

This privacy statement provides information about the processing and the protection of your personal data.

**Experience MY Portofino** is a brand of GABILATOUR di DI MARCO ILARIA ANNA (hereinafter referred to as "Gabilatour") with registered office in Via Delpino Teramo 26A - 16038 Santa Margherita Ligure – Italy.

Gabilatour considers the protection of the personal data of its own and/or potential users to be of fundamental importance, guaranteeing that the processing of personal data, carried out by any means, whether automated or manual, takes place in full compliance with the protections and rights recognised by EU Regulation no. 2016/679 of the European Parliament and of the Council of 27 April 2016. This notice, therefore, has been drawn up on the basis of the principle of transparency and all the elements required by Article 13 of the Regulation.

For the use and consultation of the website [www.experiencemyportofino.com](http://www.experiencemyportofino.com), users and visitors must explicitly approve this information notice, thereby consenting to the processing of their data according to the methods and purposes described therein. Please note that [www.experiencemyportofino.com](http://www.experiencemyportofino.com) may also contain hyperlinks (so-called links, i.e. technical tools that allow connection to a web page by reproducing it on the user's computer screen), to other sites owned by third parties other than Gabilatour. The aforementioned websites are developed and managed by third parties other than Gabilatour, over which it has no ownership or control and is in no way responsible for the content, quality, accuracy and services offered. Consequently, the visit and use of these external websites [www.experiencemyportofino.com](http://www.experiencemyportofino.com) consulted via links is left to the total discretion and responsibility of the user.

#### **Legal basis**

The reference standard for the processing of the data provided by the user is art. 6 of the "Regulations": Lawfulness of processing. Consequently, for the use and consultation of the Gabilatour and Experience MY Portofino websites, visitors and users must explicitly approve this information notice, consenting to the processing of their data in the manner and for the purposes described in this document.

Please note that consent is optional and may be denied or revoked at any time, without prejudice to the consultation of the site [www.experiencemyportofino.com](http://www.experiencemyportofino.com). Refusal may result in a limitation and/or the impossibility of offering the user certain services.

#### **Data Controller**

The company that will process the Personal Data for the main purpose referred to in the "Purposes of the processing" section of this Information Notice and that, therefore, will play the role of Data Controller is GABILATOUR di DI MARCO ILARIA ANNA with registered office in Via Delpino Teramo 26A - 16038 Santa Margherita Ligure - Italy, VAT No. IT01375890991, Tax Code DMRLNN75C41F205V, e-mail PEC: [gabilatour@pcert.postecert.it](mailto:gabilatour@pcert.postecert.it), tel. 0185286493 (hereinafter the "Data Controller").

#### **Purposes of processing**

Gabilatour, depending on the cases and services requested and offered, will use the data of the interested party for the following purposes

- a. to provide the Data Subject with the services requested by the latter (by way of example but not limited to: booking and organisation of the trip, registration with airlines, hotel facilities, transfer and excursion services, subscription to compulsory and/or voluntary insurance policies, provision of 24-hour assistance, purchase of honeymoon shares);
- b. contact the interested party to provide information about the services requested (by way of example but not limited to: programmes, booking data, airlines, flight numbers, dates and times, connections, tourist facilities and anything else necessary or useful) and in the event of changes to services or cancellations.
- c. to receive payments made by the Interested Party in relation to the services requested. The information provided by the interested party regarding credit/debit card data, current account and other payment data is used to receive payments and any deposits, to carry out accounting, invoicing and insurance reports;
- d. perform accounting/financial, administrative, legal and tax obligations and for communications to the competent Authorities;
- e. provide information about the activities carried out by the interested party when requested by the latter through the website, email addresses and telephone numbers, and therefore in response to a request by the interested party;
- f. to forward communications from the Data Controller and the Experience My Portofino trademark for the purposes of information and promotion of the services provided: Gabilatour uses some of the Data Subject's data (name, surname, e-mail and telephone contact details, date of birth, city or region of residence, hobbies and data relating to contracts signed with the Data Controller) to provide information on the activities carried out and on the organisation and offer of the services and to promote them through newsletters, e-mails or paper or telephone communications.

The data subject's consent is not required for processing for the purposes referred to in letters a., b., c., d., insofar as and to the extent that such processing is a necessary requirement for the performance of the contractual relationship or of pre-contractual measures adopted at the request of the same. In this case, the communication of the data is compulsory, since failure to provide them will make it impossible to establish and perform the contractual relationship. The interested party is informed that automated decision-making processes may be used for the purpose of identifying and then providing the related services (by way of example: services purchased

through the Owner's website). In such cases, the use of automated decision-making processes is also a necessary requirement for the conclusion and execution of the contract. Without this, the contract cannot be concluded.

The consent of the interested party is required for the purposes referred to in letters e., f. and is in this case optional. However, failure to consent to the processing of data will make it impossible to provide the information. The interested party is informed that the Owner may use automated decision-making processes, including profiling, for the purpose of providing the interested party with information and targeted offers and reserved discounts. The interested party may at any time request the interruption of this information flow and revoke consent to the processing.

Please note that, if the legal basis for the processing of personal data is consent to receive information and promotional communications, the processing can only be carried out if the data subject is at least 16 years old. Only persons of 16 years of age or older may validly provide their consent. For children and young people under 16 years of age, consent must be given by the holder of parental responsibility.

Gabilatour will therefore process the data of the Interested Party basing its activities essentially on the following legal bases, which are different and relevant depending on the cases and services that are requested by the Interested Party and that we offer:

- in the case of processing operations from letters a. to d. above, the legal basis will be the establishment and execution of the contractual relationship and the consequent fulfilments, rights and legal obligations;
- in the event that the data subject communicates data relating to health or other data defined by law as particular or sensitive, the legal basis will be the consent of the data subject and the data will be processed for the sole purpose of providing a service tailored to the user's needs. This consent may be revoked at any time without affecting the lawfulness of the processing based on the consent given prior to revocation (and without prejudice to the storage of the data for the time necessary to fulfil legal obligations, to ascertain and defend rights in court);
- in the case of requests for information from the Data Subject and communications for information and promotional purposes (processing referred to in letters e. and f. above) the legal basis shall be the consent of the Data Subject (or of the person exercising parental authority and responsibility in the case of minors under 16 years of age) and such consent may be revoked at any time.

#### **Type of data collected**

Personal data is the information that makes it possible to identify or identifiable the person concerned.

Gabilatour receives data from the interested party when the same asks for information via the website or by email, letter, telephone or through social media, fills out coupons, expresses interest in entering into a contractual relationship or receiving a service, information, travel proposals, participates in events, etc..

Gabilatour also draws data from its archives and / or receive them from travel agencies, other tour operators to which the person concerned turns, from external managers appointed to manage relations with users, hotels and users who enter into contractual relations with Gabilatour also in the interest of third parties (for example: the single spouse who buys the package tour for the whole family, the friend who buys the flight for the group of friends) or who transfer the booking to third parties. In these cases, the user guarantees that he/she has previously obtained the appropriate authorisation to communicate the data of the third parties and holds the Owner harmless from any responsibility in this regard, as well as undertaking to provide this information to the third parties. Depending on the cases and services that are requested and offered by Gabilatour, the following categories of information may be collected:

- first and last name, age/date of birth, tax code, marital status, address, city and country of residence, e-mail address, telephone number, profession, hobbies, domiciles, credit/debit card and electronic payment systems, bank account details (IBAN) and other payment and billing details;
- data arising from communications sent and/or exchanged by letter/email/phone/social media and the website where relevant.

Data relating to the health of the Data Subject is considered sensitive personal data. Such data, like all those that the law defines as particular and sensitive (art. 9 par. 1 EU Reg. 2016/679 and art. 4 par. 1 lett. d) Legislative Decree 196/2003) are not processed, except in the case where the interested party expressly communicates them and asks to use such data by giving consent to the processing. Such data will never be subject to automatic decision-making processes or profiling, and will in any case be processed for the sole purpose of providing a better service to the Data Subject.

The computer systems and software used to operate the website acquire, during their normal operation, some personal data whose transmission is implicit and necessary in the use of Internet communication protocols.

#### **Communication and dissemination**

Personal Data may be communicated to specific entities that are considered recipients of such Personal Data.

The following recipients may be in a position to process the Personal Data provided by the user:

- in order to be able to update users on new offers and promotions, Gabilatour collaborates with companies, entities and suppliers that support the company in its various activities to ensure a better service, a wider and closer to the needs of users and, if necessary, offer the appropriate assistance.
- In the event of the establishment of a contractual relationship aimed at providing the service(s), the data may be communicated to
  - a. Italian and foreign travel agencies, Italian and foreign air/sea/transport companies in general, as well as Italian and foreign transport companies, Italian and foreign online search engines and websites, Italian and foreign tourist facilities, Italian and foreign car/boat/ground service rental companies;
  - b. Italian and foreign companies operating in airport and tourist assistance;

- c. external agents/employees/managers appointed to manage relations with users;
  - d. consulates, embassies and Italian and foreign public authorities;
  - e. accountants/administrative and legal consultants/insurance companies and brokers/other consultants where necessary for the above purposes;
  - f. subjects in charge of collection and invoicing activities, credit institutions, Italian and foreign companies issuing credit/debit cards and other means of payment, anti-fraud screening, the Inland Revenue Service.
- Where required by law or to prevent or suppress the commission of a crime, Personal Data may be disclosed to public bodies or judicial authorities without these being defined as Recipients.

The Data Controller has its registered office and operates in Italy. However, some partners may reside abroad in European and non-European countries. We inform the Data Subject that third countries do not always regulate the protection of personal data and/or do not issue strict privacy laws, consequently the EU Commission may consider them inadequate in terms of the processing of personal data, which may not be processed with the same protection.

The transfer of the data of the Data Subject to third countries takes place solely on the legal basis of the performance of the contractual relationship with the Data Subject. Also in this case, the processing, consisting in the transfer of data to recipients residing in third countries, finds its legal basis in the establishment or execution of the contractual relationship. The transfer of data to third countries is therefore in these cases mandatory on the basis of the contract, and without it the contract cannot be entered into and performed.

Where the cloud operators are based abroad, the transfer abroad may also take place on the legal basis of the consent provided by the data subject on the occasion of the consent given to receive information and information and promotional communications on the Controller's activities. In this case, consent is optional and without it the interested party may not receive the communications.

#### **Data storage**

Personal Data is processed on paper and computer, using systems that implement security measures to protect the confidentiality of the user. Specific security measures are also observed to prevent the loss of data, unlawful or incorrect use and unauthorised access. The data provided will not be subject to any further processing other than that stated in this document unless, where necessary, further consent is requested. Personal Data collected through this site are processed by automated tools and for the time strictly necessary to achieve the purposes for which they were collected.

In particular, Personal Data will be processed for a period of time equal to the minimum necessary, as indicated by Recital 39 of the Regulation, i.e. until the termination of the existing contractual relationship between the user and the Data Controller, without prejudice to an additional storage period that may be imposed by law as also provided by Recital 65 of the Regulation. In light of this principle, and pursuant to Section 11(1)(e) of the Privacy Code, Personal Data shall be processed by the Data Controller only insofar as necessary to achieve the purposes set forth in this Privacy Policy and, in any event, for a period not exceeding 10 years.

#### **Revocation of consent**

As provided for by the Regulation, if you have given your consent to the Processing of your Personal Data for one or more of the purposes for which it has been requested, you may, at any time, withdraw it in whole and/or in part without prejudice to the lawfulness of the Processing based on the consent given before the withdrawal.

The procedures for revoking consent are very simple and intuitive; all you need to do is contact the Data Controller and/or the Joint Data Controllers using the contact channels indicated in this Information Notice.

In addition to the above, and for the sake of simplicity, if you should find yourself in the position of receiving e-mail advertising messages from the Data Controllers that are no longer of interest to you, simply click on the unsubscribe or unsubscribe button at the bottom of the messages to stop receiving any further communication, even through other contact channels for which your consent was obtained (text messages, paper mail, telephone calls).

#### **Rights of the data subject**

As provided for by article 15 of the Regulation, the user may access his/her Personal Data, request its rectification and updating (if incomplete or erroneous), request its deletion (if collected in violation of a law or regulation), as well as object to the Processing for legitimate and specific reasons.

In particular, below are all the rights that the user may exercise, at any time, against the Data Controller and/or the Joint Data Controllers:

- Right of access pursuant to Article 15 of the Regulations.
- Right of rectification pursuant to Article 16 of the Regulation.
- Right to erasure pursuant to Article 17 of the Regulation.
- Right to restriction of processing pursuant to Article 18 of the Regulation.
- Right to data portability in accordance with Article 20 of the Regulation.
- Right to object in accordance with Article 21 of the Regulation.
- Right to lodge a complaint with the supervisory authority pursuant to Article 77 of the Regulation.

To exercise all the rights as identified above, simply contact the Data Controller and/or the Joint Data Controllers using one of the following addresses:

- at the e-mail address: [info@experiencemyportofino.com](mailto:info@experiencemyportofino.com)

- at the postal address: Via Delpino Teramo 26A - 16038 Santa Margherita Ligure - Italy
- to the telephone number (+39) 0185 286493

#### **Treatment modalities**

Gablatour carries out periodic checks to verify compliance with the rules and what was agreed. The Personal Data will be processed by the Data Controller and/or the Joint Data Controllers within the territory of the European Union. In any case, it will be possible to request further details from the Data Controller and/or the Joint Data Controllers if the Personal Data have been processed outside the European Union, requesting evidence of the specific guarantees adopted.

#### **Amendments**

This privacy policy is in force since January 01, 2021; Gablatour reserves the right to modify or simply update the content, in part or in full, also due to changes in applicable legislation. Gablatour will inform users of such changes as soon as they are introduced and they will be binding as soon as they are published on the Site. Gablatour therefore invites users to regularly visit this section to acquaint themselves with the latest and updated version of the privacy policy so as to be kept up to date on the data collected and the use made of it by Gablatour.