

INFORMATION CLAUSE for Contractors

1. Personal Data Protection under the General Data Protection Regulation ("the GDPR" ¹)

This information is applicable to personal data collected by:

- a) **a company or companies of the Grupa Azoty Group ("Grupa Azoty")** concluding a contract with a Contractor or cooperating with a Contractor on the basis of a permanent or single order – as independent personal data controllers;
- b) **companies of the Grupa Azoty Group** – as joint controllers of contact data of the Contractors being collected in the database of Contractors of Grupa Azoty ("**Database of Contractors**").

Companies of Grupa Azoty (jointly referred to as "**Companies**" or "**we**") and the contact data of the respective data protection supervisors are listed in Attachment 1.

In the case mentioned in a) above, Grupa Azoty Company/Companies which concluded a contract or cooperate with a Contractor under permanent or single orders shall be the controller(s).

In the case mentioned in b) above, Grupa Azoty Companies, as listed in Attachment 1, shall be joint controllers.

This clause is to inform you about the ways of using the personal data and the rights of natural persons in connection with collection and use of such data. Should you have any questions or remarks please contact the respective company at the email address mentioned in Attachment 1.

2. Scope of Information

In this clause, the Companies inform you about the forms of using personal data in Poland with regard to natural persons being:

- a) suppliers or contractors of the Company,
- b) subcontractors of the suppliers or contractors of the Company,

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)

- c) partners, employees, statutory representatives, holders of a proxy, agents of suppliers, contractors or their subcontractors,
- d) other persons whose data we process for issuance or execution of an invoice within cooperation with the suppliers or contractors (jointly referred to as “**you**” or “**Contractors**”).

3. Types of Personal Data Being Processed

3.1. Data Submitted by the Contractors

In connection with the cooperation between you and the Company which may cover, in particular, rendering services or delivering goods to the Company by you or an organization represented by you, or cooperation through intermediary entities, we shall be entitled to process your personal data such as:

- a) name and family name, company, business address and addresses for correspondence,
- b) numbers in the respective registers (e.g. VAT ID or REGON [Polish National Business Registry Number], PESEL [Polish Personal Identification Number]),
- c) contact data such as email address or telephone or fax number,
- d) position or function you hold in your organization,
- e) possessed experience or qualifications,
- f) bank account number.

When the contract is concluded directly between you and the Company, submission of the above data is voluntary but it is required for contract conclusion and supporting the cooperation between you and the Company. This is also applicable when the Companies order goods or services from you once or on a periodical basis.

When the contract is not concluded directly between you and the Company, submission of the personal data may be your official duty or may be necessary for contract conclusion between you and a third party (e.g. when you are a subcontractor of the Contractor).

Failure to submit such data may result in the Company's incapability of performing the above activities by the Company (e.g. failure to submit the data may prevent issuance or execution of an invoice).

The contact data of Contractors (items a – f above) shall be processed by the Grupa Azoty Companies as joint controllers for the purpose of creating the Database of Contractors.

The data may be used by the Grupa Azoty Companies mentioned in Attachment 1 to contact the Contractor (e.g. to send an inquiry or place an order).

3.2. Data Collected from Other Sources

We may obtain your personal data from other publicly available sources such as registers of entrepreneurs CEIDG (Central Registration and Information on Business) or KRS (National Court Register). In such a case, the scope of processed data shall be limited to the publicly available data in the respective registers.

We can also acquire your personal data from entities which employ you or which you represent. The scope of the processed data shall then include information necessary for supporting the cooperation and contacting the Contractor, e.g. information on termination of your employment with the given entity or change of contact data.

We can also acquire personal data of the subcontractors of Contractors from the Contractors who delivered such data to the Company for the purpose of supporting cooperation between the Contractor and the Company.

4. Legal Grounds, Purpose and Duration of Data Processing

4.1. Legal Grounds for Data Processing

The personal data shall be processed only if:

- a) processing is necessary to fulfil contractual obligations towards you, if you are or shall be a party to a contract concluded with the Company or Companies, or to take specific steps prior to entering into a contract, e.g. to prepare a draft contract (Article 6, paragraph 1, letter b of the GDPR - General Data Protection Regulation),
- b) processing is necessary in order to fulfil legal obligations of the Companies or it is directly required by a legal provision (Article 6, paragraph 1, letter c of the GDPR) - in the scope of personal data contained in documents subject to archiving pursuant to the provisions of law,
- c) processing is necessary for the execution of legitimate interests of the Companies or of a third party and does not excessively affect your interests or fundamental rights and freedoms (Article 6, paragraph 1, letter f of the GDPR). When we process your personal data on this basis, we always try to keep a balance between our legitimate interest and your privacy.

Such legitimate interests include:

- i. allowing the Companies to contact Contractors and handle the relevant contract,

- ii. using contact data of the Contractors within the Database of the Contractors,
- iii. storing documentation for the purpose of evidencing fulfilment of obligations relating to the settlement of financing from public funds,
- iv. preventing fraud or criminal act,
- v. conducting internal audit processes within Grupa Azoty,
- vi. defining or pursuing by the Companies cooperating with the Contractor civil law claims within the scope of their business activity as well as defending against such,
- vii. verifying the Contractor's reliability,
- viii. verifying Contractors in public registers.

4.2. Data Processing Periods for Individual Purposes

Personal data are processed only for a defined purpose and to the extent necessary to achieve it and for as long as it is necessary. Basic targets pursued by the Companies through the processing of personal data and the periods during which they are processed are listed below.

Processing Purpose	Processing Period
Fulfilment of contractual obligations	Duration of the contract between the Contractor and the Company
Exchange of contact data about Contractors within Grupa Azoty	Until the Contractor lodges an objection against data processing
Storage of documentation for the purposes of proving compliance with the obligations arising from the provisions of law, in particular, the Accounting Act - the Tax Ordinance Act.	Period specified in the relevant provisions of law - as a rule, these are periods of 5 years, counted from the end of the calendar year in which, for example, an invoice was issued.

Irrespective of the above periods, your data may be processed by the Companies:

- a) for the purposes of defining or pursuing civil law claims by the Companies with regard to their business activity and defence against such claims – for the applicable limitation periods of such claims, as a rule, maximum 3 years from the event being the cause of such a claim,
- b) for the purposes of evidencing fulfilment of obligations resulting from the settlement of financing from public funds – for the applicable periods indicated in the contracts and regulations governing granting the financing – as a rule, these are 5-year periods.

5. Personal Data Transfer to Other Recipients

5.1. Personal Data Transfer Inside Grupa Azoty

We may transfer personal data to other entities of Grupa Azoty. This is applicable to the following situations:

- a) joint controlling of contact data of the Contractors in the Database of Contractors,
- b) making the documentation available to the authorised internal audit divisions of Grupa Azoty for the purpose of audit conduction,
- c) rendering services for the Companies by other Grupa Azoty Companies, in particular, operation of IT systems used for personal data processing.

5.2. Personal Data Transfer Outside Grupa Azoty

Data may be transferred to recipients which are not part of Grupa Azoty. Such recipients include:

- a) entities processing personal data under an order from the Company, such as:
 - i. entities rendering the services of delivering or hosting IT systems or tools for personal data protection or similar services,
 - ii. entities rendering the documents' archiving services,
 - iii. entities rendering the services of correspondence preparation and dispatch.

Such entities do not decide by themselves how to process your personal data. They process the data only in the scope necessary for the business activity of the Companies and shall not exceed the range of purposes indicated in paragraph 4. The Companies have control over the work of such entities through suitable contractual provisions to protect your privacy.

- b) other personal data controllers, such as:
 - i. entities granting or settling subsidies from public funds (in the case when the cooperation with the Contractor is aimed at the implementation of the project for which the subsidies from public funds were granted),
 - ii. entities involved in the process of insuring transactions,
 - iii. Economic Information Bureau,
 - iv. financial institutions participating in the process of contract performance and settlement,
 - v. providers of courier or postal services,
 - vi. entities conducting advisory activity, audit activity and law firms,
 - vii. other Contractors or subcontractors involved in the contract execution process.
- c) other persons belonging to the Contractor's or subcontractor's organisation.

5.3. Data Transfer Outside the European Economic Area

Personal data provided to entities outside Grupa Azoty may also be processed in a country outside the European Economic Area (“EEA”) which includes EU Member States, Iceland, Liechtenstein and Norway.

Your data may be sent outside the EEA to (i) a customer, supplier or Contractor of the Companies, if this is required for the performance of obligations under a contract concluded between the Grupa Azoty Group Company and a Contractor or (ii) to entities which provide IT systems and hosting services.

If your personal data are transferred outside the EEA, the Companies shall put in place appropriate safeguards to ensure that such transfers are carried out in accordance with applicable data protection rules. In order to ensure an adequate level of protection of personal data, Companies may, for example, use an entrustment agreement with a recipient on the basis of standard data protection clauses approved by the European Commission or ensure that the transfer shall take place in a jurisdiction which is subject to a decision of the European Commission on adequacy of personal data protection.

You may also request additional information regarding the transfer outside the EEA and obtain a copy of the appropriate safeguards in exercise of your rights as set out in paragraph 6.

6. Rights of Contractors and Exercising those Rights

6.1. Rights to Be Exercised

Each individual shall have access to his/her personal data processed by the Companies. If you believe that some information concerning you is incorrect or incomplete, please file a motion for correction thereof in a way described in 6.2 below. The Companies shall immediately correct such information.

Moreover, you are entitled to:

- a) withdraw your consent, if the Companies obtain such consent to personal data processing (provided that the withdrawal does not violate the lawfulness of the processing carried out prior to the withdrawal),
- b) require your personal data erasure in cases defined by the GDPR provisions,
- c) require limitation of your personal data processing in cases defined by the GDPR provisions,
- d) raise an objection, for reasons arising from your particular situation, to your personal data processing, if such processing is carried out in the public interest or on grounds of the legitimate interests of the Companies or a third party,

- e) transfer the data, i.e. receive the personal data submitted to the Companies in a structured, commonly used and machine-readable format and have the right to transfer those data to another controller without hindrance from the Companies and subject to your own obligations concerning data secrecy.

The Companies shall verify your requests or objections according to the valid personal data protection regulations. One shall, however, remember that those rights are not absolutely binding; the regulations provide for exceptions to their application.

In response to your request, the Companies may ask you to verify your identity or deliver information to allow the Company better understand the situation. The Companies will endeavour to explain their decision, if your request is not satisfied.

6.2. Exercising your Rights

In order to exercise the above rights please send a message by email to the address of the relevant Company indicated in Attachment 1 (**Grupa Azoty Companies Processing Personal Data to Support Cooperation**) or in writing to the address indicated in Attachment 1 with a note "Data Protection – Contractors".

If you learn that the Companies process your personal data illegally, you are entitled to lodge a complaint to the supervisory authority competent in matters of personal data protection, i.e. the President of the Office for the Protection of Personal Data.

In order to ensure validity and accuracy of the personal data, we may ask you from time to time to verify and confirm your personal data in our possession or please inform us of any changes to those personal data (e.g. change in email address). You are encouraged to verify correctness, validity and completeness of the processed personal data on a regular basis.

7. Revision of the Information Clause

This clause was revised on 25.01.2021r. and may be subject to further revisions. If it is required by law, any information concerning future changes or additions to personal data processing as described in this clause which may be applicable to you shall be communicated to you in a way commonly used by the Company to contact the Contractors.

Contractor's Declaration

Hereby, I declare that:

a) I have familiarized myself with the Information Clause for Contractors,

I undertake to immediately make the content of the Information Clause available to everyone whose personal data are transferred by me to the Companies on the basis of the provisions of this Information Clause