



Warsaw University of Technology

GDPR INFORMATION CLAUSE FOR CONTRACTORS CONCLUDING AGREEMENTS RESULTING FROM A PUBLIC PROCUREMENT PROCEDURE OR FOR PERSONS DESIGNATED TO MANAGE SUCH AGREEMENTS

Pursuant to Article 13 sections 1 and 2 and Article 14 sections 1 and 2 of 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 ("GDPR"), the Warsaw University of Technology fulfils its information obligation towards data subjects.

1. THE DATA CONTROLLER

The Data Controller is the Warsaw University of Technology, a public university with its registered office in Warsaw, Pl. Politechniki 1, 00-661 Warsaw, NIP: 525-000-58-34, REGON: 000001554, helpline: +48 (22) 234 72 11.

In matters regarding the processing of personal data, you may contact the Data Protection Officer via e-mail at: iod@pw.edu.pl

2. LEGAL BASIS, PURPOSE OF PERSONAL DATA PROCESSING, CATEGORIES OF PROCESSED PERSONAL DATA, AND THEIR SOURCE

Data of persons concluding an agreement or designated to manage the agreement are processed based on:

- a) Article 6 section 1 letter b of GDPR – in relation to individuals who are parties to the agreement, for the purpose of executing the agreement (including its settlement) or taking steps at the request of the data subject prior to entering into the agreement for purposes related to its performance.
- b) Article 6 section 1 letter c of GDPR – for the purpose of fulfilling legal obligations incumbent on the Controller resulting from legal provisions, in particular accounting and tax obligations, the obligation to make data available under the Central Register of Contracts (if the agreement is subject to such an obligation), obligations under document archiving laws, and obligations under the Public Procurement Law.
- c) Article 6 section 1 letter f of GDPR – due to the necessity to pursue the legitimate interests of the Controller, e.g., contacting the person designated to manage the agreement, establishing, exercising, or defending legal claims, ensuring protection against fraud and irregularities, and conducting internal financial, legal, or organisational analyses.

The categories of personal data processed for persons designated to manage the agreement or persons representing an entity entering into the agreement may include their full name, job title, telephone number, and e-mail address. For individuals who are parties to the agreement, it may also include their residential/business address, PESEL, NIP, REGON numbers, or other data required due to the content and nature of the agreement.



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Data of persons designated to manage the agreement or representing an entity entering into the agreement are received from the entity being a party to such an agreement or from publicly available sources (e.g., entity websites, the National Court Register - KRS).

3. INFORMATION ON RECIPIENTS OR CATEGORIES OF RECIPIENTS OF PERSONAL DATA

Recipients of personal data of individuals being a Party to the Agreement may include:

- Ministry of Finance and individuals accessing the Central Register of Contracts – the obligation to share data of the Parties to the Agreement stems from Article 34a section 1 of the Act of 27 August 2009 on Public Finance;
- National Revenue Administration (KAS);
- The Social Insurance Institution (ZUS);
- President of the Public Procurement Office.

Recipients of personal data may also include:

- entities and public authorities entitled to receive data – only in justified cases and based on generally applicable laws;
- processors acting on behalf of the Controller (so-called data processors) entrusted with tasks involving data processing, particularly regarding e-mail services (Microsoft), hosting, ICT services, debt collection services, courier, and postal services;
- persons or entities submitting a request for access to public information under the Act of 6 September 2001 on Access to Public Information, to the extent and under the conditions specified therein.

4. INFORMATION ON INTENTION TO TRANSFER DATA TO A THIRD COUNTRY OR INTERNATIONAL ORGANIZATION AND ADEQUACY DECISIONS

As a rule, the Controller does not transfer personal data to a third country; however, the Controller utilizes Microsoft 365 services, which may result in the transfer of processed personal data to a third country.

Data transfer takes place in compliance with the rules set out under the EU-U.S. Data Privacy Framework, pursuant to the European Commission's Implementing Decision of 10 July 2023 (<https://www.dataprivacyframework.gov>). Under Microsoft Office services, data entered into Microsoft 365 will be processed and stored within a specified geographical location. According to Microsoft Office functionalities displayed in the administrative panel under "Organization Profile," it is specified that the data is processed within the territory of the European Union.



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5. DATA RETENTION PERIOD OR CRITERIA USED TO DETERMINE THAT PERIOD

Personal data will be processed for:

- the duration of the agreement and the period during which claims arising from the agreement remain active;
- the period necessary for accounting/tax documentation and public procurement proceedings documentation through which the agreement was concluded.

Archival documents regarding the agreement will be stored by the Controller for the period specified in archiving laws, i.e., the Act of 14 July 1983 on National Archival Resources and Archives, and internal policies of the Warsaw University of Technology regarding record retention (Clerical Instruction and the Unified Material Classification Scheme).

6. INFORMATION ON DATA SUBJECT RIGHTS

Within the limits set out by GDPR, the data subject has the right to:

- a) access their personal data;
- b) obtain the rectification of their personal data;
- c) request the erasure of their personal data or the restriction of its processing;
- d) data portability (provided that two conditions are met jointly: data processing is based on Art. 6 section 1 letter b of GDPR and processing is carried out by automated means);
- e) object to the processing of personal data – in cases where the legal basis is the legitimate interest of the Controller;

subject to the condition that if the agreement is signed following a procedure conducted under the Public Procurement Law:

- a) if a data subject exercises the right of access under Article 15 of GDPR, the Contracting Authority may request additional information from the applicant to specify the name or date of the concluded procurement procedure;
- b) exercising the right to rectification or completion under Article 16 of GDPR must not result in altering the outcome of the procurement procedure or changing the terms of the public procurement contract in a manner inconsistent with the Law;
- c) requesting the restriction of processing under Article 18 section 1 of GDPR during a procurement procedure does not restrict personal data processing until the completion of such procedure;
- d) the Contracting Authority provides personal data referred to in Article 10 of GDPR to enable the exercise of legal remedies specified in the Terms of Reference (SWZ) until the deadline for lodging them expires.



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Data subjects also have the right to make a complaint with the President of the Office for Personal Data Protection (PUODO).

7. INFORMATION ON THE OBLIGATION TO PROVIDE DATA

Providing personal data is voluntary, yet necessary for concluding and performing the agreement. Refusal to provide personal data will result in the inability to enter into the agreement.

8. INFORMATION ON AUTOMATED DECISION-MAKING

The Controller does not use automated decision-making, including profiling within the meaning of the GDPR provisions.