

INFORMATION CLAUSE FOR ECONOMIC OPERATORS (PUBLIC PROCUREMENT)

Pursuant to Article 14 of 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 (hereinafter referred to as

We inform you that the abbreviations used in this information clause mean:

1. **Personal data** – any information relating to an identified or identifiable individual (“**data subject**”); an identifiable individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name and surname, an identification number, location data, an on-line identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual;
2. **Recipient of data** – a natural or legal person, public authority, entity or other body to whom personal data is disclosed, whether or not a third party. However, public authorities that may receive personal data in the context of a specific proceeding in accordance with generally applicable law are not considered recipients – the processing of such data by these public authorities must comply with the data protection legislation applicable according to the purposes of the processing; whereby the expression, "third party" is understood to mean a natural or legal person, public authority, entity or body other than the data subject, controller, processor or persons who, under the authority of the Controller or processor, may process personal data.
3. **Processing** – an operation or a set of operations performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
4. **GDPR** – 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.
5. **Data Subject's consent** – voluntary, specific, informed and unambiguous indication of the data subject's will, in the form of a statement or explicit affirmative action, to allow the processing of personal data relating to them.

The obligation to provide personal data directly concerning them is a statutory requirement specified in the provisions of the Act of 11 September 2019 Public Procurement Law (Journal of Laws of 2019, item 2019, 2020, item 288, 875,1492, 1517, 2275, 2320), related to the participation in the public procurement procedure and the implementation of the public contract; the consequences of not providing certain data result from the aforementioned Act.

1. Information about the Personal Data Controller and the Data Protection Supervisor

The controller of your personal data is manager of the Łukasiewicz Research Network – Automotive Industry Institute, ul. Mieczysława Pożaryskiego 28, 04-703 Warsaw, tel. 22 11 25 200, fax 22 11 25 444, e-mail: sekretariat@iel.lukasiewicz.gov.pl.

For data collection, processing and protection, you can contact: ul. Mieczysława Pożaryskiego 28, 04-703 Warsaw, e-mail: iod@iel.lukasiewicz.gov.pl .

2. Information on data collected/collected:

- 1) Purpose of processing: to carry out the public procurement procedure in accordance with the requirements of the Public Procurement Law of 11 September 2019, its implementing acts and the internal regulations in force at the Łukasiewicz Research Network – Institute of Electrical Engineering.
- 2) The basis for processing your personal data is Article 6(1)(b) and (c) of the GDPR. The data is processed for the purpose of conducting a public procurement procedure and concluding a contract. We have received your personal data directly from you (in the offer, application, enquiry, appeal or information sent). Categories of personal data concerned:
 - a) the Contractor who is a natural person,
 - b) the Contractor who is a natural person running a sole proprietorship,
 - c) the proxy of the Economic Operator who is a natural person (e.g. personal data included in the power of attorney),
 - d) a member of the management body of the Contractor who is a natural person.
- 3) The scope of data required by generally applicable law is defined in the Public Procurement Law and its implementing acts.
- 4) Information on the conclusion of a processing entrustment agreement: The Łukasiewicz Research Network – Institute of Electrical Engineering may enter into entrustment agreements for:
 - a) third parties/entities that are involved in the procurement process (including, inter alia, law firms, consultancies);
 - b) service providers supplying the Łukasiewicz Research Network – Institute of Electrical Engineering with technical and organisational solutions ensuring efficient management (in particular ICT service providers, equipment suppliers, courier and postal companies).
- 5) Information on recipients of personal data or categories of recipients, if any: the recipients of personal data will be persons or entities to whom documentation of the proceedings will be made available on the basis of the Act of 6 September 2001 on access to public information (Journal of Laws 2020, item 2176) or Article 74 of the Public Procurement Law. Moreover, the records are made available to authorised inspection bodies.
- 6) Information on the intent to transfer personal data to a recipient in a third country or to an international organisation and whether or not the European Commission has found an adequate level of protection or in the case of a transfer referred to in Article 46, Article 47 or the second subsection of Article 49(1) of the GDPR: The Personal Data Administrator uses Microsoft Office 365, which may result in the transfer of your personal data to a third country. The terms and conditions for the use of the MS Office 365 Online Services and the obligations with regard to the processing and safeguarding of user data and personal data by the Online Services are set out in Microsoft documentation, including in particular:
 - a) privacy statement – <https://privacy.microsoft.com/pl-pl/privacystatement>;
 - b) microsoft Services Agreement (MSA) – <https://www.microsoft.com/pl-pl/servicesagreement/>.

As part of Microsoft Office services, data entered into Microsoft Office 365 will be processed and stored in a specific geographical location. In accordance with the functionality of Microsoft Office services, the available administrative panel in the 'Organisation Profile' indicates that data is processed within the European Union.

Microsoft undertakes to comply with the laws on the provision of Online Services that apply to IT providers in general.

Microsoft conducts annual audits of Online Services, including security audits of computers, the IT environment and physical Data Centres, overseen and authorised by Microsoft, including the law, details of which can be found at <https://www.microsoft.com/pl-pl/trust-center/privacy?docid=27>.

7) Period for which personal data will be stored and, when this is not possible, the criteria for determining this period: personal data will be stored for the period necessary for the conduct of the procedure, the award of the contract, the conclusion of the contract and its performance (if applicable) – in accordance with the provisions of Article 78 of the Public Procurement Law, and then, as regards archival materials, for the period resulting from the provisions of the Act of 14 July 1983 on national archival resources and archives (Journal of Laws 2020, item 164) and internal regulations in force at the Łukasiewicz Research Network – Institute of Electrical Engineering (not less than 4 years).

8) Information on the profiling (by profiling is meant any form of automated processing of personal data which involves the use of personal data to evaluate certain personal factors of an individual, in particular to analyse or predict aspects relating to that individual's performance, economic situation, health, personal preferences, interests, reliability, behaviour, location or movement): not applicable.

3. Information on the rights of the data subject:

1) You have the right:

- a) to provide access your personal data;
- b) to rectify your personal data;
- c) to erase your personal data;
- d) to limit the processing of your personal data;
- e) to withdraw consent to the processing of personal data by submitting/sending a letter to: The Łukasiewicz Research Network – Institute of Electrical Engineering with its registered office at ul. Mieczysława Pożaryskiego 28, 04-703 Warsaw, e-mail: iod@iel.lukasiewicz.gov.pl – if you have previously given such consent and the processing of data concerning you takes place on the basis thereof,
- f) transfer your personal data;
- g) object to the processing of your personal data on grounds relating to your particular situation in accordance with Article 21 GDPR.

However, due to the restrictions of the Public Procurement Law, you are not entitled to:

- a) in connection with Article 17(3)(b), (d) or (e) of the GDPR, erase personal data;
- b) transfer the personal data, as referred to in Article 20 of the GDPR;
- c) pursuant to Article 21 of the GDPR, object to the processing of personal data, since the legal basis for the processing of personal data is Article 6(1)(c) of the GDPR.

2) The data subject has the right to lodge a complaint related to the processing of his/her personal data by the Data Controller or the entity/organisation whose personal data has been provided to: President of the Personal Data Protection Office, ul. Stawki 2, 00-193 Warsaw, phone 22 531 03 00, fax. 22 531 03 01, <https://uodo.gov.pl/pl/p/kontakt>