

## INFORMATION CLAUSE FOR COUNTERPARTIES/CLIENTS

Pursuant to Article 13 of Regulation (UE) 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, this is to inform you about your rights related to the processing of your personal data

### I. Details of

a. The Personal Data Controller (hereinafter referred to as the Controller):

Name of the Personal Data Controller	Address	Contact details
NITROERG S.A.	Plac Alfreda Nobla 1, 43-150 Bieruń	Phone. (+48) 32 46 61 101 Fax. (+48) 32 46 61 357 e-mail: nitroerg@nitroerg.pl

b. Contact details of the Data Protection Officer:

	Address	Contact details
Data Protection Officer	Plac Alfreda Nobla 1, 43-150 Bieruń	Phone. (+48) 32 46 61 900 Fax. (+48) 32 46 61 357 e-mail: iod@nitroerg.pl

You may contact the Personal Data Controller at the above address regarding matters related to the protection, collection, processing, modification and erasure of personal data.

### II. Information about received/collected data:

1. **Purpose of processing:** fulfilment of obligations under the contract concluded by the controller – in accordance with Article 6(1)(b) of the GDPR, supporting cooperation between the counterparty/client and NITROERG S.A.,
2. **Legal grounds for the processing of personal data:** civil law contract Article 6(1)(b) of the GDPR; pursuit of legitimate interests of the Companies (Article 6(1)(f) of the GDPR). Legitimate interests may include: enabling the Company to contact Counterparties/Clients and process the contract; using contact details of Counterparties/Clients in the Database of Counterparties.
3. **Providing personal data is a condition** for the conclusion and performance of the above-mentioned contracts by both parties thereto and supporting their cooperation.
4. **Categories of personal data concerned:** name and surname, e-mail address, telephone number, business address, correspondence address, position and experience or rights of partners, associates, employees, subcontractors, employees and associates of subcontractors, and other persons used by the Company to perform the above-mentioned contract.
5. **Information on recipients of personal data or categories of recipients:**
  - a) authorised public administration bodies;
  - b) service providers providing NITROERG S.A. with technical and organisational solutions enabling their management (in particular providers of ICT services, equipment suppliers),
  - c) providers of insurance, legal and advisory services, and services supporting the Companies in pursuing due claims (in particular law firms, debt collection firms).
6. **Information on the intention to transfer personal data to a recipient in a third country or an international organisation** and the European Commission confirming or not confirming an adequate level of protection, or in the case of transfer, referred to in Article 46, Article 47 or Article 49(1), paragraph two of the GDPR: personal data may be transferred to a third country or an international organisation in order to carry out activities related to the service and warranty activities for the software/computer systems used at the Company.
7. **The period of personal data retention:** the duration of the contract and an additional period of 6 years. If contact details of Counterparties/Clients are used – until an objection to data processing is raised.
8. **Information on profiling:** not used.

### III. Information on rights of the person whose data are processed:

- 1) The person whose data are processed has the right to file a complaint related to the processing of their personal data by the Controller or the entity/organisation that the personal data have been transferred to:

Name of the supervisory body	Address	Contact details
President of the Office for Personal Data Protection	ul. Stawki 2 00-193 Warsaw	phone. 22 531 03 00 fax. 22 531 03 01 <a href="https://uodo.gov.pl/pl/p/kontakt">https://uodo.gov.pl/pl/p/kontakt</a>

- 2) **Information on the right to request information** about the data processed:

- a. The person whose data are processed has the right to request information about the data processed at any time.
- b. The Controller shall provide the data subject, without undue delay – no later than one month from receiving the request – with information about the actions taken in connection with the request under Articles 15-22 of the GDPR (request to rectify, discontinue processing or erase personal data).

c. If the Controller has reasonable doubts as to the identity of the natural person making the request, the Controller may request additional information necessary to verify the identity of the data subject.

Information shall be provided in writing or by other means, including, where appropriate, by electronic means. If the data subject so requests, the information may be provided verbally if the identity of the data subject is verified by other means.

3) **Information on the right to submit a request to rectify their data:** The data subject has the right to request the Controller to immediately rectify their personal data if these are incorrect.

4) **Information on the right to request restriction of data processing:** The data subject has the right to request the Controller to restrict the processing of their data in the following cases:

- a. the accuracy of the personal data is contested by the data subject – for a period enabling the Controller to verify the accuracy of the data;
- b. the processing is unlawful and the data subject opposes the erasure of personal data and requests the restriction of their use instead;
- c. the Controller no longer needs personal data for processing purposes, but they are necessary for the data subject to establish, assert or defend claims;
- d. the data subject has objected to the processing – until it is determined whether the Controller's legitimate grounds override the data subject's grounds for objection.

If the processing has been restricted, such personal data shall be further processed, with the exception of retention, solely with the consent of the data subject, or to establish, assert or defend claims, or to protect the rights of another natural or legal person, or for important reasons related to public interest of the Union or of a Member State.

5) **Information on the right to object to data processing:** The data subject has the right to object at any time – for reasons related to their particular situation – to the processing of their personal data. The Controller shall no longer be allowed to process these personal data, unless the Controller demonstrates the existence of legitimate grounds for processing that override the interests, rights and freedoms of the data subject, or the grounds for establishing, pursuing or defending claims.

6) **Information on the “right to be forgotten”:** The data subject has the right to request the Controller to immediately erase their personal data, and the Controller shall be obliged to erase personal data without undue delay, if one of the following circumstances occurs:

- a. the personal data are no longer necessary for the purposes for which they were collected or otherwise processed;
- b. there are no legal grounds for the processing;
- c. the data subject objects to the processing and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing;
- d. the personal data have been processed unlawfully;
- e. the personal data must be erased in order to comply with the legal obligation provided for in the Union law or the law of the Member State to which the Controller is subject;
- f. the personal data have been collected in relation to the offering of information society services.

### **Counterparty's/CLIENT'S statement**

I hereby state that:

1. I have read the information clause for Counterparties/Clients;
2. I agree to immediately provide the content of the information clause to all persons whose personal data I transfer to the above-mentioned Controller under this clause.