

## PRIVACY POLICY

Last updated: [18 - 07 -2023].

Dear User,

The "General Data Protection Regulation" (EU Regulation 2016/679, also known and hereinafter referred to as "**GDPR**") requires us, pursuant to Article 13, to provide you with the following information on the Processing of your Personal Data.

This policy informs you of the Personal Data Processing activities that we perform as a result of providing E-Storm and the Services (see in the Glossary what we include in the definitions of "E-Storm" and "Services").

"Processing of Personal Data" means any operation concerning any "information relating to an identified or identifiable natural person". For example, your first and last name, or an e-mail address with a "username" that identifies you (e.g. [mariorossi@...](mailto:mariorossi@...)), is considered "Personal Data", and the actions of collecting, registering with us and using it to send you a communication, are considered "Processing" operations; so is (again, for example) the communication of Personal Data to other organisations and storage.

As our organisation provides the Services and determines the purposes and means of the Processing of your Personal Data, we qualify as a "Data Controller" within the meaning of the GDPR.

If you, the User, are the natural person whose Personal Data we process, you are referred to as a "Data Subject", and you are entitled to receive the following information about who we are, what Personal Data we process, why, how and for how long we process it, and what obligations and rights you have in relation to it. If the actual User of the Services is some type of entity (e.g. company, association, etc.), the Data Subjects are the natural persons who physically use the Service on behalf of the entity (e.g. the entity's legal representative and/or its members and/or employees). In the latter case, information strictly relating to the organisation (e.g. VAT number) is not considered Personal Data, while other information relating to natural persons (e.g. identification data of the legal representative) is Personal Data.

Depending on the Services you use, we may need to process certain Personal Data. In some cases, specified below, we may have an interest in processing Personal Data for purposes other than the provision of the Services: in such cases, we will only process it if there is an adequate legal basis and, where required by law, on the basis of your Consent.

The following grid and clauses explain how we, as Data Controller, process the Data of the Data Subject.

The meaning of capitalised terms used in this notice is explained in the Glossary at the bottom of the page. For anything not expressly defined herein, please refer to the definitions contained in the terms of service and/or in the general terms and conditions of sale of the products/services, and/or in other legal texts available on [T&C](#) on the date you read this Privacy Policy. In the event of any conflict between definitions, for the purposes of the Privacy Policy, the definitions contained in the Glossary on this page shall prevail.

<b>Who are we ('Data Controller')?</b>
<b>E-STORM S.r.l.</b> , with registered office in Corso Stati Uniti 41, Turin, 10129, VAT no. 12833330017, registered in the Turin Register of Companies, REA no. TO-1319512
<b>Which categories of data subjects is this information notice addressed to?</b>
<ul style="list-style-type: none"><li>• To all categories of users who are natural persons</li><li>• To all natural persons materially using the Services on behalf of Users, if the User is an entity or legal person</li></ul>
<b>What categories of Personal Data do we process?</b>

Browsing Data, Performance Data and Common Data to the minimum extent necessary to achieve each of the Purposes set out below.

**Please do not include any 'sensitive' information in the communication texts and description fields of our online forms (sensitive information is considered to be Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data and data concerning a person's health or sex life or sexual orientation).**

**What is the origin of your Personal Data?**

With respect to Browsing Data and Common Data, you provide this to us when you browse the Site or register with E-Storm respectively.

With respect to Performance Data, you yourself give us access to this Data when you register with E-Storm even if you then collect Performance Data from the platforms from which you play (e.g. Steam, Epic Store) on the basis of the consent to share Data that you have given to these platforms, or, on the same basis, from third party platforms that carry out an initial reorganisation of the data collected by the platforms from which you play.

**Why do we process Personal Data (Purpose) and what is the Processing (Legal Basis) of each category of Data, and what is the Retention Period?**

Purpose	Categories of Personal Data	Legal Basis	Retention Period
<p><b>Analysing traffic on the Site</b> (e.g. detecting the most visited pages, assessing the interactions made on certain pages, number of visitors per time slot or per day, geographical origin, average connection time, browsers used, visitor origin - from search engines or other sites -, phrases and words searched, etc.) in order to understand how it is used and manage, optimise and improve it, just for statistical purposes; solving operational problems (e.g. anomalies in page loading); performing monitoring activities to repel and/or prevent cyber attacks and fraud</p>	<p>Browsing Data, Anonymous Information (which does not allow us to trace your identity) and Common Personal Data (e.g. full IP address), with the specification that the data are then used in aggregate form for the purpose explained alongside.</p>	<p>The need to make the Site available in accordance with the terms of service or other similar legal text available on the Site on the date of access in question (Art. 6.1.b GDPR)</p>	<p>1 month from the date of your last access to the Site.</p>
<p>Respond to requests you may wish to address to us using the contact details or forms on the Site/E-Storm.</p>	<p>Common Data</p>	<p>The need to take pre-contractual measures at your request (Art. 6.1.b GDPR)</p>	<p>For a maximum of 2 years from your last request.</p>
<p>Providing access to your profile page and reserved area</p>	<p>Common Data</p>	<p>The need to perform a Your request for service governed by the terms of service or other similar legal text available on the Site on the date of access in question (Art. 6.1.b GDPR)</p>	<p>For a maximum of 2 years your last request</p>

Carrying out <b>transactions relating to your purchases of products or services</b>	Common Data	The need to execute the contract of sale (Art. 6.1.b GDPR)	For a maximum of 10 years from the date of your last purchase.
Providing you with the Services and listing you on the E-Storm Leaderboards (including Profiling of your game performance which is required to list you on the Leaderboards and provide the Services).	Performance Data	The need to provide you with Services and/or functions, free of charge and/or for a fee, governed by the General Terms and Conditions (Art. 6.1.b GDPR)	Until cancellation from the Service and the profile at the User's request.
<b>Direct marketing communications</b> relating to products or services similar to those you have already purchased from us, sent to the e-mail address you have previously provided to us (soft <i>spam</i> or soft <i>opt-in</i> ).	Common Data	Our legitimate interest in consolidating our business relationship with you (Art. 6.1.f of the GDPR), subject to your right to object to the Processing.	For a maximum of 3 years from the date of your last purchase.
Direct marketing communications, after Profiling. In particular, it is specified that the Data, will be used to redirect subjects who are already users of the Site, even if only as visitors, or to find new ones based on the characteristics of the subjects who are already users of the Site. Direct marketing activities, including but not limited to the newsletter, have the sole purpose of letting users know about news, commercial or otherwise, proposed by the Site and the Company, and do not include the promotion of goods or services offered by third parties.  The Company does not transfer Data to third parties so that these third parties can propose their products to users of the Site	Browsing Data and Common Data	Express consent (Art. 6.1.a GDPR).	Until consent to processing is revoked
Managing your job application and the recruitment process in general.	Common Data	Need to take action at the request of the data subject before entering into a contract (Art. 6.1.b GDPR).	For a maximum of 1 year after receipt of your application.
Fulfilling obligations under Applicable Law and/or orders issued by Authorities, based on the need to fulfil legal obligations to which the Data Controller is subject.	Common Data	Depending on the case, the need to execute the purchase and sale agreement (Art. 6.1.b GDPR), or the need to fulfil legal obligations from	For as long as required by such legal and regulatory obligations.

		another source (Art. 6.1.c GDPR).	
To establish, exercise and/or defend a right in court on the basis of the need to pursue that purpose.	Common Data	Our legitimate interest in defending our rights in court (Art. 6.1.f GDPR).	For the duration permitted by law to establish, exercise and/or defend the right in question.
<b>Clarification of Maximum Conservation Period</b>			
Your Personal Data will be processed for the maximum periods indicated above for the respective processing purposes, unless Applicable Law requires us to retain it for a longer period or permits us to do so in order to protect our rights and/or legitimate interests.			
<b>To whom do we disclose Data (Recipient Categories)?</b>			
To the minimum extent necessary to achieve each of the Purposes, on the basis of Applicable Law and/or a contractual agreement with the Data Controller, to			
<ul style="list-style-type: none"> <li>a) persons/entities that provide us with services and process Personal Data on our behalf as Data Processors or act as autonomous Data Controllers (e.g. suppliers of IT services, shipping and transport, commercial agencies, accounting, tax and legal services, etc.);</li> <li>b) other persons authorised by us (e.g. our employees), committed to confidentiality or subject to a legal obligation of confidentiality;</li> <li>c) organisations and public authorities, if and to the extent required by Applicable Law or their orders, or for the exercise, verification and/or defence of a right in court.</li> </ul>			
The Data Controller does not disclose Personal Data, except where such disclosure is required, in accordance with the law, by Authorities, information and security bodies or other public entities for purposes of defence or State security or for the prevention, detection or prosecution of criminal offences.			
<b>Do we transfer Personal Data outside the European Union?</b>			
Some of our IT service providers are based in countries that may not have equivalent privacy and data protection laws to the country in which You reside.			
We ensure that when we transfer information of users in the European Economic Area, the United Kingdom or Switzerland, to third countries, the transfer will take place only if there is an adequacy decision or on the basis of the Standard Contractual Clauses (SCCs) provided by the European Commission and other appropriate measures to safeguard the transfer. You can contact us for further information about the transfer of Personal Data outside the above indicated areas.			
If You do not agree with the above, please do not use our Services.			
<b>Does the Site use Cookies?</b>			
Yes. To find out more and to view our policy in this regard, please consult <a href="#">Cookie Policy</a> .			
<b>Are you obliged to provide us with Personal Data?</b>			
Due to the way the Internet works, you may not refuse to disclose your Browsing Data; you may not refuse to disclose certain Personal Data (such as the IP address of Your device).			
<b>What happens if you refuse to disclose your Data?</b>			

If you refuse to disclose your Personal Data for the above-mentioned contractual or pre-contractual purposes, we will not be able to establish/execute the contractual relationship or fulfil your request.

#### What communications do we send you?

- a) **Only if you have sent us requests**, we will send you communications necessary to respond to your requests.
- b) **Only if you have registered a user profile** will we send you notices regarding access to your profile page.
- c) **Only if you have made purchases**, we will send you communications regarding your purchases and to update you on their status.
- d) **Only if you have already made at least one purchase and as long as you do not opt-out**, we will send you commercial communications relevant to the purchase you have already made.
- e) **Only if you have given us your express consent and until you revoke it**, we will send you commercial communications relevant to your consent.
- f) **Only if you have sent us an application for a job position**, we will process your data in order to evaluate your application within the maximum time frame sent above.

**Please, note that** to interact with its Users, the Company reserves the right to use any service, platform or tool, including but not limited to Discord, Facebook, Typeform.com. For information that the Company requests directly from you through these channels, the Company is the Data Controller and the processing of such information will be done in accordance with this Privacy Policy (and, as the case may be, such third-party providers may act as Data Processors on our behalf). For the use and registration to these channels, however, you are considered a direct User of those services and therefore the operators of those services will process your Data as independent Data Controllers in relation to the Company. Therefore, we recommend that you carefully read the terms of service and privacy policies of such operators.

#### What rights do you have as a 'Data Subject'?

As a data subject, you have the right to:

- a) access to the data held by the Data Controller, and to request a copy thereof, except where the exercise of the right infringes the rights and freedoms of other natural persons;
- b) request the rectification of any incomplete or inaccurate data;
- c) request the deletion of data, subject to the exclusions or limitations set out in the Applicable Legislation (e.g. Art. 17.3 GDPR);
- d) request Limitation of Processing, where the conditions are met and subject to the exclusions set out in Article 18.2 GDPR;
- e) lodge a complaint with the Data Protection Authority (in Italy, [www.garanteprivacy.it](http://www.garanteprivacy.it)), or with the Data Protection Authority of the EU Member State where he/she normally resides or works, or of the place where the alleged infringement occurred.

In addition, you enjoy the following rights:

- f) **the right to withdraw your consent to** the Processing of Data at any time, if your consent was the legal basis for the Processing of Data;
- g) **the right to object**, under which you may object, upon simple request, to the Processing of Data that the Data Controller carries out for direct marketing purposes, as well as for reasons related to your particular situation (e.g. if you see a harm to your reputation), unless the Data Controller demonstrates an overriding legitimate interest, and unless the Processing is necessary for the establishment, exercise or defence of a legal claim.

The exercise of the aforementioned rights may also be delayed, limited or excluded in the cases provided for in Article 2-undecies of Legislative Decree No. 196/2003.

#### Who can you contact with questions or to exercise your rights?

You may contact the Data Controller for questions concerning the Processing of your Personal Data and to exercise your rights by sending an email to support@storm.co.gg.

This Privacy Policy is in force from the date indicated in the header. We reserve the right to modify its content, in part or in full. Such updates will be in force from the date of their publication. You are therefore invited to visit this section regularly.

We do not knowingly collect personal information about natural persons who, according to their national law, lack legal capacity to act for the purpose of entering into contracts, except for requests relating to minors made by persons exercising parental authority or custody over the minors concerned. If information on such persons is recorded, We will delete it in a timely manner at the request of the Data Subject or the person exercising parental authority over him or her.

## GLOSSARY

**“Applicable Law”**: means any provision, of whatever rank, belonging to Italian law or to the law of the European Union, in whatever way applicable to the Site and to the legal relationships arising as a result of the interactions between the Company and the Users.

**“Authorised Agent”**: means the natural person, under the direct authority of the Data Controller, who receives instructions from the Data Controller on the Processing of Personal Data, pursuant to and in accordance with Article 29 of the GDPR.

**“Authority”**: means a body or organisation, public or private, with administrative, judicial, police, disciplinary or supervisory powers.

**“Browsing Data”**: means the data that the computer systems and software procedures used to operate the Site acquire, during their normal operation, and whose transmission is implicit in the use of Internet communication protocols. This information is not collected to be associated with identified Data Subjects, but given their very nature, this information could, through processing and association with data by third parties, allow users to be identified. This category of data includes IP addresses or domain names of the computers used by users who connect to the Site, URI (Uniform Resource Identifier) addresses of the resources requested, the time of the request, the method used to submit the request to the server, the size of the file obtained in response, the numerical code indicating the status of the response given by the server (successful, error, etc..) and other parameters relating to the operating system and computer environment of the user. This data is used for the sole purpose of obtaining anonymous statistical information on the use of the Site and to check its correct functioning and is deleted immediately after processing.

**“Committee”** o **“EDPB”**: means the European Data Protection Board, established by Article 68 of the GDPR and governed by Articles 68 to 76 of the GDPR, which replaces WP29 as of 25/5/2018.

**“Common Data”**: means the Personal Data concerning Your personal details, including, but not limited to, Your first and last name, e-mail address, telephone number, tax code, VAT number, as Well as any other data You may provide us with, for example through the forms or contact details of our organisation available on the Site.

**“Company”**: the company **E-STORM S.r.l.**, with registered office in Corso Stati Uniti 41, Turin, 10129, VAT no. 12833330017, registered with the Company Register of Turin, REA no. TO-1319512.

**“Consent of the Data Subject”**: means “any freely given, specific, informed and unambiguous indication of the Data Subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her” (art. 4, paragraph 11, GDPR).

**“Cookie”**: means short fragments of text (letters and/or numbers) that allow the Web server to store information on the browser to be reused during the same visit to the Site (session cookies) or afterward, even after days (persistent cookies). Cookies are stored, according to the user’s preferences, by the individual browser on the specific device used (computer, tablet, smartphone). The following categories are considered:

- **Technical cookies**: these cookies are essential for the correct functioning of the Site and are used for the sole purpose of transmitting a communication over an electronic communication network, or to the extent strictly necessary for the provider of an information society service explicitly requested by

the subscriber or User to provide such service (see Art. 122, c. 1, of the Privacy Code).

- Analytical cookies: these cookies are used to anonymously collect and analyse the Site's traffic and usage. These cookies, while not identifying the user, allow, for example, to detect if the same user logs in again at different times. They also make it possible to monitor the system and improve its performance and usability. The deactivation of such cookies can be performed without any loss of functionality.
- Profiling cookies: these cookies are persistent ones used to (anonymously or otherwise) identify Your preferences and improve Your browsing experience.
- Third party cookies (analytical and/or profiling): these cookies are generated by organisations not part of the Site, but integrated into parts of the Site page. For example, Google widgets (e.g. Google Maps) or social plugins (Facebook, Twitter, LinkedIn, Google+, etc.).

**"Data"**: one or more of the categories indicated as Personal Data.

**"Data Controller"**: means "the natural or legal person, public authority, service or other body which alone or jointly with others determines the purposes and means of the processing of personal data", as defined in Article 4, subsection 1, no. 7, of the GDPR.

**"Data Processor"**: means "a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller", as defined in Article 4, subsection 1(8) of the GDPR.

**"Data Subject"**: "an "identified or identifiable natural person", as defined in Article 4, subsection 1, no. 1, of the EU Regulation 2016/679 (so-called "GDPR").

**"Disclosure"**: the making of personal data to unspecified persons, in any form whatsoever, including by making them available or consulting them (as defined in Article 2-ter(4)(b) of the Italian Privacy Code).

**"E-Storm"**: means the online platform provided by the Company (i.e. a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public) accessible from the Site;

**"GDPR"**: means the EU Regulation 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation).

**"Limitation"**: means the marking of personal data stored with the aim of limiting their processing in the future, as defined in Article 4(1)(3) of the GDPR.

**"Performance Data"**: means, for the purposes of this Policy, any Personal Data relating to the User's competitive performance in video games supported by E-Storm for the purposes of ranking and delivery of the Services.

**"Personal Data"**: means "any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person", as defined in Article 4, subsection 1, no. 1, of the GDPR).

**"Privacy Code"**: means Italian Legislative Decree No. 196/2003 as amended and/or supplemented (in particular by Italian Legislative Decree No. 101/2018).

**"Privacy Law"**: the EU Regulation 2016/679 ("GDPR"), Italian Legislative Decree 196/2003 as amended and/or supplemented ("Italian Privacy Code"), as well as the measures adopted by the Supervisory Authority in execution of the tasks established by the GDPR and the Italian Privacy Code, and further applicable legislation, of whatever rank, including the opinions and guidelines prepared by the Committee.

**"Privacy Policy"**: means this policy on the Processing of 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 automated 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, restriction, erasure or destruction", as defined by Art. 4, subsection 1, no. 2, of the GDPR.

**"Profiling"**: means "any form of automated processing of personal data consisting of the use of such personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects of that natural person's professional performance, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements", as defined in Article 4, subsection 1(4) of the GDPR.

**"Publication"**: means the action by which the Data Controller communicates information on the Site, without the implementation of procedures requiring the User to view it.

**"Recipient"**: means "a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not", as defined in Article 4, sub-paragraph 1, no. 9, of the GDPR.

**"Services"** means the services available on E-Storm on the date of access by the User;

**"Site"** means the web pages displayed through storm.co.gg, including subdomains.

**"Supervisory Authority"**: the independent public authority established by a European Union State, or by the European Union itself, in charge of supervising the application of the Privacy Law (for Italy, Garante Privacy,, <http://www.garanteprivacy.it>).

**"Third party"** means "*the natural or legal person, public authority, service or other body other than the data subject, the controller, the processor and the persons authorised to process personal data under the direct authority of the controller or processor*", as defined in Article 4, subsection 1, no. 10, of the GDPR.

**"User"**: means any natural person, entity or legal entity using any of the Services.