero undertakes to ensure a level of protection and preservation, also by means of entering into specific agreements, that is adequate to the applicable laws, including by means of entering into standard contractual clauses.

A copy of the commitments undertaken by third parties by means of any such clause, as well as the list of the countries outside the European Economic Area where personal data has been transferred (if applicable) are available on request from our Privacy Department by writing to [**iod.polska@ferrero.com**](mailto:iod.polska@ferrero.com).

6. Data Subjects' rights

Data Subjects shall have the rights contemplated in the Regulation (articles from 15-21) in respect of the processing of data contemplated thereto, including the right to:

- Obtain confirmation of the existence of personal data concerning him/her and to gain access to them (right of access);
- Obtain the updating, modification and rectification of their personal data (right of rectification);
- Obtain erasure, or to set limits to processing, of personal data whose processing is unlawful, including that which is no longer necessary in relation to the purposes for which it was collected or otherwise processed (right to be forgotten and right to the restriction of processing);
- Object to processing (right to object);
- Withdraw previously given consent, if any, without prejudice to the lawfulness of processing based on that consent;
- Lodge a complaint with their local EU Data Protection Authority or to the data protection authority of Poland, if they believe that Ferrero has handled their information in an unlawful manner;
- Receive a copy in electronic form of their data which has been provided to Ferrero in the framework of an agreement and to have such data transmitted to another controller (right to data portability).

Ferrero has appointed a Data Protection Officer. To exercise the rights above, and to request any further information regarding how Ferrero processes your data, please send an e-mail to our Privacy Department at the following address: [**iod.polska@ferrero.com**](mailto:iod.polska@ferrero.com).

7. Amendments

This notice entered into force on 14 June 2019.

The above notice can be found on the ferrero.pl website. This notice can be updated, in which case we will communicate it through ferrero.pl website. Therefore, please periodically check the current information regarding processing of your personal data.

We kindly ask that you inform all the concerned persons (representatives, personnel, employees in charge of keeping contacts with Ferrero) of this notice.