

Annex 4 to the call for tenders no. 096-BR1-2019
Information clause on the processing of personal data

INFORMATION CLAUSE ON. THE PROCESSING OF PERSONAL DATA

In compliance with Article 13, par. 1 and 2 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals 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) (Official Journal of the EU L 119 of 04.05.2016, p. 1), hereinafter referred to as "GDPR", the Employer hereby informs that it will process personal data obtained during this procedure, and in particular: personal data disclosed in tenders, documents and statements attached to the tender; moreover, while fulfilling the information obligation the Employer would like to indicate that:

- 1) The controller of your personal data is H. Cegielski - Fabryka Pojazdów Szynowych Sp. z o.o. with its registered office in Poznań at ul. 28 Czerwca 1956 r. 223/229, 61-485 Poznań;
- 2) Your personal data shall be processed pursuant to Article 6(1)(c) of the GDPR for the purpose of conducting a contract award procedure, and in the event of concluding a contract with you or the tenderer represented by you - for the performance of this contract and to enable the exercise of mutual rights and obligations of its parties, also as required to maintain the validity of the contact. In addition, if required by law, for tax, accounting and reporting purposes;
- 3) The legal basis for the processing of your personal data is Article 6(1)(b) of the GDPR- they are necessary for the performance of the contract subject to the procedure and for taking the necessary steps at your request before the conclusion of the contract;
- 4) The recipients of your personal data shall be persons or entities to whom the documentation of procedure will be made available on the basis of section 6.5.2 points 19 and 20 of the Guidelines on eligibility of expenditure under the European Regional Development Fund, the European Social Fund and the Cohesion Fund for 2014-2020 (hereinafter referred to as the Guidelines);
- 5) Your personal data shall not be transferred to a third country/international organization without your consent; however, your personal data may be transferred to a third country in a situation where the administrator of e-mail which you use when contacting the Company uses servers physically located outside the EEA;
- 6) Your personal data shall be stored until there is a basis for their processing - i.e. in case of necessity of data processing to perform the contract - until the conclusion of the procedure in question (in the case of entities with whom the performance contract will not be concluded) or for the duration of the contract and the time necessary for the parties to satisfy the mutual claims under contract performance (in the case of entities with whom the contract will be concluded). In any case, the storage period for your data shall not be shorter than the statutory period required for the storage of such data;
- 7) In connection with the processing of your personal data by the Company, you are entitled to:
 - a) the right to access the content of your data, pursuant to Article 15 of the GDPR,
 - b) the right to rectify your data on the basis of Article 16 of the GDPR,
 - c) the right to erasure of your data pursuant to Article 17(1) of the GDPR,

- d) The right to demand that the controller should limit the processing of personal data pursuant to Article 18 of the GDPR, with the exception of the cases referred to in Article 18(2) of the GDPR;
- 8) You are not entitled to:
 - a) the right to erasure of personal data in relation to Article 17(3)(b), (d) or (e) of the GDPR;
 - b) the right to transfer personal data as referred to in Article 20 of the GDPR;
 - c) the right to object to the processing of personal data under Article 21 of the GDPR, since the legal basis for the processing of your personal data is Article 6(1)(c) of the GDPR;
- 9) If you consider that the processing of your personal data violates the provisions of the GDPR, you also have the right to lodge a complaint with the President of the Office for Personal Data Protection;
- 10) The obligation to provide personal data directly related to you is a requirement resulting from the accession to the procedure in question and from the provisions of law, in particular the Guidelines, related to participation in the contract award procedure; the provision of data is voluntary, but the consequence of not providing the data shall be elimination of the Tenderer from the procedure, due to the inability of the Company to perform the activities referred to in point 3 above in a correct and complete manner.
- 11) With regards to your personal data, decisions shall not be taken in an automated manner, in compliance with Article 22 of the GDPR.