

**PRIVACY POLICY**

regarding the website <http://www.nitroerg.pl>, the video surveillance used, and personal data processed

**I. General Provisions**

1. The following provisions constitute the privacy policy (hereinafter: "Privacy Policy") which specifies information regarding the collection of data, including the personal data of users of the service(s) provided by NITROERG S.A., with its registered office in Bieruń (postal code: 43-150 Bieruń) at Plac Alfreda Nobla 1, NIP [Tax ID. No.] 6462746961, share capital: 61 892 000, KRS [National Court Register]: District Court, Katowice, 8th Commercial Division no. 0000268394, and the manner of the processing thereof:

- 1) regarding access to the website of the NITROERG S.A. Company available at <http://www.nitroerg.pl>,
- 2) conducting activities related to the video surveillance within the premises of the NITROERG S.A. Company, i.e.:
  - a) Plac Alfreda Nobla 1, 43-150 Bieruń, Poland,
  - b) ul. Zawadzkiego 1, 42-693 Krupski Młyn, Poland.
- 3) conducting activities related to the processing of the personal data of persons employed by the counterparties or representing the counterparties

2. We hereby inform you that:

1) the Personal Data Controller (also referred to as the Controller) is:

Name of the Personal Data Controller	Address	Contact data
NITROERG S.A.	Plac Alfreda Nobla 1 43-150 Bieruń, Poland	phone: (+48) 32 46 61 900, 32 46 61 000 fax. (+48) 32 46 61 357 e-mail: <a href="mailto:nitroerg@nitroerg.pl">nitroerg@nitroerg.pl</a>

2) you can contact the Data Protection Officer at the following address:

Data Protection Officer	Name and address of the entity	Contact data
Elżbieta Ciaś	NITROERG S.A. Plac Alfreda Nobla 1 43-150 Bieruń Poland	phone: (+48) 32 46 61 900, 32 46 61 000 fax. (+48) 32 46 61 357 e-mail: <a href="mailto:iod@nitroerg.pl">iod@nitroerg.pl</a>

3. The protections used by the NITROERG S.A. Company provide data protection not worse than the one required by the 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).

4. The NITROERG S.A. Company provides the entities transferring personal data with the execution of the rights arising from:

- 1) 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),

5. The terms used in this Privacy Policy mean:

- 1) **Personal data** : it means information on an identified or identifiable natural person ("data subject"); an identifiable natural person is a person, who can be directly or indirectly identified, in particular on the basis of an identifier such as first name and surname, identification number, location data, internet identifier or one or more specific factors, which determine physical, physiological, genetic, psychological, economic, cultural or social identity of a natural person. Personal data is divided into ordinary data and sensitive data,
- 2) **Data recipient**: it means a natural or legal person, public authority, agency or any other body to which personal data is disclosed, regardless of whether it is a third party. Public authorities that may receive personal data under specific proceedings pursuant to the generally applicable law are not, however, deemed to be data recipients—the processing of data by these public authorities must be compliant with the provisions of law regarding the data protection respectively applicable to the purposes of the processing; and a "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 that—authorised by the Controller or the processor—may process personal data,
- 3) **Processor**: it means a natural or legal person, public authority, agency or any other body that processes Personal Data on behalf of the Controller,
- 4) **Processing**: it means an operation or a set of operations, which are performed on personal data or sets of personal data in an automated or non-automated manner, such as collecting, recording, organising, structuring, storing, adapting or modifying, downloading, browsing, using, disclosing through sending, distributing or sharing in any other way, alignment or combination, restriction, erasure or destruction,
- 5) **GDPR**: 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),
- 6) **Data erasure**: means a permanent destruction of personal data or such a modification thereof which will not allow for determining the identity of the data subject.

**II. Personal data**

1. The Controller makes every effort to make the provided maintenance facilitate every user to browse the site <http://www.nitroerg.pl>. Therefore, in the interest of safety, we inform you that by using the website you consent to the use of cookies.

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2. By being present in the premises of the offices of the NITROERG S.A. Company set out in I(1)(2)., you consent to the recording of your image in connection with the use of video surveillance intended to ensure the safety of the property located in the abovementioned locations and the persons present therein.
3. By sending or transferring the contact personal data via, in particular: electronic mail, the Polish Post, business cards, you consent to the processing of the personal data provided voluntarily in order to conduct correspondence and the implementation of the business activities conducted by NITROERG S.A.

### III. Types, purpose, and legal bases for the use of data

1. Cookies: <http://www.nitroerg.pl> automatically collects the data contained in the cookies when you use the website. Cookies, or small text files sent to the Internet user that identify them in a manner needed to perform a particular operation, e.g. in the form of authentication, collecting the statistics or saving the data in the contact or order form. Cookies are not harmful for the computer or the user thereof and their data. The requirement for the cookies to work is their acceptance by the browser and not removing them from the drive. In many cases, the software used to browse websites (browsers) allows the default storing of cookies on the user's device. However, in the browser settings, you can change the settings for cookies, particularly in a way as to block their automatic support in the browser settings or to enable information appearing every time they are entered into the user's device. The detailed information on the possibility of and the ways as for handling cookies are available in the software settings of the browser. The service or the particular functions thereof may, however, not work correctly without cookies.
2. The NITROERG S.A. Company <http://www.nitroerg.pl> reserves the right to send unannounced messages to persons whose personal data it owns and who consented to the Privacy Policy. The terms "unannounced messages" shall be understood as information directly related to its websites, services, and products (e.g. changes, internal promotions), non-commercial letters (e.g. wishes), and commercial information (mailings, promotions, advertisements, other marketing materials).
3. Due to the type and scope of the business activities conducted by the NITROERG S.A. Company, its premises are subject to video surveillance (persons and property protection).
4. The legal basis for the personal data processing: Article 6(1)(a) of the GDPR (the voluntary consent of the data subject).
5. Information on whether the provision of personal data is a statutory or contractual requirement or conditions for the conclusion of an agreement and whether the data subject is obliged to provide the said data and what the potential consequences of a failure to provide the data are:
  - 1) to the extent of the data set out in II(2): a person who wants to enter the premises of the NITROERG S.A. Company is obliged to express consent to the processing of the said data.
  - 2) to the extent of the data set out in II(3): a person voluntarily makes their professional contact data to the maintain business contacts.In case of a lack of consent for the processing of the image, due to the video surveillance used, will result in the refusal to let the person enter the premises of the NITROERG S.A. Company.
6. Categories of personal data processed:
  - 1) referred to in II(2): the image of an employee, trainee, intern, volunteer, and the image of visitors/customers/clients entering the offices of the NITROERG S.A. Company.
  - 2) referred to in II(3): contact data of the person authorised by a counterparty to maintain the business contacts, particularly email address, first name, surname, position, telephone number, company or institution address.
7. Information on the recipients of personal data or categories of recipients, if they exist: Police and other authorities, public prosecutor's office, insurance companies.
8. Information on the intent to transfer the personal data of the recipient in a third country or an international organisation and on the identification or a lack thereof of the appropriate protection level by the European Committee or in case of the transfer referred to in Article 46, Article 47 or Article 49(1)(second paragraph) of the GDPR: not applicable.
9. Information of conclusion of an agreement to entrust the processing:
  - 1) Information of conclusion of a processing outsourcing agreement:

#### Website:

The Controller has concluded a processing outsourcing agreement. The agreement was concluded with:

Name of the Entity	Address	Contact data
Mediamass 365 Łukasz Kluczny	41-902 Bytom, ul. Tarnogórska 4b/10	Phone: +48 698 915 039 <a href="mailto:lk@mediamass365.pl">e-mail: lk@mediamass365.pl</a>

- a) the protections used by the abovementioned entity provide data protection not worse than the one required by the 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),
- b) the person transferring data may refer to the Personal Data Officer / Information Security Administrator or directly to the person set out in letter (a) with a request to receive a copy of the personal data which has been transferred to the said entity for the purposes of processing,
- c) the purpose of the personal data processing: providing the website service,
- d) basis for the processing outsourcing: the agreement dated 22 May 2018

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### Video surveillance:

The Controller entrusts the data to the entities providing video surveillance services at NITROERG S.A.

The Controller has concluded a processing outsourcing agreement—The Controller has not concluded a processing outsourcing agreement.\* The agreement was concluded with:

Name of the Entity	Address	Contact data
SELW-2 Spółka z o.o.	41-200 Sosnowiec, ul. Staszica 27	Phone: 48 (32) 292-61-88 e-mail: <a href="mailto:biuro@selw-2.pl">biuro@selw-2.pl</a>

contact data of the Data Protection Officer of this entity: has not been appointed

- a) the protections used by the abovementioned entity provide data protection not worse than the one required by the 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),
  - b) the person transferring data may refer to the Personal Data Officer / Information Security Administrator or directly to the person set out in letter (a) with a request to receive a copy of the personal data which has been transferred to the said entity for the purposes of processing,
  - c) the purpose of the personal data entrustment: video surveillance services under the performance of the agreement for protection of the premises of the NITROERG S.A. Company,
  - d) basis for the processing outsourcing: the agreement dated 24 May 2018
10. The period during which personal data will be stored, and if it is not possible, criteria for determining this period:
    - 1) the data referred to in II(1): up to 3 years,
    - 2) the data referred to in II(3): until it is confirmed that there have been no violation of the property or the security of persons.
    - 3) the data referred to in II(4): until the termination of the business contacts with the counterparty.
  11. Source of personal data: the data has been obtained from the data subjects.
  12. Information on profiling: (the profiling is understood as any form of automated processing of personal data, which involves the use of personal data to assess some of the personal factors of the natural person, in particular to analyse or forecast aspects related to the effects of the work of the said natural person, their economic situation, health, personal preferences, interests, credibility, behaviour, location or movements): it will not be conducted.
  13. Information on joint data administration: not applicable.

### **IV. Users' rights in regard to personal data protection**

1. The data subject has the right to lodge a complaint related to the processing of their personal data by the Controller or an entity/organisation to which the personal data has been transferred with:

Name of the supervisory authority	Address	Contact data
Office of Inspector General for Personal Data Protection (President of the Office for Personal Data Protection)	ul. Stawki 2 00-193 Warsaw	phone: 22 531 03 00 fax. 22 531 03 01 e-mail: <a href="mailto:kancelaria@giodo.gov.pl">kancelaria@giodo.gov.pl</a>

2. Information on the right to submit a request for information about the processed data:
  - 1) The data subject shall have the right to submit a request for information about the processed data at any time.
  - 2) Without undue delay, the Controller shall—not later than within one month from the receipt of the request—provide the data subject with information on the activities conducted in connection with the request under Article 15-22 of the GDPR (request for rectification, refrainment or erasure of the personal data). If necessary, this period may be extended by two more months due to the complicated nature of the request or the number of requests. Within one month from receiving the request, the Controller shall inform the data subject about this period extension, with the reasons for the delay. If the data subject has submitted their request via electronic means, the information, if possible, is also provided via electronic means, unless the data subject requests another form.
  - 3) If the Controller does not take actions on the request of the data subject, it shall promptly—not later than within one month from receiving the request—inform the data subject on the reasons for not taking action and about the ability to lodge a complaint with the supervisory authority and use the legal protections means before court.
  - 4) If the Controller has reasonable doubts as to the identity of the natural person submitting the request, it may request additional information necessary to confirm the identity of the data subject.  
Information shall be provided in writing or otherwise, including, if appropriate, via electronic means. If the data subject requests this, the information may be provided orally if the identity of the data subject is confirmed in another way.
3. Information on the right to submit a request to rectify the data: The data subject shall have the right to request the Controller to promptly rectify their personal data that are incorrect. Taking into account the purposes of processing, the data subject shall have the right to request supplementing incomplete personal data, including by providing an additional statement. The data subject shall have the right to submit the request at the Controller at any time.
4. Information on the right to request restriction of the data processing: The data subject shall have the right to request the Controller to restrict the processing of their data in the following cases:
  - 1) the data subject contests the correctness of the personal data—for a period allowing the Controller to check the correctness of the said data;
  - 2) the processing is illegal and the data subject objects to the personal data erasure in favour of restricting the use thereof;
  - 3) the Controller no longer requires the personal data for the purposes of the processing but the data subject needs it to establish, exercise or defend legal claims;
  - 4) the data subject objected to the processing—until it is established whether the legitimate grounds on the part of the Controller are superior to the basis for the objection of the data subject.

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If the processing has been restricted, such personal data shall still be processed, excluding storing, only with the consent of the data subject, or to establish, exercise or defend legal claims or to defend the rights or another natural or legal person or due to the compelling reasons of the public interest of the European Union or a member state.

5. Information on the right to object to the data processing: The data subject shall have the right to object at any time—for reasons related to their particular situation—to the processing of the personal data concerning them (they can request the termination of the processing of their data). The Controller—from the moment of submitting the request—shall no longer be allowed to process this personal data, unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims. The right to object to the processing shall not affect the lawfulness of the processing that was conducted on the basis of the consent before the withdrawal thereof.
6. Information on "the right to be forgotten": The data subject shall have the right to request the Controller to promptly erase the personal data concerning them and the Controller shall have the obligation to erase the personal data without undue delay if one of the following conditions applies:
  - 1) the personal data is no longer necessary for the purposes for which it was collected or otherwise processed;
  - 2) there is no legal basis for the processing;
  - 3) the data subject objects to the processing and there are no superior legitimate reasons for the processing or the data subject objects to the processing;
  - 4) the personal data has been processed unlawfully;
  - 5) the personal data must be erased in order to fulfil the legal obligation set forth in the European Union law or the law of the member state which the Controller is subject to;
  - 6) the personal data has been collected in connection with the offering of the services of information society.
  - 7) If the Controller has made the personal data publicly available and by virtue of it has an obligation to erase this personal data, it—considering the available technology and the cost of the performance—shall take reasonable measures, including technical means, to inform the Controllers processing this personal data that the data subject requests these controllers to delete all links to this data, copies of this personal data or reproductions thereof.

Request for erasure of your personal data should be sent to [iod@nitroerg.pl](mailto:iod@nitroerg.pl)

### V. Changes to the Privacy Policy

The NITROERG S.A. reserves the right to implement changes to the Privacy Policy. The Company will be providing information on changes to the Privacy Policy at <http://www.nitroerg.pl>.

### VI. Additional information

If you have any questions or doubts regarding the Privacy Policy, <http://www.nitroerg.pl> please contact the person referred to in I(2)(2). All changes shall come into force at least 14 days after the moment of informing about the planned changes.