

LIA - Legitimate Interest Assessment

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INTRODUCTION

The LIA (*Legitimate Interest Assessment*) allows to verify whether the interest of the Data Controller is legitimate, thus allowing to use the legal basis of legitimate interest, as contemplated by Art. 6 par. 1 lett. f) GDPR for one or more specific purposes of Data Processing.

Conducting a LIA allows the Data Controller to demonstrate that it has made due assessments regarding the interests pursued through the data processing and has determined that these interests outweigh the rights and freedoms of Data Subjects.

By drafting a LIA, the Data Controller promotes a clear and transparent approach to Data Processing, carefully considering the impact that such Processing might have on individuals and ensuring that the interest identified is justified and legitimate.

In addition, the LIA provides a structured framework for documenting the decision-making process and demonstrating the compliance of the Data Controller's choices with data protection regulations.

DEFINITIONS

- **Personal Data:** any information relating to an identified or identifiable natural person ("Data Subject"); an identifiable person is one who can be identified, directly or indirectly, with particular reference to an identifier such as a name, an identification number, location data, an online identifier, or one or more characteristic elements of his or her physical, physiological, genetic, mental, economic, cultural or social identity.
- **Processing means** any operation or set of operations, whether or not performed by automated means and applied to personal data or sets of personal data, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, comparison or interconnection, restriction, erasure or destruction.
- **Data Subject:** the natural person to whom the processed personal data refer (e.g. a Buyer or Exhibitor participating in events organized by SI.TEX., but also a supplier of SI.TEX. such as, for example, an external consultant).
- **Data Controller:** the natural or legal person, public authority, service or other body which, individually or jointly with others, determines the purposes and means of the Processing of personal data;
- **Data Controller:** the natural or legal person, public authority, service or other body that processes personal data on behalf of the Data Controller.

1. BACKGROUND.

S.I.TEX., through Milano Unica, groups more than five hundred (500) textile companies, and its purpose is to promote their activities through the organization of trade fairs and events, where to bring together companies: those exhibiting (the members) and those buying (represented by its Buyers). In other words, for S.I.TEX.'s corporate purpose, its ultimate goal, the very reason for its existence, and its main activity consist of **B2B matchmaking**.

The Processing of Personal Data covered by this *assessment* concerns only one **category of Data Subjects**, namely Buyers, as representatives of the purchasing companies.

The types of data subject to Processing, which are absolutely common and processed in extremely small quantities per person, are as follows:

- name
- surname
- company to which it belongs
- role
- contact details
- field of activity (style studio, tailoring, garment maker etc.)

The nature of the Processing is the communication of personal data of Buyers participating in trade fairs and events organized by the Owner to Exhibitors for their autonomous contact purposes for B2B marketing purposes (and possibly to other owners, such as Agenzia ICE, whose institutional purpose is the promotion of Italian companies abroad).

Article 6(1)(f) of the GDPR refers to legitimate interests pursued "by the controller or a third party."

According to the EDPB's new "**Guidance 1/2024 on the Processing of Personal Data under Article 6(1)(f) of the GDPR**," version 1.0, Oct. 8, 2024, item no. 20, the reference to an interest pursued by "a third party" in the wording of Article 6(1)(f) of the GDPR indicates that the interest or interests of a specific third party or parties may be (as in the present case) legitimately pursued under Article 6(1)(f) of the GDPR and may thus be balanced against the interests or fundamental rights and freedoms of the data subject.

Indeed, in some cases, as in the case before us, the processing of personal data may serve to simultaneously pursue the legitimate interests of the data controller and a third party (the Exhibitors). See CJEU, judgment of December 7, 2023, Joined Cases C-26/22 and C-64/22, SCHUFA Holding.

2. THE LEGITIMACY OF THE INTEREST OF S.I.TEX. (AND OF THE EXHIBITORS TO WHOM THE DATA ARE DISCLOSED), THE RELEVANCE OF THAT INTEREST TO THE DATA CONTROLLER AND THIRD PARTIES, AND THE NEED FOR DATA PROCESSING.

In consideration of the activities carried out by the Data Controller, Data Processing is fundamental to providing a 360° service to the participating companies. The communication of the buyers' contacts to the exhibitors triggers a "commercial convenience" mechanism that results in the latter seeing their opportunities to establish relationships exponentially multiplied with the Data Subjects who, by attending the event, show their interest in the products offered. Such a mechanism is undoubtedly an advantage for both the Data Controller and the exhibitors that receive the communication without causing any harm to the interested third parties.

The interest of S.I.TEX. in carrying out Data Processing, by communicating Buyers' data to Exhibitors, is therefore legitimate. Moreover, for both the Data Controller and the Exhibitors to whom the data are disclosed, Data Processing is also definitely relevant, even if internally relevant because it is not meant to guarantee the exercise of fundamental rights nor protect a public or community interest.

Indeed, Recital 47 of the GDPR makes it clear that *"the legitimate interests of a data controller, including those of a controller to which the personal data may be disclosed, or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the data controller."* The recital further states that *"[in any case] the existence of a legitimate interest would need careful assessment including whether a data subject could reasonably expect at the time and in the context of the collection of the personal data that processing for that purpose may take place."* This is precisely carried out through this assessment.

In this case, in addition to the above considerations, all the elements and criteria set forth in point N. 17 of the EDPB's new **"Guideline 1/2024 on the Processing of Personal Data under Article 6(1)(f) of the GDPR"** cumulatively apply in order for the interest to be considered "legitimate".¹

¹ For a similar set of criteria, see WP29, *Opinion 06/2014 on the concept of legitimate interest of the data controller under Article 7 of Directive 95/46/EC* (WP 217, adopted April 9, 2014), pages 24-25.

In this case, the interest in disclosing the Buyers' contacts to Exhibitors is not contrary to EU or member state law, but pursues, as already mentioned, a "commercial convenience" purpose for all the parties involved.

Concurrently, the same interest is clearly and precisely expressed, and its perimeter is clearly identified in the policy and herein. This document shall be made available to Data Subjects upon request to ensure an appropriate balance with their interests and/or fundamental rights and freedoms.

As required by point N. 17 of the aforementioned guidelines, such interest is also real, present, and not speculative. Indeed, as clarified by the CJEU, the legitimate interest must be present and effective at the date of the data processing and must not be, at that same date, speculative.

Finally, it should be noted that Recital No. 50 of the GDPR also refers to the *"reasonable expectations of the data subjects based on their relationship with the data controller"* as a further factor to be considered in assessing the legitimacy of the interest. In this case, it is undoubtedly reasonable to consider such expectation as existing given the existing triangle relationship between S.I.TEX., the Buyers, and the Exhibitors.

3. THE IMPACTS, BOTH REAL AND POTENTIAL, OF DATA PROCESSING ON THE RIGHTS AND INTERESTS OF THE DATA SUBJECTS.

Given the nature of the events organized by S.I.TEX. through Milano Unica, and the criteria through which Buyers are invited and participate, it is clear that, considering the relationships with the Data Controller, the Data Subject may reasonably expect (see the last paragraphs of the previous section) that his/her personal contact information may be disclosed to Exhibitors.

Essentially, this procedure includes a very tiny, if any, interference in the private life of the Data Subjects. The personal data communicated to the Exhibitors by the Data Controller (listed in point N.1) only refers to the so-called contact data, and such communication occurs in a purely B2B context where direct-to-person "offers" that could otherwise limit the rights of choice of the Data Subjects as individuals are natively absent.

Moreover, in consideration of the low amount of data subject to Processing, its nature, and the extremely limited purpose, also the general impact - in its broadest sense (as defined by both "Article 29 Data Protection Working Party on Legitimate Interests of 2014 " page 44 et

seq, and the aforementioned EDPB's "Guidelines 1/2024 on the Processing of Personal Data under Article 6(1)(f) of the GDPR", version 1.0 of October 8, 2024) - on the interests and their fundamental rights can be considered nihil from both the perspective of potential harm (material, economic, financial) and from the perspective of emotional harm including various risks potentially resulting from personal data processing (discrimination, exclusion, defamation, or risks to the reputation, bargaining power, and autonomy of the Data Subject).

Given both the nature and the amount of personal data processed, data processing does not involve profiling.

4. PRELIMINARY BALANCE.

The situation covered by this assessment is quite similar to the first scenario described in Article 29 Data Protection Working Party on Legitimate Interests of 2014 (p. 36)² :

- data and context are relatively innocuous (B2B business contacts between buyers and sellers);
- the legitimate interest of the Data Controller (S.I.TEX.) and the third parties (few) to whom the Buyers' personal data are disclosed (the Exhibitors) is relevant to both S.I.TEX. and the Exhibitors;
- the Data Subjects can reasonably expect that their participation be brought to the attention of Exhibitors;
- the interference in the Data Subject's privacy is essentially nihil, and their fundamental rights and interests are unharmed, or at least assume a very small significance in the context of the relationship.

It is therefore possible to conclude that the interest and rights of the Data Subject are not overriding the legitimate interest of the Data Controller and Recipients to carry out Data Processing to such a limited extent (communicating the personal data of Data Subjects/Buyers to Exhibitors to pursue B2B matchmaking purposes).

² "Scenario 1: Special offer by a pizza chain.

Claudia orders a pizza via a mobile app on her smartphone, but does not opt-out of marketing on the website. Her address and credit card details are stored for the delivery. A few days later Claudia receives discount coupons for similar products from the pizza chain in her letterbox at home.

Brief analysis: the pizza chain has a legitimate, but not particularly compelling, interest in attempting to sell more of its products to its customers. On the other hand, there does not appear to be any significant intrusion into Claudia's privacy, or any other undue impact on her interests and rights. The data and the context are relatively innocent (consumption of pizza). The pizza chain established some safeguards: only relatively limited information is used (contact details) and the coupons are sent by traditional mail. In addition, an easy-to-use opportunity is provided to opt-out of marketing on the website. On balance, and considering also the safeguards and measures in place (including an easy-to-use opt-out tool), the interests and rights of the data subject do not appear to override the legitimate interests of the pizza chain to carry out this minimal amount of data processing."

5. SAFEGUARDS TO PROTECT THE DATA SUBJECT.

Based on the foregoing and with a view to ensuring full compliance with the GDPR and the principles contained therein, the Policy that shall be regularly delivered to the Data Subjects will clearly specify their opt-out option, the exercise of which shall result in preventing their personal data from being communicated to the Exhibitors (see: "**PROCEDURE MAILING LIST and OPT_OUT**" Annex N. 1)

At any rate, the Data Controller (S.I.TEX.) has established a number of safeguards to increase the protection of the Data Subjects:

- the personal data subject to disclosure is only extremely limited and listed in point N. 1 above;
- An easily accessible opt-out option is provided, allowing data subjects to exercise their general and unconditional right to withdraw consent, opposing this specific data processing. This option is available via the website and through dedicated links to the privacy notice in all communications between the Data Controller and the data subjects;
- adoption of data encryption for transit data (communication to Exhibitors and the Italian Trade Agency ICE);
- the Data Subjects are adequately and transparently informed (through the Policy), in a clear and simple manner, about the reasons why the Data Controller considers that the interests or fundamental rights and freedoms of the Data Subjects are not overriding their interests.

The Data Controller also ensures compliance with the principles set forth in Article 5 of the GDPR.

In particular:

- the principle of lawfulness is met in that the processing is lawful and carried out for a purpose not contrary to law or public order;
- the principle of fairness and transparency is complied with as the Data Controller provides information to the Data Subject through appropriate policy;
- the principle of purpose limitation is also complied with, in that the data are used, with the legal basis of the legitimate interest, only for the specific purpose mentioned in the Policy;

- the principle of integrity and confidentiality is complied with in that the personal data subject to data processing are stored safely and with the adoption of safety and security measures such as encryption.

6. TESTING.

The Testing below analytically refers to the requirements set out in the "Article 29 Data Protection Working Party on Legitimate Interest - 2014" and the already mentioned EDPB's "Guidance 1/2024 on the Processing of Personal Data under Article 6(1)(f) of the GDPR", version 1.0 of October 8, 2024, applying the methodology of ICO (the Information Commissioner's Office, the independent UK authority that corresponds to the Italian Data Protection Authority [Garante per la Protezione dei Dati personali]), which has developed a 3-level testing system. The system is recognized at the EU level as a benchmark (also post-Brexit) and is used here to validate the points already made in the body of this paper.

PART 1: PURPOSE

The Data Controller must assess whether there is a legitimate interest underlying Data Processing.

6.1.1	Why does the Data Controller intend to carry out Data Processing?
The Data Controller Owner intends to carry out Data Processing to improve the services offered to its users/associates (exhibitors).	
6.1.2	What benefits does the Data Controller expect from Data Processing?
The Data Controller expects that all parties involved in Data Processing (Data Controller, Data Subjects, and recipients of the communications) benefit from Data Processing as the communication of Buyers' personal contact information to Exhibitors is likely to facilitate relations between them in a B2B matchmaking perspective.	

6.1.3	Are there any Third Parties that benefit from Data Processing?
Yes, Exhibitors participating in events organized by S.I.TEX. through Milano Unica.	
6.1.4	Are there broader public benefits present in Data Processing?
N/A	
6.1.5	How important are the benefits identified by the Data Controller?
The benefits identified are important from the overall perspective of the relationships between all participants in the promotional events organized by the Data Controller. The benefits are intended to maximize the economic result of the event. Given such economic relevance, the benefits can be legitimately pursued under Article 41 of the Constitution.	
6.1.6	Is the Data Controller complying with specific data protection rules applicable to Data Processing?
The Data Controller has implemented the measures set forth in Section N. 5 herein. For details about the safety and security measures applied to Data Processing, see "SITEX SPA SAFETY AND SECURITY MEASURES" Annex N. 2	
6.1.7	Is the Data Controller complying with other relevant laws?
N/A	
6.1.8	Is the Data Controller complying with industry guidelines or codes of conduct?
N/A	
6.1.9	Are there ethical issues regarding Data Processing?
N/A	

PART 2: NECESSITY

The Data Controller must assess whether the Processing is necessary for the purpose identified.

6.2.1	Will Data Processing help the Data Controller achieve its purpose?
Data Processing is necessary to maximize the present and future economic and commercial results of the service offered by the Data Controller, both for the same Data Controller and the Third Parties to whom the personal data are communicated. The Data Processing carried out by the Data Controller significantly helps Exhibitors to increase the matchmaking opportunity while maximizing the commercial result. Therefore, it is clear that this situation is economically advantageous for both the Data Controller, who in providing a potentially more "performing" service obtains increased appreciation of its services, and the Exhibitors, who receive the Buyers' personal data, thus increasing their chances of reaching out to a broader audience.	
6.2.2	Is Data Processing proportionate to the purpose?
Yes, Data Processing is proportionate to the purposes and the Data Subject can reasonably expect this type of action from the Data Controller.	
6.2.3	Can the Data Controller achieve the same purpose without Data Processing?
No, the reasons are specified in point 6.2.1 above.	
6.2.4	Can the Data Controller achieve the same purpose by processing less data, or by processing data in a more overt or less intrusive way?
Data Processing respects both the principle of necessity and the principle of minimization. The data processed are as few as possible and of the least "invasive" quality to achieve the purpose set by the Data Controller. In consideration of the B2B matchmaking perspective, only Buyers' contact data, such as first name, last name, company they belong to, company title, e-mail address and telephone number, are communicated to Exhibitors.	

PART 3: BALANCING

The Data Controller must consider the impact on the interests, rights and freedoms of individuals and assess whether this overrides its legitimate interests.

NATURE OF PERSONAL DATA	
6.3.1	Is the personal data subject to Data Processing special category data or data on criminal offenses?
No, the personal data subject to Data Processing only refers to contact data (see point No. 1 herein).	
6.3.2	Is the personal data subject to Data Processing personal data that people are likely to consider particularly "private"?
No, see above.	
6.3.3	Is the Data Controller processing personal data regarding children or other vulnerable groups of individuals?
No, see point N. 6.3.1 above.	
6.3.4	Does the personal data subject to Data Processing concern individuals in their personal or professional capacity?
No. Although the personal data subject to Data Processing refers to the professional sphere, data do not concern nor reveal any information with respect to the professional capacity of the Data Subject.	
REASONABLE EXPECTATIONS	
6.3.5	Is there an existing relation between the Data Controller and the Data Subject?

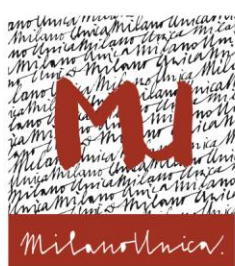
Yes, the Data Subject is the person who participates in the events organized by the Data Controller.	
6.3.6	What is the nature of the relation and how has personal data been used in the past?
The nature of the relation can be framed in the User/Data Subject - Service Provider/Data Controller paradigm. In the past, personal data were used in the same way as today, both with respect to the purposes and criteria of Processing, except for newly implemented improved Safety and Security Measures (see Point N. 5 and N. 6.1.6 and the annexes attached hereto).	
6.3.7	Was personal data collected directly from the Data Subject?
The data are obtained directly from the Data Subjects or their companies.	
6.3.8	If personal data were obtained from a third party, what did the Data Subjects say about third-party reuse for other purposes?
N/A. See above.	
6.3.9	How long ago was personal data collected? Have there been any changes in technology or context since then that might affect the expectations of Data Subjects?
Personal data subject to Data Processing are collected in connection with the organization of events by the Data Controller (3/4 times in a year). Due to the nature and type of Data Processing, there have been no changes that may have affected the expectations of Data Subjects.	
6.3.10	Is the Data Controller's intended purpose and criteria of Data Processing understood by the Data Subject?
Yes, the Policy that is delivered to the Data Subject to make him/her aware of the methods and purposes of data processing is simple, clear and comprehensive.	
6.3.11	Is the Data Controller planning to do something new or innovative?
No, data processing simply refers to communicating Buyers' personal contact information to Exhibitors who have attended the trade show.	

PROBABLE IMPACT	
6.3.12	What are the possible impacts of Data Processing on individuals?
The only conceivable impact consists in the possibility that a Buyer (Data Subject) does not appreciate being contacted by an exhibitor to whom his personal data has been disclosed. In this case, the Data Subject may exercise the opt-out option. Consequently, his/her data shall only be processed to the limited extent of the other purposes envisaged in the Policy.	
6.3.13	Will Data Subjects lose control over the use of their personal data?
No, Data Subjects will always be able to control their personal data. Data Subjects are adequately informed through the Policy on the rights they can exercise, as required by Articles 13 and 14 of the GDPR. In addition, the Data Controller has implemented an internal procedure for the exercise of Data Subjects' rights to better manage any requests (e.g. requests for rectification) in addition to the aforementioned opt-out option that gives Data Subjects the right to terminate the processing of their personal data. See: "PROCEDURE MAILING LIST and OPT_OUT" Annex 1	
6.3.14	What is the likelihood of occurrence and severity of any potential impacts?
The likelihood of occurrence of potentially harmful impacts is considered to be irrelevant as a result of the reasons provided herein and essentially summarized below: 1) Data Processing is carried out in a strictly Business to Business context; 2) The characteristics of the personal data subject to Data Processing (Buyer's contact details only - see point 1 herein for an exhaustive list); 3) Compliance with the principle of minimization → only the necessary data and in the minimum "quantity" possible is processed and for the only purpose of establishing contacts between Buyers and Exhibitors in a matchmaking perspective as promoted by S.I.TEX.	
6.3.15	Can Data Subjects be against Data Processing or consider it invasive?
It is possible that some Data Subjects, when contacted by Exhibitors – though they may hardly consider it invasive - may not like the contact. However, the Data Controller has implemented an opt-out option to ensure Data Subjects' right to terminate their Data Processing.	

6.3.16	Can the Controller adopt measures to minimize the impact of Data Processing on Data Subjects?	
Yes, see Points N. 5 and 6.3.14 herein.		
Can the Data Controller offer Data Subjects an opt-out option?		Yes

7. DECISION

Can the Data Controller base its Data Processing on legitimate interest?		Yes
Notes: -		
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Approved by	S.I.Tex Spa - Massimo Mosiello	
Date	15.11.2024	



LIA (Legitimate Interest Assessment) - Annex 1

Procedure for sending the buyer mailing list to third parties and opt-out option

A) Before communicating the buyer list to any third party for B2B matchmaking purposes, the following steps are mandatory:

1. **Check that Milano Unica's Privacy Policy has been submitted for attention to all buyers included in the list.**

When buyer's data are collected through automated means as a result of the buyer's online registration, the Policy shall be considered submitted because the registration page clearly shows the link to the Policy. In any other case, it is necessary to check that a similar link was provided in previous communications with the buyer or that the Policy was otherwise submitted). **If one or more buyers in the list have not received the Policy, their names shall be deleted.**

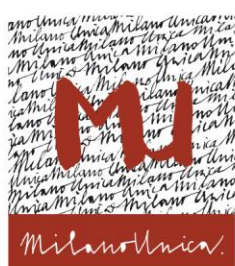
2. **Check that the buyers' data in the list are limited to those strictly essential for the purpose of B2B matchmaking, that is:**

- first name
- last name
- company
- role
- contact details
- business sector (style studio, tailor's lab, garment maker etc.).

3. **Check whether one or more buyers in the list have exercised the opt-out option** contained in the Privacy Policy (communication sent to the email address delegazione@milanounica.it, or any other expression of the buyer's intention not to be contacted by the exhibitors). **In this case, delete the buyer(s) from the list.**

4. **Disclose the list resulting from the previous 3 points in the area reserved for exhibitors or other third parties only after verifying the availability of password protection (or protection provided through other means).**

B) Communication of the buyer list to third parties



1. **The buyer list can be made accessible to third parties, for B2B matchmaking purposes only after completion of the steps under point (A) above.**
2. **Subjects to whom access to the buyer list may be provided may belong only to the following categories:**
 - exhibitors who have requested it;
 - competent offices of the Italian Trade Agency (ICE) for the promotion abroad and internationalization of Italian companies;
 - competent offices of additional entities, public or private, with which S.I.TEX has relationships similar to those with ICE.
3. **Access to the buyer list shall be ensured by email communication from the Milano Unica Secretariat with the following wording:**

FACSIMILE

Dear Exhibitors,

the ... edition of Milano Unica has consolidated the collaboration with the **Italian Ministry of Foreign Affairs and International Cooperation** and with the **Italian Trade Agency ICE for the promotion abroad and the internationalization of Italian companies**, which continue to offer their valuable contribution in supporting us in the organization of activities to encourage the presence of customers from abroad.

Thanks to your recommendations and with the support of local ICE offices, **buyers and journalists from emerging or mature markets, both European and non-European**, will be present at Milano Unica.

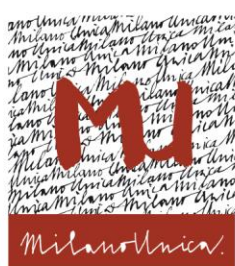
Access your reserved area to view the list at the following link

For privacy and data protection purposes, you will receive a separate email containing the password to access your reserved area with information about the customer delegation.

Do not hesitate to contact the Milano Unica's staff for any further information.

Thank you for your cooperation.
Cordially,

Massimo Mosiello
General Manager



C) Should a buyer not wish to be contacted by the exhibitors or other parties (opt-out option) after sending the list of buyers to such third parties, it will be necessary to

- 1. delete the name of the buyer who has exercised the opt-out option from the list, and re-post it in the amended form in the exhibitor or other party reserved area.**
- 2. send, to all subjects (exhibitors, ICE offices, and/or others) to whom the email referred to in B)3. was sent, a communication with the following content:**

FACSIMILE

Dear Exhibitors,

with reference to the buyer and journalist delegation scheduled for the next edition, we would like to inform you that the buyer **FIRST AND LAST NAME** has informed us that they **no longer** wish to **receive communications from Milano Unica exhibitors**.

Therefore, we invite you to delete his/her contacts and any other personal data in your possession.

Thank you for your cooperation.

Best regards
Milan Unica