

## PRIVACY NOTICE for Tenderers

### 1. Personal data protection under the General Data Protection Regulation (GDPR<sup>1</sup>)

This Notice applies to personal data collected by:

- a) **any company of the Grupa Azoty S.A. Group (“Grupa Azoty Group”)** that sends a request for proposal and conducts a tender or other procedure to select a supplier or contractor (“**Procedure**”), including via an electronic procurement and tendering platform (“**Platform**”), acting as the controller of the personal data collected in the course of the Procedure;
- b) **several Grupa Azoty Group** companies jointly conducting a Procedure, acting as joint controllers of the personal data collected in the course of the Procedure;
- c) **all Grupa Azoty Group** companies as joint controllers of the contact details provided when registering on the Platform.

The Grupa Azoty Group companies (“**Companies**” or “**we**”) and the contact details of the relevant data protection officers are listed in Appendix 1.

In the cases referred to in Section 1(a) and 1(b) above, the data controller or joint controllers will in each case be the Grupa Azoty Group Company or Companies conducting the Procedure.

In the case referred to in Section 1(c) above, the joint controllers will be all Grupa Azoty Group Companies listed in Appendix 1.

This Privacy Notice describes how personal data is used and specifies an individual’s rights pertaining to the collection and use of such data. If you have any questions or comments, please contact us at the relevant email address provided in Appendix 1.

### 2. Scope of information

This Notice is intended to inform you of all forms in which personal data is used in Poland in respect of persons registered on the Platform, as well as:

- a) natural persons conducting business activities who are seeking to participate in a Procedure;
- b) employees, associates, agents, proxies, subcontractors or representatives of entities other than natural persons, who are seeking to participate in a Procedure, or their subcontractors;
- c) other persons whose data is processed for the purpose of verifying submitted tenders or applications to participate in a Procedure (“**you**” or “**Tenderers**”).

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<sup>1</sup>GDPR means Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27th 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, “GDPR”), in effect as of May 25th 2018

### 3. Types of personal data processed

#### 3.1. Data provided by Tenderers/Trading Partners

In connection with conducting a Procedure or registration on the Platform, we may process the following personal data provided by Tenderers:

- a) first name and surname, business name, business address and correspondence address;
- b) numbers in relevant registers (Tax Identification Number (NIP), Industry Identification Number (REGON), Personal Identification Number (PESEL), etc.);
- c) contact details, such as email address, telephone number, and fax number;
- d) your position/function within your organisation;
- e) experience or qualifications held;
- f) other data contained in a Tenderer's representations or credentials provided for the purposes of the Procedure, including, without limitation, specific identification numbers (company or professional card number, bank account number, professional title, education, etc.).

The provision of the data referred to above is voluntary but necessary for registration on the Platform or conducting a Procedure and other activities enabling execution of a contract between the Tenderer and the Company or Companies. If a Procedure does not end in execution of a contract directly between you and the Company, you may be required to provide your personal data as your job duty or in order to enter into a contract with a third party (for instance, if you are the Tenderer's subcontractor).

A failure to provide your personal data will prevent you from registering on the Platform or participating in a Procedure.

#### 3.2. Data collected from other sources

We may collect your personal data from publicly available sources, such as the Central Register and Information on Economic Activity or the National Court Register, in order to verify the data you have provided. In this case, the scope of the data processed will be limited to the data publicly available in the relevant registers.

We may also collect your personal data from your employer or from the entity you represent. In this case, the scope of the data processed will include information required to conduct the Procedure and contact the Tenderer (information regarding termination of your employment relationship with a given entity, change of your contact details, etc.).

We may collect personal data of Tenderers' subcontractors from the Tenderers, where such data have been provided to the Companies in the course of the Procedure.

### 4. Legal basis and purposes of processing; retention periods

#### 4.1. Legal basis for data processing

We will process personal data if and only if:

- a) processing is necessary for the performance of a contract with a Company or Companies to which you are or will be a party (Article 6(1)(b) of the GDPR);
- b) processing is necessary in order to take steps prior to entering into a contract (Article 6(1)(b) of the GDPR) - this applies to the personal data of individuals conducting business activities with whom the Companies may enter into a contract;
- c) processing is necessary for compliance with a legal obligation to which we are subject, including (Art. 6(1)(c) of the GDPR) - this applies to the personal data contained in documents subject to archiving under applicable laws;

- d) processing is necessary for the purposes of the legitimate interests pursued by the Companies or by a third party and does not unreasonably affect your interests or fundamental rights and freedoms (Article 6(1)(f) of the GDPR). When processing personal data on this basis, we always seek to strike a balance between our legitimate interests and your privacy.

Our legitimate interests are the following:

- I. verification of submitted tenders and applications to participate in a Procedure;
- II. enabling the Companies to contact Tenderers;
- III. verification of a Tenderer's capabilities and track record and the possibility to use the information in other Procedures conducted by Grupa Azoty Group Companies (establishing a supplier base);
- IV. keeping documents as proof of compliance with obligations related to the settlement of government grants;
- V. preventing fraud and criminal activity;
- VI. conducting internal audit processes at the Grupa Azoty Group;
- VII. establishment, exercise or defence of claims under civil law by the Companies conducting the Procedure in the course of their business activities;
- VIII. performing checks of Tenderers in public registers.

#### 4.2. Data retention periods set for particular purposes

Your personal data will be processed only for a specified purpose to the extent and as long as it is necessary to achieve that purpose. The key purposes of processing personal data by the Companies and the relevant retention periods are as follows:

Purpose	Retention period
Use of contact details provided when registering on the Platform	Until deregistration from the Platform
Handling of a Procedure	For the duration of the Procedure
Keeping documents as proof of compliance with obligations arising under applicable laws, including the Accounting Act and the Tax Legislation	As prescribed in applicable laws (generally, a period of five years)

Notwithstanding the above periods, your personal data may be processed:

- a) to establish, exercise or defend claims under civil law by the Companies in the course of their business activities for the relevant limitation periods (generally, not longer than ten years from the event giving rise to the claim); and
- b) to demonstrate compliance with obligations related to the settlement of government grants for the period specified in the relevant contracts and regulations governing grant awards (generally, a period of five years).

## 5. Transfers of personal data to other recipients

### 5.1. Recipients within the Grupa Azoty Group

We may transfer personal data to other Grupa Azoty Group entities. This applies to:

- a) joint control of Tenderers' contact details provided when registering on the Platform;
- b) conducting a Procedure by several Companies acting as joint data controllers;

- c) providing authorised internal audit units at the Grupa Azoty Group with access to documents needed for the purposes of internal audit;
- d) provision of intragroup services, including, without limitation, with respect to the operation of IT systems supporting personal data processing.

## **5.2. Recipients outside the Grupa Azoty Group**

Personal data may be transferred to the following recipients outside the Grupa Azoty Group:

- a) entities processing personal data on the Company's instruction, including:
  - I. providers of document archiving services;
  - II. providers of correspondence preparation and dispatch services;
  - III. providers of tender verification services.

Such entities have no discretion to decide how your personal data should be processed. They process personal data only to the extent necessary for the Companies to conduct their business activities and strictly for the purposes specified in Section 4. The Companies control the activities of such entities through appropriate contractual clauses designed to protect your privacy;

- b) other personal data controllers, including:
  - I. entities providing or handling the settlement of government grants;
  - II. courier and postal service providers;
  - III. advisory services providers, qualified auditors, and law firms;
- c) other persons within the organisation of a Tenderer or subcontractor;
- d) Platform operator.

## **6. Tenderers' rights and exercise of those rights**

### **6.1. Your rights**

Every person has the right to access their personal data processed by the Companies. If you consider any of your personal data to be incorrect or incomplete, please submit a request for its rectification in accordance with Section 6.2. below. The Companies will promptly rectify such data.

You also have the right to:

- a) withdraw your consent to the processing of your personal data, where such consent has been obtained by the Companies (provided that the withdrawal of consent will not affect the lawfulness of processing before withdrawal);
- b) have your personal data erased in the cases described in the GDPR;
- c) have the processing of your personal data restricted in the cases described in the GDPR;
- d) object to the processing of your data on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest or the Companies' or a third party's legitimate interests;
- e) receive your personal data provided to the Companies in a structured, commonly used and machine-readable format, and to request that such personal data be transmitted to another personal data controller without hindrance from the Companies and subject to the Companies' confidentiality obligations.

The Companies will verify your applications, requests or objections in accordance with applicable personal data protection laws. Please note that these rights are not absolute rights, and they are subject to exemptions laid down in applicable laws.

When responding to your request, the Companies may ask you to confirm your identity or to provide information that would help them to better understand your situation. If your request is not granted, the Companies will make every effort to provide clear reasons for their decision.

## **6.2. Exercise of your rights**

In order to exercise your rights set out above, please send an email message to the relevant company's address specified in Appendix 1 or please make a written submission to the correspondence address specified in Appendix 1, with the annotation "Ochrona danych - kontrahenci" (Data Protection - Trading Partners).

If you are not satisfied with the way the Companies process your personal data, please notify us accordingly, and we will examine any reported irregularities. Please submit your concerns using the contact details referred to above.

If you have any objections as to the Companies' response, you may also lodge a complaint with the President of the Data Protection Authority, the competent data protection authority in Poland.

In order to keep the personal data up to date and accurate, we may periodically ask you to check and confirm your personal data in our possession or to notify us of any changes in your personal data (such as a change of email address). We encourage you to check the correctness, validity and completeness of your personal data on a regular basis.

## **7. Updates to this Privacy Notice**

This Notice was updated on January 31st 2020 and may be subject to further amendments. If required by law, all information regarding any future changes or additions to the processing of personal data described in this Notice that may concern you, will be provided to you via an appropriate communication channel that is customarily used by the Company to contact Tenderers.

## Appendix 1

## Group Companies processing personal data for the purposes of handling Procedures

No.	Company name	Company address	Contact details of Data Protection Officer/Data Controller
1.	Grupa Azoty S.A. of Tarnów	ul. E. Kwiatkowskiego 8, 33-101 Tarnów, Poland	iod.tarnow@grupaazoty.com
2.	Grupa Azoty Folie Sp. z o.o. of Tarnów	ul. E. Kwiatkowskiego 8, 33-101 Tarnów, Poland	iod.tarnow@grupaazoty.com
3.	Grupa Azoty KOLTAR Sp. z o.o. of Tarnów	ul. E. Kwiatkowskiego 8, 33-101 Tarnów, Poland	iod.koltar@grupaazoty.com
4.	Grupa Azoty Zakłady Azotowe Kędzierzyn of Kędzierzyn-Koźle	ul. Mostowa 30A, 47-220 Kędzierzyn-Koźle, Poland	iod.zak@grupaazoty.com
5.	ZAKSA S.A.	ul. Mostowa 1A, 47-223 Kędzierzyn-Koźle, Poland	iod@zaksa.pl
6.	Grupa Azoty Kopalnia i Zakłady Chemiczne Siarki Siarkopol S.A. of Grzybów	Grzybów, 28-200 Staszów, Poland	iod.siarkopol@grupaazoty.com
7.	Grupa Azoty Zakłady Chemiczne Police S.A. of Police	ul. Kuźnicka 1, 72-010 Police, Poland	iod.police@grupaazoty.com
8.	Grupa Azoty Police Serwis Sp. z o.o.	ul. Kuźnicka 1, 72-010 Police, Poland	iod@policeserwis.com
9.	KONCEPT Sp. z o.o.	ul. Kuźnicka 1, 72-010 Police, Poland	mateusz.jakobsze@patcom.pl
10.	TRANSTECH Usługi Sprzętowe i Transportowe Sp. z o.o.	ul. Kuźnicka 1, 72-010 Police, Poland	lkaczmarek@transtech.pl
11.	Supra Agrochemia Sp. z o.o.	ul. Monopolowa 6, 51-501 Wrocław, Poland	supra@gasupra.pl
12.	PDH Polska S.A.	ul. Kuźnicka 1, 72-010 Police, Poland	ado@pdhpolska.eu
13.	Zarząd Morskiego Portu Police Sp. z o.o.	ul. Kuźnicka 1, 72-010 Police, Poland	ochronadanych@portpolice.pl
14.	KEMIPOL Sp. z o.o.	ul. Kuźnicka 1, 72-010 Police, Poland	amodrzejewska@kemipol.com.pl
15.	Grupa Azoty Polskie Konsorcjum Chemiczne Sp. z o.o. of Tarnów	ul. E. Kwiatkowskiego 8, 33-101 Tarnów, Poland	iod.pkch@grupaazoty.com
16.	Grupa Azoty AUTOMATYKA Sp. z o.o.	ul. E. Kwiatkowskiego 8, 33-101 Tarnów, Poland	iod.automatyka@grupaazoty.com
17.	Grupa Azoty PROREM Sp. z o.o.	ul. Mostowa 24D, 47-220 Kędzierzyn-Koźle, Poland	iod.prorem@grupaazoty.com
18.	Grupa Azoty Compounding Sp. z o.o. of Tarnów	ul. Chemiczna 118, 33-101 Tarnów, Poland	iod.tarnow@grupaazoty.com
19.	Grupa Azoty Zakłady Azotowe Puławy S.A. of Puławy	Al. Tysiąclecia Państwa Polskiego 13, 24-110 Puławy, Poland	iod.pulawy@grupaazoty.com
20.	Agrochem Puławy Sp. z o.o.	ul. Mickiewicza 5, 77-300 Człuchów, Poland	czluchow@agrochem.com.pl
21.	SCF Natural Sp. z o.o.	Al. Tysiąclecia Państwa Polskiego 13, 24-110 Puławy, Poland	biuro@scfnatural.pl
22.	Gdańskie Zakłady Nawozów Fosforowych Fosfory Sp. z o.o.	ul. Kujawska 2, 80-550 Gdańsk, Poland	dpo@fosfory.pl
23.	STO-ZAP Sp. z o.o.	Al. Tysiąclecia Państwa Polskiego 13, 24-110 Puławy, Poland	stozap@interia.pl
24.	REMZAP Sp. z o.o.	ul. Ignacego Mościckiego 12, 24-110 Puławy, Poland	odo@remzap.pl
25.	Zakłady Azotowe Chorzów S.A.	ul. Gabriela Narutowicza 15, 41-503 Chorzów, Poland	iod@azotychorzow.pl

26.	PROZAP Sp. z o.o.	Al. Tysiąclecia Państwa Polskiego 13, 24-110 Puławy, Poland	prozap@prozap.com.pl
27.	Bałtycka Baza Masowa Sp. z o.o.	ul. Węglowa 3, 81-341 Gdynia, Poland	bbm@bbm.gdynia.pl
28.	Grupa Azoty Jednostka Ratownictwa Chemicznego Sp. z o.o.	ul. E. Kwiatkowskiego 8, 33-101 Tarnów, Poland	iod.jrch@grupaazoty.com
29.	Grupa Azoty ATT Polymers GmbH	Forster Straße 72, D-03172 Guben, Germany	dr.manfred.braun@t-online.de