

## **POLICY ON THE PROCESSING OF PERSONAL DATA REQUESTERS**

**Pursuant to Article 13 and Article 14 of Law No. 171 of December 21, 2018 'Protection of natural persons with regard to the processing of Personal Data'" and subsequent amendments**

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### **Preamble**

In accordance with the current legislation on the protection of Personal Data, specifically Article 13 of Italian Law no. 171 of 21 December 2018 as amended, "Protection of natural persons with regard to the processing of Personal Data" (hereinafter "**Law**"), and Article 13 of the EU Regulation 2016/679 (hereinafter "**GDPR**"), the Central Bank of the Republic of San Marino, located at Via del Voltone No. 120 - 47890 San Marino (RSM), in its capacity as the Data Controller (hereinafter "**Central Bank**", "**CBSM**", or "**Controller**"), hereby provides the following information regarding the processing of Personal Data (hereinafter "**Personal Data**") that you may provide in the forms made available from CBSM for requests linked to the provision of services.

This policy (hereinafter "**Policy**") only treats the processing of Personal Data provided by the data subject (hereinafter "**Data Subject**") as outlined in the website [www.bcsm.sm](http://www.bcsm.sm) – specific information on the forms of treatment may be requested from CBSM. The abovementioned forms are required for the submission of several requests permitted by law to the Central Bank. These requests include specific service provisions, inquiries about information possessed by CBSM, file initiations, and more.

**Personal Data** refers to information, collectively considered, that make a natural person identified or identifiable, whether directly or indirectly, particularly through an identifier such as name, identification number, location data, online identifier, or one or more details that are specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

### **SECTION 1 - CONTACT DETAILS OF THE DATA CONTROLLER**

Pursuant to Article 2 of the Law, the Data Controller acting for the purposes set out below is the Central Bank of the Republic of San Marino, whose headquarters and General Directorate are located at Via Del Voltone n. 120, 47890 – San Marino (Republic of San Marino).

For additional information, individuals may send an email to Data Controller at [privacy.titolare@bcsm.sm](mailto:privacy.titolare@bcsm.sm) or a written request to Banca Centrale della Repubblica di San Marino, Via del Voltone n. 120, 47890 – San Marino (RSM). Alternatively, the Data Controller may be contacted by phone at +378 0549 981010 or by fax at +378 0549 981019.

### **SECTION 2 - CONTACT DETAILS OF THE DATA PROTECTION OFFICERS**

The Controller has appointed Ms Valentina Rabitti and Mr Nathaniel Casadei as "Data Protection Officers" (hereinafter, "**DPOs**"), in accordance with Chapter 4 of the Law. For all issues relating to the processing of Personal Data and/or to exercise the rights envisaged by the Law itself, listed in Section 9 of this Policy,

please, send an email to the DPOs at [privacy.dpo@bcsm.sm](mailto:privacy.dpo@bcsm.sm), or a letter to “Nova Poesis, Via Pomposa no. 43/l, 47924 – Rimini (IT)”.

### **SECTION 3 - TYPES AND SOURCE OF PERSONAL DATA SUBJECT TO PROCESSING**

The Personal Data collected and processed by CBSM, in its capacity as the Controller for the performance of the Services detailed in Section 5, may include personal details, residence and/or home address, mailing address, contact details, such as telephone number or email address, any qualifications linked to legal representation (e.g., in the event that a request is submitted on behalf of a company/firm), tax data (Tax Identification Number/Fiscal Code), judicial data, images (e.g., passport photo), and any Personal Data related to the principal in the event that the Data Subject acts as a proxy for a specific service request.

In the event that the CBSM becomes aware of data belonging to the “Special Categories” referred to in Article 8(1) of the Law – possibly due to unsolicited communication from external visitors or other sources – and this Data is irrelevant to its specific purposes, CBSM undertakes to retain such data without processing it, while ensuring that all the rights of the Data Subject under Chapter 3 of the Law are fully upheld.

### **SECTION 4 - PURPOSES AND LEGAL BASIS FOR THE PROCESSING**

CBSM shall process Personal Data for the purpose of enabling access to the information held by CBSM itself, opening files, or providing the services requested by the user through each form. Therefore, the processing of Personal Data provided by the Data Subject in the forms must be considered necessary in order to process and fulfil the request itself – which shall always be subject to the obligations and powers provided by law or CBSM Regulations.

### **SECTION 5 - DATA PROCESSING METHODS**

In relation to all the purposes mentioned above, data processing shall be carried out in such a manner as to ensure data security and confidentiality. Data processing may involve the use of manual, computer, and electronic means to collect, record, organize, structure, store, select, extract, compare, use, interconnect, limit, and delete the data.

The Data Controller shall take all necessary precautions to ensure the confidentiality of the processed information. Data is stored on electronic media and is only accessible through specific procedures. The technical and organizational measures adopted are designed to guarantee a level of security that is appropriate to preventing risks, such as the destruction, loss, alteration, unauthorized disclosure, or access, whether accidental or unlawful, to the processed Personal Data.

Users do not have to resubmit this Policy in relation to the Data which has already been provided during previous requests within the timeframe specified in Section 8. However, the Data Subject has the right to request a copy of this Policy again in the event of a new relationship with the Bank.

## **SECTION 6 – DISCLOSURE OF DATA**

For the purposes described in the previous Section 4, Personal Data shall be processed by designated employees of the Central Bank of the Republic of San Marino who have received specific authorization to process Personal Data.

Moreover, in managing service requests, CBSM may also need to disclose or share Personal Data with third-parties belonging to the following categories:

- External Data Processors, including IT service and product providers (e.g., data processing centres)
- Any relevant public administration entities
- Supervisory and regulatory bodies/authorities (e.g., AIF, etc.);
- Judicial authorities
- Firms providing assistance or consulting services.

The entities belonging to the categories mentioned above may act as Data Controllers, independently of CBSM, or as Data Processors specifically appointed in writing by CBSM.

The list of external entities designated as Data Processors for specific processing activities undergoes regular updates and is kept at the premises of the Central Bank of the Republic of San Marino. The list of external entities may be provided upon specific request to the contact details indicated in Section 1.

## **SECTION 7 - TRANSFER OF DATA ABROAD**

Personal Data is stored within the territory of the Republic of San Marino and is not disclosed abroad.

## **SECTION 8 – DATA RETENTION**

Personal Data is typically stored in the archives of the Central Bank for the time necessary to the purposes of the public interest activity requested, in order to ensure proper traceability of the requests made over time, in line with the purposes outlined in the previous Section 4.

Following such processing, unless further retention is explicitly allowed by law and/or required for compliance with obligations incumbent upon the Data Controller, the Data will be permanently deleted from all paper and/or electronic archives of the Central Bank and its suppliers, or simply retained in anonymous form.

Upon request, further information may be requested from CBSM at the contacts provided in Section 9.

## **SECTION 9 – RIGHTS OF THE DATA SUBJECT**

Article 1 of Decree Law No. 210/2020 provides as follows:

1. *[...] public entities and bodies exercising activities of public interest, established or regulated by law, for the purposes of preventing, investigating, ascertaining, or prosecuting offenses, or executing criminal sanctions, including safeguarding against threats to public security and their prevention, to which Law No.*

171/2018 does not apply: [...] e) Central Bank of the Republic of San Marino when acting as a supervisory authority.

2. The exchange of Personal Data by public entities and bodies mentioned in paragraph 1 for the purposes mentioned therein cannot be restricted or prohibited for reasons related to the protection of natural persons regarding the processing of Personal Data under Law No. 171/2018.<sup>1</sup>

Notwithstanding the limits set forth above, the Data Subject may exercise the rights provided by law against the Data Controller at any time. Such rights, which are listed below, shall be recognized to them pursuant to the regulations on the processing of Personal Data, and may be exercised through a specific written request, preferably through the form available at the following address:

<https://www.bcsn.sm/site/home/privacy/modulo-per-1146esercizio-dei-diritti-degli-interessati.html>,

which should be sent to the Central Bank of the Republic of San Marino using one of the following methods:

- by registered mail addressed to the Central Bank of the Republic of San Marino, Via del Voltone n. 120 – 47890 San Marino (RSM);
- by sending an email to the email address: [privacy.titolare@bcsn.sm](mailto:privacy.titolare@bcsn.sm); or
- by fax to the number +378 0549 981019.

#### **1. Right of access**

The Data Subject has the right to obtain confirmation from CBSM of whether its Personal Data are being processed, and, if so, request access to the Personal Data and information outlined in Article 15 of the Law. This includes obtaining information about the purposes pursued by the Data Controller, the categories of data involved, the individuals to whom the data may be disclosed, the applicable retention period, and the use of automated decision-making processes, among others.

#### **2. Right to rectification**

The Data Subject has the right to obtain from CBSM, without undue delay, the rectification of their Personal Data, in case of inaccuracies. Additionally, considering the purposes of the processing, the Data Subject may request that their data be completed, if found to be incomplete, by providing a supplementary statement.

#### **3. Right to erasure**

The Data Subject has the right to request the erasure of their Personal Data from the Controller, if one of the conditions set forth by Article 17 of the Law applies. Please, note that CBSM may not be able to erase your Personal Data if its processing proves necessary to either comply with any legal obligation, or for reasons of public interest, or for legal purposes such as establishing, exercising, or defending legal claims.

#### **4. Right to restricted processing**

The Data Subject may request that the processing of their Personal Data be restricted where one of the circumstances outlined in Article 18 of the Law applies. This may include circumstances in which the Subject deems their data incorrect, or circumstances when the data is necessary for legal purposes such as

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<sup>1</sup> Unofficial translation.

establishing, exercising, or defending legal claims, even in the event that CBSM no longer needs it for its original processing purposes.

#### **5. Right to object**

The Data Subject may object to the processing of their Personal Data at any time, especially if the processing is carried out for the performance of an activity in the public interest or for the pursuit of the Data Controller's legitimate interests, including profiling, as specified in Article 21 of the Law. Should the Data Subject decide to exercise their right to object, CBSM shall refrain from processing their Personal Data any further, unless there are compelling legitimate reasons for the processing which outweigh the interests, rights and freedoms of the Data Subject or for the establishment, exercise, or defence of legal claims.

#### **6. Right to lodge a complaint with the Data Protection Authority**

Without prejudice to the Data Subject's right to seek remedies in any other administrative or judicial authority, the Data Subject may lodge a complaint with the Data Protection Authority if they believe that the processing of their Personal Data by the Controller violates the Law and/or the applicable regulations.