



Łukasiewicz
PORT
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**INFORMATION CLAUSE REGARDING THE PROCESSING OF PERSONAL DATA BY
THE CONTRACTING AUTHORITY
FOR THE PURPOSES OF PROCEEDINGS CONDUCTED UNDER THE
PUBLIC PROCUREMENT LAW AND CONCLUDING
PUBLIC PROCUREMENT CONTRACTS**

(valid from 01 June 2025, version 3.0)

In accordance with 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 (the so-called General Data Protection Regulation) ("**GDPR**"), and Article 19 of the Public Procurement Law, the Contracting Authority (Controller) hereby informs that:

DATA CONTROLLER

The controller of the personal data provided to the Contracting Authority as part of this procedure is (contact details): **Łukasiewicz Research Network – PORT Polish Technology Development Centre with its registered office in Wrocław**, 147 Stabłowicka Street, 54-066 Wrocław, KRS: 0000850580; NIP: 8943140523; biuro@port.lukasiewicz.gov.pl (herein after referred to as "Controller").

DATA PROTECTION OFFICER

The Controller has appointed a Data Protection Officer ("**DPO**"). Contact with the DPO: iod@port.lukasiewicz.gov.pl or in writing to the Controller's address indicated above. We invite you to contact us in all matters related to the processing of your data.

DETAILED INFORMATION ON THE PROCESSING OF PERSONAL DATA

| Data Subject | Source of Data | Legal basis for processing | Categories of Personal Data | Purpose of processing | Retention period |
|---|---|--|--|--|---|
| the contractor (participant in the proceedings), its representatives, its attorneys, members of the governing bodies, etc. and other persons mentioned in the offer and other documentation submitted to the Ordering Party | from you directly or from your employer or principal from public registers of the National Court Register or CEIDG in order to verify the authorization or the data provided to us | Article 6(1)(c) of the GDPR in connection with the provisions of the Public Procurement Law (in the case of data on criminal convictions – in connection with Article 10 of the GDPR) as an alternative: Article 6(1)(b) of the GDPR or Article 6(1)(f) of the GDPR for the purposes of ensuring communication and consideration of the offer, which is the legitimate interest of the Controller | any personal data that you provide in the course of the proceedings. These may be in particular: name, surname, PESEL, NIP, REGON, information about experience and profession, qualifications, convictions, addresses, e-mail, telephone number | conducting a public procurement procedure based on the provisions of the Public Procurement Law, | as a rule – 4 (four) years from the date of completion of the procurement procedure (Article 78 of the Public Procurement Law). |
| persons concluding the contract and whose data has been indicated | As above: With regard to the data necessary to be | As above. | name, surname, contact addresses, position, telephone | conclusion and performance of a contract as a result of | until the statute of limitations for all claims under a given agreement expires and the |

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|---|--|--|---|---|--|
| in such a contract (e.g. contact persons) and performing the contract | supplemented in the contract also from public registers such as CEIDG or KRS (entering the current ones) | | number, e-mail address, bank account number for settlement with the Contractor; also possible: NIP, REGON | the award of a public contract | claims pursued are resolved (alternatively: settlements of the received co-financing or will be processed for a period not longer than 5 years from the end of the calendar year for tax purposes, whichever is longer). |
| persons not expressly indicated in the Contract, but performing the Contract on behalf of the Contractor (e.g. persons actually performing the installation of the purchased equipment on the Controller's premises) or persons indicated in the Contract and performing the Contract on behalf of the Contractor | from you directly or from your employer (employer) or contractor (provision of civil law services) | Article 6(1)(f) of the GDPR – the Controller has a legitimate interest to know with whom in the contractual relationship he is in contact, who enters his premises, in what role the other person acts, who performs the Agreement, etc. | name, surname, contact addresses, position, telephone number, e-mail address; if you perform work on the Controller's premises: image (as part of monitoring – clause available on the website) | performance of the contract as a result of the award of a public contract | as above until the statute of limitations for all claims under a given agreement expires and the claims pursued are resolved (possibly: settlement of the received co-financing) |

PERIOD OF PROCESSING FOR ARCHIVAL PURPOSES

Notwithstanding the above, your personal data may be processed for archival purposes for the period specified in the Controller's internal documentation in connection with the Act on National Archival Resources and Archives. If the funds spent by the Contracting Authority in this procedure come from sources other than the Contracting Authority, it is possible that the period of data processing will depend on the regulations specifying the rules for settling such funds with a third party (financing institution).

DATA RECIPIENTS

Subject to all data security guarantees, we may transfer your data to other entities, including entities authorized to receive them on the basis of applicable law, entities processing them on our behalf (e.g. providers of technical or IT services, entities providing hosting services, providers of analytical services, entities providing us with consulting services) and other administrators (e.g. notary or law firms). Your personal data may also potentially be disclosed in the mode of access to public information at the request of any interested party. The recipients of the data may be persons or entities to whom the documentation of the procedure will be made available on the basis of the provisions of law, including Article 18 of the Public Procurement Law and Article 74(1) and (2) of the Public Procurement Law – for participants in the public procurement procedure. Your personal data may also potentially be disclosed in the mode of access to public information at the request of any interested party.

TRANSFER OUTSIDE THE EUROPEAN ECONOMIC AREA

Your personal data will generally not be transferred to third countries or international organizations. If necessary for the purposes set out above, we may transfer your personal data

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to our recognised subcontractors or contractors in countries outside the EEA. Bearing in mind that the level of personal data protection in these countries may differ from that provided by the GDPR in the European Union, the transfer of data is carried out with an adequate level of protection, primarily through verification of the EC's decision.

We use Microsoft 365. Personal data may be transferred to a third country (USA) on the basis of the decision of the European Commission of 10 July 2023, stating the adequacy level of protection provided by the "EU-US Data Privacy Framework", in connection with the Controller's use of solutions provided by Microsoft. A list of entities that have signed up to the EU-US Data Protection Framework is available at: Participant Search (dataprivacyframework.gov).

Unless otherwise decided by the European Commission: personal data may be transferred on the basis of standard contractual clauses used in contracts with such companies, or binding corporate rules approved by the competent supervisory authority, or on the basis of the conditions set out in Article 49 of the GDPR.

PROFILING

With regard to your personal data, decisions will not be made by automated means. There will also be no profiling based on them.

DATA REQUIREMENT

The obligation to provide personal data is a statutory requirement specified in the provisions of the Public Procurement Law related to participation in the public procurement procedure. The consequences of failure to provide certain data result from the Public Procurement Law, in particular failure to provide data prevents you from participating in the procedure.

RIGHTS AND RIGHTS

To exercise your rights, please contact the Controller by e-mail at the above-mentioned contact details of the Data Protection Officer. You have the right to:

1. access to the personal data provided. Pursuant to Article 75 of the Public Procurement Law, in the case of exercising the right referred to in Article 15(1)-(3) of the GDPR by a person whose personal data is processed by the Contracting Authority, the Contracting Authority may request the person requesting the indication of additional information aimed at specifying the name or date of the completed procurement procedure;
2. as a rule - rectify or supplement the personal data provided. We would also like to inform you that: the exercise by the data subject of the right to rectify or supplement his or her personal data may not result in a change in the outcome of the procurement procedure or in the amendment of the provisions of the public procurement contract to the extent inconsistent with the Public Procurement Law (Article 19(2) of this Act). The exercise of this right may not violate the integrity of the protocol of the proceedings and its appendices (Article 76 of the Public Procurement Law);
3. as a rule - request restriction of the processing of personal data. We would also like to inform you that: in the procurement procedure, the submission of a request to restrict the processing of personal data does not limit the processing of personal data until the end of this procedure (Article 19(3) of the Public Procurement Law) or due to important reasons of public interest of the European Union or a Member State; pursuant to Article 19(4) of the Public Procurement Law, we inform that in the procurement procedure, the submission of a request to restrict processing, referred to in Article 18(1) of the GDPR does not restrict the processing of personal data until the end of these proceedings;
4. lodge a complaint with the President of the Office for Personal Data Protection against the processing of data by the Controller;
5. as a rule - to delete data (the right to be forgotten). However, we would like to inform you that you do not have the right to delete your data (the right to be forgotten) to the extent set out in Article 17(3)(b), (d) or (e) of the GDPR as long as the basis for the processing of your data is Article 6(1)(c) of the GDPR (it is limited due to the fact that it is processing for the purposes resulting from the provisions of law - the Ordering Party must process this data in accordance with the law);

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6. as a rule - the transfer of personal data. However, we inform you that: this right does not apply to processing that is necessary for the performance of a task carried out in the public interest and is restricted in this procedure (Article 20(3) of the GDPR);
7. as a rule - to object to the processing of personal data. We also inform you that: as long as the basis for the processing of your data is Article 6(1)(c) (or, in the alternative: letter(b) of the GDPR, you unfortunately do not have the right to object to this (Article 21(1) of the GDPR);
8. withdraw their voluntary consent to the processing at any time – if the processing is based on consent. The withdrawal of this consent does not affect the previous processing on this basis, before its withdrawal. As a rule, in these proceedings, your data will not be processed on the basis of consent, so this right does not apply in principle.

We would like to point out that the law and the nature of proceedings conducted on the basis of the provisions of the Public Procurement Law or project guidelines (in the case of financing from European or other funds) may result in, in specific cases, further restrictions on your rights.

In case of any doubts, please contact the Ordering Party's Data Protection Officer.

