Privacy notice on the processing of personal data – Candidates

This notice is provided under articles 13 and 14 of Regulation (EU) 2016/679 (GDPR). It explains how we process personal data you provide when taking part in recruitment and selection procedures or submitting an unsolicited application, regardless of how you apply (for example, by email, in response to a job advertisement, by handing in your CV in person, or by other means).

1. Data controller and data protection officer

The data controller is MindEarth S.r.l., represented by its legal representative for the time being, with its registered office at Via Corso Vittorio Emanuele II 30, 20122 Milan, Italy, and its operating office at Galleria Passarella 1, 20122 Milan, Italy, tax code/VAT No. 12983520961, email privacy@mindearth.ch.

2. Personal data processed, purposes and legal bases

The controller processes personal data contained in your CV and in any other documents you submit or information you provide during the selection process. This may include identification and contact details, educational and professional background, work experience, skills and any other information you voluntarily provide.

Personal data may be collected directly from you when you submit an unsolicited application or respond to a job advertisement, including through online platforms such as LinkedIn. It may also be collected indirectly through specialist recruitment and selection agencies (headhunters) engaged by the controller.

The controller processes this data solely for purposes related to assessing your application and potentially establishing an employment or other working relationship.

Specifically, we process your personal data for the following purposes:

a) managing and assessing applications, conducting the selection process and, where applicable, preparing the documents needed to establish an employment or other working relationship. The legal basis is taking steps at your request before entering into a contract, under article 6(1)(b) of Regulation (EU) 2016/679.

b) complying with obligations under laws, regulations or EU legislation that apply to the controller, for example in relation to tax, social security, welfare, or health and safety at work. The legal basis is compliance with a legal obligation to which the controller is subject, under article 6(1)(c) of the GDPR.

c) establishing, exercising or defending a legal claim in court or in administrative, arbitration or conciliation proceedings. The legal basis is the controller's legitimate interest under article 6(1)(f) of the GDPR.

If your CV or other documents contain special categories of personal data under article 9 of the GDPR (for example, health data, protected-category status or trade union membership), we will process such data only as necessary for the controller or the data subject to fulfil their obligations and exercise their specific rights under employment and social protection law, in the cases and under the conditions provided for by applicable law, pursuant to article 9(2)(b) of the GDPR.

3. How personal data is processed

We process personal data in accordance with the principles of lawfulness, fairness, transparency, data minimisation, accuracy, storage limitation, integrity and confidentiality set out in article 5 of Regulation (EU) 2016/679.

We process personal data using IT systems, electronic communications and/or paper records, in ways directly related to the purposes described above and designed to ensure the security and confidentiality of the information.

The controller takes appropriate technical and organisational measures under article 32 of the GDPR to prevent data loss, unlawful or improper use, and unauthorised access.

Applications are collected and managed through the following channels:

- Unsolicited applications by email: you may send your CV and any other relevant information to job@mindearth.ch, the address listed on our website at https://mindearth.ai/company. This email address is an alias. The person responsible for managing applications receives and handles messages sent to it on behalf of the controller.
- Applications through LinkedIn: we advertise vacancies and receive applications through LinkedIn. Initial screening and shortlisting may take place on the platform. The CVs of shortlisted candidates are then downloaded for storage.
- Applications through specialist recruitment agencies (headhunters): the controller may engage specialist firms and agencies to recruit and select candidates. These agencies send the controller the CVs and professional information of the candidates they identify.

Regardless of how an application is received, CVs and candidate information collected during the selection process are stored in cloud storage systems, including Google Drive, which the controller uses to manage and retain applications.

Only people expressly authorised and adequately instructed by the controller, and any third parties involved in processing, may process the data in accordance with their respective roles and responsibilities under applicable law.

4. Provision of personal data

Providing personal data for the purposes in section 2 above is voluntary. The controller needs this data to assess your application, carry out the selection process and, where applicable, establish an employment or other working relationship.

If you decline or fail to provide the requested data, the controller will be unable to assess your application or proceed with the selection process.

5. Recipients or categories of recipients of personal data

For the purposes in section 2 above, personal data may be processed by staff and contractors within the controller's organisation who have been duly authorised and instructed under article 29 of Regulation (EU) 2016/679.

Where strictly relevant to the purposes described above, personal data may also be disclosed to third parties in the following categories:

- MindEarth SA, a company based in Switzerland, appointed as a processor under article 28 of the GDPR to carry out activities related to managing applications and to take part in recruitment and selection.
- specialist recruitment and selection agencies (headhunters) engaged by the controller to identify suitable candidates and forward their applications and CVs.
- consultants and professionals who support the controller with administration, accounting and human resources (for example, employment consultants and accountants).
- IT and electronic communications service providers (such as email, cloud and hosting providers, including Google for email management and data storage).
- other public or private bodies where disclosure is necessary to comply with a legal obligation or to establish an employment or other working relationship.

Depending on their actual roles and responsibilities, these parties act as processors appointed under article 28 of the GDPR, as persons authorised to process the data, or as independent controllers.

Personal data will not be made public.

6. Data retention period

Personal data will be retained only for as long as necessary to fulfil the purposes for which it was collected, in accordance with the storage limitation principle in article 5 of Regulation (EU) 2016/679.

Specifically:

- Data processed to manage and assess applications will be retained for up to six months after the selection process ends, regardless of how the application was

received. At the end of that period, if your application is unsuccessful or you decline an offer, the data will be deleted or anonymised, including any copies held in the controller's IT and storage systems.

- Data processed to establish, exercise or defend a legal claim will be retained for the duration of any dispute and thereafter until the applicable limitation periods expire.

When these retention periods expire, the controller will ensure that any parties engaged to process the data also delete it in accordance with their contracts and applicable law.

If the selection process leads to an employment or other working relationship, the data will be retained in accordance with the privacy notice provided to employees and contractors.

7. International data transfers

In connection with the processing described in this notice, personal data may be transferred to countries outside the European Union, particularly Switzerland and the United States, including through the use of IT and cloud storage providers.

In particular, personal data may be transferred to MindEarth SA, a company based in Switzerland, to manage and assess applications and select candidates. This transfer is permitted under article 45 of the GDPR because the European Commission has issued an adequacy decision recognising that Switzerland provides an adequate level of personal data protection.

The controller also uses Google services to manage email and store data and documents, including through Google Drive. The use of these services may involve transfers of personal data to the United States. Where applicable, these transfers rely on the European Commission's adequacy decision on the EU–US Data Privacy Framework, provided the recipient company holds a valid certification under that framework and the certification covers the types of personal data transferred.

The controller verifies that transfers to the United States comply with the GDPR and that the safeguards required by applicable law are in place. Where an adequacy decision does not apply, appropriate safeguards under article 46 et seq. of the GDPR will be adopted as necessary, such as the European Commission's standard contractual clauses.

8. Your rights

Subject to the conditions set out in the GDPR, you may exercise the rights under articles 15 to 21 in relation to the processing described in this notice. In particular, you have the following rights:

- Right of access: you may ask whether we process personal data about you and, if so, obtain access to that data, including a copy, and receive the information set out in article 15 of the GDPR.
- Right to rectification: you may ask us to correct inaccurate personal data about you or complete incomplete data without undue delay, under article 16 of the GDPR.

- Right to erasure (right to be forgotten): you may ask us to erase personal data about you without undue delay in the circumstances set out in article 17 of the GDPR. This right does not apply to the extent that processing is necessary to comply with a legal obligation, to perform a task in the public interest, or to establish, exercise or defend a legal claim in court.
- Right to restriction of processing: you may ask us to restrict processing in the circumstances set out in article 18 of the GDPR.
- Right to be notified when the controller rectifies or erases personal data or restricts its processing (article 19 of the GDPR).
- Right to data portability: where processing is based on consent and is carried out by automated means, you may receive the personal data about you that you provided to the controller in a structured, commonly used and machine-readable format and transmit it to another controller without hindrance, under article 20 of the GDPR. You may also ask the controller to transmit the data directly to another controller where technically feasible.
- Right to object: you may object to the processing of personal data about you unless the controller has legitimate grounds to continue processing under article 21 of the GDPR.
- Right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.
- Right to lodge a complaint with the Italian Data Protection Authority (Garante per la protezione dei dati personali), Piazza Venezia 11, 00187 Rome (RM), Italy.

To exercise any of these rights, you may contact the controller using the contact details in section 1 or email the data protection officer (DPO) at dpo@mindearth.ch.