



Łukasiewicz

PORT

Polski Ośrodek

Rozwoju

Technologii

**INFORMATION CLAUSE REGARDING THE PROCESSING OF PERSONAL DATA BY
THE CONTRACTING AUTHORITY FOR THE PURPOSES OF PROCEEDINGS
CONDUCTED ON THE BASIS OF INTERNAL REGULATIONS
AND THE CONCLUSION OF CONTRACTS FOR THE AWARD OF SUCH A CONTRACT**

(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"), The Ordering Party (the Controller) informs that:

DATA CONTROLLER

The controller of personal data is (contact details): **Łukasiewicz Research Network – PORT Polish Center for Technology Development 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 listed in the offer and other documentation submitted to the Contracting Authority as part of proceedings conducted under the Public Procurement Law | 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)(f) of the GDPR in connection with the provisions of the Civil Code. Data required to consider the offer. Article 6(1)(b) of the GDPR when a natural person submits an offer 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 internal regulations (excluding the Public Procurement Law), | as a rule - 5 (five) years from the date of completion of the procurement procedure |
| persons concluding the contract and whose data has been indicated in such a contract (e.g. contact persons) and performing the | As above: With regard to the data necessary to be supplemented in the contract also from public registers such | As above. as an alternative: Article 6(1)(c) of the GDPR in connection with tax regulations for the purposes of settlements | name, surname, contact addresses, position, telephone number, e-mail address, bank account number for settlement with the | conclusion and performance of a contract as a result of the award of a public contract | until the statute of limitations for all claims under a given agreement expires and the claims pursued are resolved (alternatively: settlements of the received co- |

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|---|--|--|---|---|--|
| contract | as CEIDG or KRS (entering the current ones) | | Contractor; also possible: NIP, REGON | | 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 data may be disclosed in the Public Information Bulletin.

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 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

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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 requirement related to participation in a public procurement procedure conducted on the basis of internal regulations. The consequences of failure to provide certain data make it impossible for you to participate in the proceedings, as well as to settle the proceedings, conclude and perform the Agreement. Failure to provide data makes it impossible to participate in the proceedings, as well as to conclude and perform the contract. The obligation to provide data results from internal regulations and legal provisions.

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;
2. as a rule - rectify or supplement the personal data provided;
3. as a rule - request restriction of the processing of personal data in the situations specified in Article 18 of the GDPR;
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 determined by 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) or Article 6(1)(e) of the GDPR (up to the establishment, exercise or defence of claims);
6. as a rule - the transfer of personal data, when the basis for processing is Article 6(1)(b) of the GDPR. 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 essence of procurement procedures related to the implementation of projects (financing from European or other funds, in particular project guidelines for the implementation of contracts 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.

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