



Łukasiewicz

Górnośląski
Instytut
Technologiczny

All Łukasiewicz – GIT GDPR Information Clauses are available on the website: <https://git.lukasiewicz.gov.pl/en/personal-data/>

INFORMATION CLAUSE CONCLUSION OF CIVIL LAW CONTRACT for a commissioned party / contractor

Pursuant to Article 13(1) and (2) of the General Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons 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, hereinafter: "GDPR"), we inform you that:

1. The Controller of your personal data is the Łukasiewicz Research Network - Upper Silesian Institute of Technology (also referred to as "**Łukasiewicz – GIT**") with its registered office in Poland, in relation to personal data of the Commissioned Party / Contractor, with whom the Civil Law Contract is concluded.

The Controller can be contacted as follows:

- by telephone: (+48) 32 23 45 205
- by e-mail: sekretariat@git.lukasiewicz.gov.pl
- by letter: Sieć Badawcza Łukasiewicz – Górnośląski Instytut Technologiczny, ul. Karola Miarki 12-14, 44-100 Gliwice, POLAND

2. The Controller has appointed a Data Protection Officer.

You may contact the Data Protection Officer on all matters relating to the Controller's processing of your personal data and the exercise of your rights in relation to the processing of such data, as follows:

- by e-mail: iod@git.lukasiewicz.gov.pl
- by letter: Inspektor ochrony danych osobowych, Sieć Badawcza Łukasiewicz – Górnośląski Instytut Technologiczny, ul. Karola Miarki 12-14, 44-100 Gliwice, POLAND

3. Legal basis and purposes of processing your personal data

The Controller will process your personal data:

- a) Article 6(1)(b) of the GDPR - at your request, in order to take steps necessary for the conclusion or performance of a Civil Law Contract,
- b) Article 6(1)(c) of the GDPR – processing is necessary for compliance with a legal obligation to which the Controller is subject, including: tax, reporting and accounting law, document archiving and Article 34a of the Act of 27 August 2009 on Public Finances, consisting of the obligation to disclose and update information on concluded contracts in the Central Register of Contracts of Public Finance Sector Units, if the concluded Civil Law Contract constitutes a procurement order – within the meaning of Article 7(32) of the Act of 11 September 2019 – Public Procurement Law Act,
- c) Article 6(1)(f) of the GDPR – processing is necessary for the purposes of the legitimate interests pursued by the Controller or by a third party, i.e., to contact and perform the Civil Law Contract; retention of records related to the performance of the Civil Law Agreement for evidentiary purposes for the period resulting from the limitation periods for claims; conduct information, marketing activities, including the evaluation of services provided, satisfaction surveys, etc., to which you may lodge an objection with the Controller at any time.

4. Recipients or categories of Recipients of your personal data

In the event that the concluded Civil Law Contract constitutes an order – within the meaning of Article 7(32) of the Public Procurement Law Act, the Controller is obliged to disclose and update information on concluded contracts in the Central Register of Contracts of Public Finance Sector Units, pursuant to Article 34a of the Act of 27 August 2009 on Public Finances, subject to the limitations on openness resulting from Article 34a(5) and (8) of the Act of 27 August 2009 on Public Finances; the data contained in the Register are public and publicly available to everyone via the ICT system of the Central Register of Contracts. The Controller will provide your personal data to the authorities supervising the Controller's activities, to superior units and public authorities or entities entitled to obtain data on the basis of applicable regulations and to entities providing services to the Controller within the framework of concluded contracts, inter alia in the scope of:

- a) provision of document shredding and archiving services,
- b) provision of technical and organisational services to the Controller to ensure efficient management (in particular: ICT service providers, equipment suppliers, courier and postal companies, entities cooperating in the preparation and distribution of publications, entities operating websites, social media, etc.),
- c) provision of legal, insurance and consultancy services.

5. Transfer of your personal data to a third country or international organisation

Your personal data **will not be transferred** to a third country (a country outside the European Economic Area) or an international organisation within the meaning of the GDPR, subject to the following:

The Controller uses Microsoft 365, which should not result in the transfer of your personal data to a third country. On its website, in its privacy statement, Microsoft explains what personal data it processes, where and how it processes it and for what purposes: <https://privacy.microsoft.com/pl-pl/privacystatement>. Microsoft applies the EU contractual clauses. For more on Microsoft's commitments to protecting the data and privacy of users using the Online Services, including the geographic restriction of data processing from the European Union and Microsoft's compliance with the provisions of the GDPR, please visit the Microsoft Trust Centre: <https://www.microsoft.com/pl-pl/trust-center/privacy>.



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6. Retention period of your personal data

The Controller will keep your personal data for the period of duration of the Civil Law Contract, and then until the end of the period of limitation of claims resulting from generally applicable provisions of law, including Article 118 of the Act of 23 April 1964 Civil Code. The Controller will keep your personal data for archival purposes for the period of time resulting from the Act of 14 July 1983 on National Archival Resources and Archives to the extent that these requirements are applicable and the internal regulations of Łukasiewicz – GIT. At the end of these periods, your personal data will be deleted. In the event that the Civil Law Contract constitutes an order – within the meaning of Article 7(32) of the Public Procurement Law Act, your personal data entered in the Central Register of Contracts of Public Finance Sector Units will be retained for the period resulting from the legal provisions on archiving and the functioning of the Central Register of Contracts.

7. Your rights in relation to processing of your personal data

- a) You have the right, pursuant to Articles 15-20 of the GDPR, to request from the Controller, in the manner set out in point 1 above, access to your personal data, its rectification, erasure ("right to be forgotten"), restriction of processing and the right to data portability.
- b) You have the right, pursuant to Article 21(1) of the GDPR, to object to the Controller on grounds relating to your particular situation, in the manner set out in point 1 above, to the processing of your personal data for purposes arising from legitimate interests pursued by the Controller or by a third party (Article 6(1)(f) of the GDPR). You have this right only if there are no compelling legitimate grounds for the processing overriding your interests, rights and freedoms or grounds for the establishment, assertion or defence of claims.
- c) You have the right to lodge a complaint with the supervisory authority, i.e., the Prezes Urzędu Danych Osobowych, ul. Stanisława Moniuszki 1A, 00-014 Warszawa, <https://uodo.gov.pl/pl/p/kontakt>, tel. (+48) 22 531 03 00, if you consider that the Controller's processing of your personal data violates the provisions of the GDPR.

8. Information about the requirement to provide your personal data

Providing your personal data necessary to conclude or perform the Civil Law Contract is a condition for its conclusion or performance. Failure to provide this data will result in the inability to conclude or properly perform the Consortium Agreement. Providing your personal data necessary for compliance with a legal obligation to which the Controller is subject (Article 6(1)(c) of the GDPR) is a statutory requirement resulting from applicable law.

Definitions:

1. **personal data/data** - means information about 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 the natural person;
2. **Controller** - means a natural or legal person, public authority, entity or another body which alone or jointly with others determines the purposes and means of the processing of personal data;
3. **Recipient** - means a natural or legal person, public authority, individual or another entity to whom personal data is disclosed, whether or not that person is a third party. Public authorities that may receive personal data in the context of specific proceedings in accordance with the European Union or Member State law, but are not considered Recipients; the processing of this data by these public authorities must comply with the data protection legislation applicable according to the purposes of the processing;
4. **third party** - means a natural or legal person, public authority, entity or body other than the data subject, the Controller, the processor or the persons who, under the authority of the Controller or the processor, may process personal data;
5. **processing** - means an 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;
6. **consent of the data subject** - means a freely given, specific, informed and unambiguous indication of the will by which the data subject, either by a statement or by a clear affirmative action, consents to the processing of personal data concerning him or her.