

INFORMATION CLAUSE

ŁUKASIEWICZ RESEARCH NETWORK – INSTITUTE OF POLYMER MATERIALS ABOUT THE PROCESSING OF PERSONAL DATA FOR PARTICIPANTS IN THE PUBLIC PROCUREMENT PROCEDURE

In compliance with the legal obligation imposed on the Controller of personal data by the provisions of Article 13(1) and (2) and Article 14(1) and (2) of 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)*, (OJ L 119, p. EU L 119 of 4 May 2016, p. 1 and OJ L 127 of 23 May 2018, p. 2) – hereinafter referred to as GDPR, we hereby inform you that:

1. The administrator of personal data is:

Łukasiewicz Research Network - Institute of Polymer Materials (using the abbreviated name **Łukasiewicz-IMPiB**) with its registered office at 55 Marii Skłodowska-Curie Street, (87-100 Toruń), which can be contacted:

- 1) via e-mail address: sekretariat@impib.lukasiewicz.gov.pl ;
- 2) by letter to the address of the registered office: 87-100 Toruń, 55 Marii Skłodowska-Curie Street or via the e-delivery box: AE:PL-69485-13407-CBVJH-24 ;
- 3) by phone: +48 (56) 650-00-44; fax no.: +48 (56) 650-03-33, weekdays from 7:00 a.m. to 3:00 p.m.

2. Contact details of the Data Protection Officer

The Administrator has appointed a Data Protection Officer, who can be contacted electronically by e-mail: iod@impib.lukasiewicz.gov.pl or by letter to the Administrator's address, in all matters related to the processing of personal data and the exercise of rights related thereto.

3. Purposes of processing and legal basis of processing

Your personal data will be processed on the basis of:

- 1) Article 6(1)(b) of the GDPR – in order to conduct the public procurement procedure and to conclude and perform the contract;
- 2) Article 6(1)(c) GDPR – in order to perform a legal obligation incumbent on the Administrator (a state-owned legal entity – the Łukasiewicz Research Network Institute) resulting from the Act of 21 February 2019. *on the Łukasiewicz Research Network* in connection with the Act of 11 September 2019 – *Public Procurement Law* (PPL);
- 3) Article 6(1)(f) of the GDPR – in order to pursue the Administrator's legitimate interest consisting in establishing, pursuing or defending against claims related to the performance of this agreement;
- 4) Article 6(1)(a) of the GDPR – your consent. Consent is required when the right to process personal data does not result directly from the provisions of law, and you provide the Administrator with more data on your own initiative than is necessary to deal with your case (the so-called clearly confirmatory action).

4. Type of personal data and categories of data subjects

With regard to: (1) Employees, associates, proxies and representatives of the Parties (including the Contracting Authority's managers, members of the tender committee and other persons performing activities in the proceedings), it includes: name, surname, position, academic or professional degree or title, place of work, professional qualifications, business telephone number, e-mail address and information contained in offer documents, powers of attorney and contracts; (2) representatives and proxies of the contractor and members of the committee – additionally PESEL or NIP number, declarations of no conflict of interest (capital and personal ties) and statements of no criminal record; (3) subcontractors and natural persons not conducting business activity – additionally a bank account number and data necessary to verify employment under an employment contract (in the case of contracts for construction works or services); (4) persons filing legal remedies: also the address of residence (or registered office) and PESEL or NIP number (in the case of natural persons) or KRS/NIP number (in the case of entities that are not natural persons).

5. Data recipients or categories of data recipients

The recipients of your personal data may be entities providing us with services necessary to achieve the purposes of processing (e.g. IT/ICT service providers, postal/courier companies, law firms, security agencies, auditors, advisors, and occupational health and safety and fire protection specialists). We entrust or share this data only on the basis of appropriate data processing agreements or in compliance with relevant legal requirements. We make sure that the cooperating entities guarantee the highest security standards and protect your privacy. Our authorized employees also have access to the data – only to the extent necessary to perform their daily duties.

Your personal data may be transferred to authorized authorities (e.g. courts, police, prosecutor's office, NIK, ZUS or tax office) if such an obligation results directly from the provisions of law. The recipients of your personal data will also be persons or entities to whom the documentation of the tender procedure will be made available pursuant to Article 18 in conjunction with Article 74 and Article 80 of the Public Procurement Law Act of 11 September 2019.

6. Data retention period

Your personal data will be processed for as long as required by the regulations or the purposes for which they are collected, for the following periods:

- 1) the protocol of the procedure referred to in Article 71 of the Public Procurement Act, together with the annexes, shall be kept for a period of 4 years from the date of completion of the procurement procedure;
- 2) performance of the contract and claims - for the duration of the agreement, and after its termination for the period of limitation of any claims (counted from the end of the calendar year):
 - up to 6 years – for general and property claims,
 - up to 3 years – for claims related to running a business or periodic benefits;
- 3) archival obligations - for the period specified in the provisions of the Act of 14 July 1983. *on the National Archival Resources and Archives* and the Uniform Material List of Files (JRWA) of the Administrator;
- 4) within the scope of your consent - until its withdrawal. However, the withdrawal of consent does not affect the lawfulness of the processing that took place before its withdrawal and may be limited by the limitation periods of claims (indicated in points 1 and 2 above) if there is another legal basis for their processing.

7. Your rights

Under the GDPR, you have the following rights:

- you can check what data we process about you and receive a copy of it (Article 15 of the GDPR);
- you have the right to request the correction of incorrect or incomplete data (Art. 16 GDPR);
- in certain situations, you can request the deletion of your data ("*right to be forgotten*" - Article 17 of the GDPR);
- you can suspend the processing of your data for the duration of the processing of your request (Article 18 of the GDPR);
- you have the right to be notified of the rectification, erasure or restriction of processing (Art. 19 GDPR);
- you can receive your data in a structured format or have it sent to another controller (Article 20 GDPR);
- you can object to the processing of your data for the purposes of legitimate interests (Article 21 of the GDPR);
- if you believe that we process data unlawfully, you can file a complaint with the supervisory authority – the President of the Office for Personal Data Protection – at the address: 00-193 Warsaw, 2 Stawki Street, tel. 22 531 03 00, e-mail: <https://uodo.gov.pl/pl/p/kontakt> (Article 77 of the GDPR);
- You can withdraw your consent at any time, but this does not affect the lawfulness of the processing that took place before its withdrawal (Article 7 of the GDPR).

Your rights set out in the GDPR – i.e. access to data (Article 15), rectification (Article 16) and restriction of processing (Article 18) – are limited by the provisions of the *Public Procurement Law* (Article 74(3), Article 75 and Article 76), as these changes cannot affect the outcome of the tender or violate the integrity of the protocol of the UCoC procedure.

8. Profiling and automated decision-making

We do not use automated decision-making in individual cases with regard to your personal data, including profiling in accordance with Articles 20 and 22 of the GDPR.

9. Source of data origin

We have obtained your personal data directly from you, from public registers (CEIDG/KRS) or from the entity on whose behalf you act (e.g. a contractor or another participant in the procedure), in particular in the tender documents, powers of attorney or correspondence provided by the contractor, and in the case of contact details – as part of the correspondence and performance of the public contract.

10. Information on voluntariness or obligation to provide data

If you represent a Party to the proceedings of the Public Procurement Act, providing your personal data is necessary to conduct the proceedings, conclude and perform the contract and perform the obligations arising from the provisions of law. Failure to provide data may result in the inability to conduct the proceedings, conclude or perform the contract or perform the obligations arising from the provisions of law. With regard to data processed on the basis of consent, their provision is voluntary.

11. Information about the intention to transfer personal data to a recipient in a third country or international organisation and about the determination or absence of an adequate level of protection by the European Commission or in the case of a transfer referred to in Article 46, Article 47 or Article 49(1), second subparagraph, GDPR

We do not currently transfer or plan to transfer personal data to third countries (outside the EEA) or international organizations. Exceptions are the use of Microsoft 365 and Active Directory software, which involves storing data in the cloud within the Microsoft 365 tenant structure and may result in data being transferred outside the EEA. However, Microsoft guarantees the highest standards of security and privacy protection, as confirmed by independent audits and ISO/IEC 27001 and ISO 27018 certifications, guaranteeing compliance with international standards and assurance that your data in the cloud and within the tenant will not be used for marketing purposes.

The following documents govern Microsoft's data processing and data protection policy:

- "Microsoft Privacy Statement" – available at the link: <https://www.microsoft.com/pl-pl/privacy/privacystatement> and;
- "Microsoft Services Agreement" - link: <https://www.microsoft.com/pl-pl/servicesagreement>