

INFORMATION CLAUSE OF THE RODO OF OPERATOR CHMURY KRAJOWEJ SP. Z O.O.

1. DEFINITIONS

- 1.1. **Administrator** and/or **OChK** - Operator Chmury Krajowej Sp. z o. o. with its registered office in Warsaw at ul. Grzybowska 62, 00-844 Warsaw.
- 1.2. **Personal data** - information about an identified or identifiable natural person; an identifiable natural person is a person who can be identified, directly and/or indirectly, in particular on the basis of an identifier such as name and surname, identification number, location data, online identifier and/or one and/or more specific physical, physiological, genetic, mental factors, the economic, cultural and/or social identity of a natural person.
- 1.3. **Clause** - this GDPR Information Clause of Operator Chmury Krajowej Sp. z o.o.
- 1.4. **GDPR** - 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.

2. DATA PROCESSING

- 2.1. In connection with conducting business activity, the Administrator collects and processes Personal Data in accordance with the relevant provisions (including the GDPR), for the purposes and on the terms set out below and/or in separate documentation provided to natural persons (e.g. as part of the recruitment procedure).
- 2.2. The detailed rules and purposes of the processing of Personal Data by OChK are described below.

3. OBJECTIVES AND LEGAL BASIS FOR PROCESSING PERSONAL DATA BY OCHK

EMAIL AND TRADITIONAL CORRESPONDENCE

- 3.1. In the case of directing correspondence to OChK, the Personal Data contained therein are processed for the purpose of communication and solving the case to which the correspondence relates, as well as for the possible determination and pursuit of claims and/ or defense against claims.
- 3.2. The legal basis for processing is the Administrator's legitimate interest (Article 6(1)(f) of the GDPR), consisting in handling correspondence in connection with the Administrator's business activity and consisting in defending its rights.
- 3.3. OChK processes only Personal Data relevant to the case to which the correspondence relates. All correspondence is stored in a manner that ensures the security of the Personal Data contained therein (and other information) and is disclosed only to authorized persons.

CONCLUSION AND IMPLEMENTATION OF AGREEMENTS AS PART OF BUSINESS ACTIVITY

- 3.4.** In connection with concluding contracts as part of the Administrator's business activity, OChK obtains from contractors and/or clients Personal Data concerning them, data of persons representing the contractor and/or client as a party to the contract, as well as persons involved in the conclusion and implementation of such contracts (e.g. persons authorized to contact, placing orders, executing orders, etc.). The scope of the data provided is in each case limited to the extent necessary for the conclusion and/or performance of the contract and includes information on the name, surname, business contact details, and possibly other data if they are provided to OChK by the contractor and/or client in connection with the conclusion and/or performance of the contract.
- 3.5.** Such Personal Data are processed in order to implement the legitimate interest of OChK and its contractor and/or client (Article 6(1)(f) of the GDPR), consisting in taking action to conclude a contract, enabling the correct and effective performance of the contract, determining and/or pursuing any potential claims and/or defense against claims as well as maintaining business relations. In the case of contractors and/or clients who are natural persons, when processing is necessary for the performance of a contract to which the data subject is a party, the basis for data processing is Article 6(1)(b) of the GDPR GDPR.
- 3.6.** Personal data of contractors, clients and/or other persons processed as part of the conclusion and performance of the contract may be disclosed to third parties involved in the performance of a given contract, e.g., to the extent provided for by these regulations). Personal data of subcontractors' staff may be disclosed to clients for whom these entities perform activities as part of the implementation of concluded contracts.
- 3.7.** In the case of persons whose data will be included in documents whose obligation to keep and store results from the provisions of tax law and accounting, these data shall be processed by OChK pursuant to Article 6(1)(c) of the GDPR, i.e. in order to fulfil the legal obligation incumbent on the Administrator in connection with the obligation to keep accounting books and tax settlements.
- 3.8.** In the case of processing Personal Data for the purposes of establishing and/or pursuing possible claims and/or defending against claims, the basis for processing shall be Article 6(1)(f) of the GDPR, i.e. the Administrator's legitimate interest in defending his rights

ORGANISATION OF MEETINGS, TRAININGS OR OTHER EVENTS ORGANIZED BY OCHK

- 3.9.** Personal data of participants of meetings, trainings and/or other events organized by OChK are processed for the purposes necessary for their organization - the basis for processing is the implementation of the Administrator's legitimate interest (Article 6(1)(f) of the GDPR), consisting in handling the meeting, training or event, including inviting participants, enabling the notification of willingness to participate in the event, ensuring effective communication with participants, as well as in order to determine and/or pursue possible claims or defend against claims.
- 3.10.** Personal data of participants of meetings, trainings and/or other events organized by OChK may be processed for statistical purposes - the basis for processing is the implementation of the Administrator's legitimate interest (Article 6(1)(f) of the GDPR), consisting in examining the effectiveness of promotional activities related to the organization of meetings, trainings and/or other events organized by OChK.

- 3.11.** If a person participates in a meeting, training and/or other event organized by OChK with the use of tools enabling remote communication, when the meeting, training and/or other event is recorded and the person connects to the activated camera/ microphone, his image and/or voice will also be recorded, respectively. Then, the basis for the processing of Personal Data is the legitimate interest of the Administrator (Article 6(1)(f) of the GDPR), which may consist, for example, in providing a recording of organized events when it is necessary for participants and/or the Administrator. In the case of meetings, trainings and/or other events organized in an open formula, available e.g. to people who register for a webinar, recordings may be made available to event participants and may also be available to other people, e.g. via the Administrator's social media. In this case, the legitimate interest of the Administrator consists in conducting information, promotional and/or advertising activities in the field of services provided, provided and/or made available by OChK. If a participant of a meeting, training and/or other event organized with the use of tools enabling remote communication does not want his image/voice to be recorded on the recording, he should join with the camera\microphone turned off.
- 3.12.** During offline events organized by OChK, the participant's image may be captured in a photograph and/or video recording, which may also be available to other people, e.g. via the Administrator's social media. The legal basis for the processing of Personal Data in this case is the legitimate interest of the Administrator (Article 6(1)(f) of the GDPR), consisting in the possibility of conducting information, promotional and/or advertising activities in the field of services provided, provided and/or made available by OChK.
- 3.13.** To the extent that the provisions of generally applicable law require the consent of the data subject for the dissemination of the image, such dissemination will take place only if the data subject grants a separate, voluntary consent, in particular when the materials containing the image bear the name and surname, and/or possibly a comment resulting from the context of the use of the given material.

SOCIAL MEDIA

- 3.14.** The Administrator processes the Personal Data of users visiting the Administrator's profiles in social media (LinkedIn, Twitter, YouTube). These data are processed only in connection with maintaining the profile, including in order to inform users about the Administrator's activity and to promote various types of events, services and products. The legal basis for the processing of Personal Data by the Administrator for this purpose is its legitimate interest (Article 6(1)(f) of the GDPR), consisting in promoting its own brand, as well as conducting information, promotional and/or advertising activities in the field of services provided, provided and/or made available by OChK.
- 3.15.** To the extent that Personal Data of visitors to social networking sites are processed by the administrators of these sites, separate privacy policies provided by these entities apply.

OTHER DATA PROCESSING PURPOSES

- 3.16.** In connection with its activities, OChK also collects Personal Data in other cases - e.g. by building and using permanent mutual contacts (*networking*) during industry meetings or by exchanging business cards - for purposes related to initiating and maintaining business contacts. The legal basis for processing in this case is the legitimate interest of the

Administrator (Article 6(1)(f) of the GDPR), consisting in creating a network of contacts in connection with the conducted activity.

3.17. Personal data may be processed by OChK for direct marketing purposes. The legal basis for processing in this case is the Administrator's legitimate interest (Article 6(1)(f) of the GDPR), consisting in the possibility of informing about the services provided, provided and/or made available by OChK, promoting them and offering them to potential customers, as well as initiating and maintaining business contacts. In this case, personal data may be obtained from the data subject and/or from other sources, including the use of tools that facilitate the search for contact details made publicly available on the Internet.

3.18. In the case of sending commercial information by electronic means and/or using automatic calling systems for direct marketing purposes, the processing of Personal Data is carried out on the basis of the Administrator's legitimate interest (Article 6(1)(f) of the GDPR) in connection with the consent given for a specific marketing communication channel.

4. PROVISION OF DATA PROCESSING SERVICES BY OCHK FOR CUSTOMERS

4.1. In the event of concluding a contract with OChK for the provision of services involving the processing of Personal Data, OChK processes this data on behalf of and for its client, acting as a processor.

4.2. Detailed conditions regarding the processing of Personal Data in connection with the provision of such services by OChK are each time specified in the contract between OChK and the client.

5. PROCESSING OF PERSONAL DATA IN CONNECTION WITH SERVICE

[OCHK.CLOUD](#), [WWW.PLATFORMAOCHK.PL](#)

5.1. In connection with the operation of [ochk.cloud](#) and [www.platformaochk.pl](#) websites by OChK, data is collected and processed to the extent necessary to run them and make their functions available to users.

5.2. Detailed rules and purposes of information processing, including Personal Data as part of the operation of the indicated websites, can be found in the Privacy Policy of the [ochk.cloud](#) website, available at: <https://ochk.cloud/privacy-policy> and the Privacy Policy of the website, respectively [www.platformaochk.pl](#) available at: <https://platformaochk.pl/polityka-prywatnosci.html>

6. PERIOD OF PROCESSING PERSONAL DATA

6.1. The period of data processing by the Administrator depends on the purpose of processing. Personal data processed for the purposes of communication are processed until the matter to which the correspondence relates is settled. In the event that the processing of Personal Data is necessary to fulfil legal obligations incumbent on the Administrator, Personal Data will be processed until these obligations are fulfilled.

6.2. In cases where the legal basis for processing is the legitimate interest of the Administrator, Personal Data is processed to take into account the objection to their processing. In cases where the legal basis for the processing of Personal Data is the

consent of the data subject, Personal Data are processed until the consent is withdrawn.

6.3. The period of data processing may be extended in cases where processing is necessary to establish and pursue any claims and/or defend against claims, and after that time only if and to the extent required by applicable law.

6.4. After the processing period has expired, the data is deleted.

7. RIGHTS OF PERSONS WHOSE DATA CONCERN

Data subjects, under the conditions set out in the GDPR, have the following rights:

7.1. the right to information about the processing of personal data - on this basis, the Administrator provides the natural person submitting the request with information about the processing of data, including in particular about the purposes and legal grounds for processing, the scope of data held, entities to which they are disclosed, and the planned date of data removal;

7.2. the right to obtain a copy of the data - on this basis, the Administrator provides a copy of the processed data concerning the natural person submitting the request;

7.3. the right to rectification - the Administrator is obliged to remove any irregularities and/or errors regarding the processed Personal Data and supplement them if they are incomplete;

7.4. the right to delete data - on this basis, you can request the deletion of data, the processing of which is no longer necessary to achieve any of the purposes for which they were collected;

7.5. the right to limit processing - in the event of such a request, the Administrator ceases to perform operations on Personal Data - with the exception of operations to which the data subject has consented, and data storage, in accordance with the adopted retention rules – and/or until the reasons for limiting data processing cease to exist (e.g. a decision of the supervisory authority will be issued allowing further data processing);

7.6. the right to transfer data - on this basis - to the extent that data is processed in an automated manner in connection with the concluded contract or consent - the Administrator issues data provided by the person to whom they relate, in a format that allows the data to be read by a computer. It is also possible to request that these data be sent to another entity, provided that there are technical possibilities in this respect both on the part of the Administrator and the indicated entity;

7.7. the right to object to the processing of data for marketing purposes - the data subject may object to the processing of personal data for marketing purposes at any time, without the need to justify such an objection;

7.8. the right to object to other purposes of data processing - the data subject may at any time object - for reasons related to his particular situation - to the processing of Personal Data, which is carried out on the basis of the Administrator's legitimate interest; an objection in this respect should contain a justification;

7.9. the right to withdraw consent - if the data is processed on the basis of consent, the data subject has the right to withdraw it at any time by sending a message to the

e-mail address wycofajzgode@ochk.cloud; withdrawal of consent does not affect the lawfulness of the processing carried out before its withdrawal;

- 7.10. the right to complain** - if it is found that the processing of Personal Data violates the provisions of the GDPR and/or other provisions regarding the protection of Personal Data, the data subject may submit a complaint to the authority supervising the processing of Personal Data, competent for the place of habitual residence of the Data Subject, its workplace and/or where the alleged infringement occurred. In Poland, the supervisory authority is the President of the Office for Personal Data Protection.

8. DATA RECIPIENTS

- 8.1.** Regardless of the special cases indicated in chapter 3, if it is necessary to achieve the described processing purposes, Personal Data will be disclosed to external entities providing services to OChK, e.g. suppliers of IT systems and services, entities providing legal services, providers of accounting and shipping services, auditing, marketing, entities such as banks and payment operators, as well as partners, together with OChK organizing specific events and/or initiatives.
- 8.2.** Personal data may be disclosed to competent authorities or third parties who submit a request for such information on the appropriate legal basis and in accordance with the provisions of applicable law.

9. TRANSFER OF DATA OUTSIDE THE EEA

- 9.1.** The level of protection of Personal Data outside the European Economic Area (EEA) differs from that provided by European law. For this reason, the Administrator transfers Personal Data outside the EEA only when it is necessary and with an appropriate level of protection, primarily through:
- 9.1.1.** cooperation with entities processing Personal Data in countries for which an appropriate decision of the European Commission has been issued regarding the determination of an adequate level of protection of Personal Data (detailed information can be found [here](#));
 - 9.1.2.** the use of standard contractual clauses issued by the European Commission, which, together with the required additional security measures, provide personal data with the same protection as they are entitled to in the European Union (details can be found [here](#));
 - 9.1.3.** application of binding corporate rules approved by the competent supervisory authority.
- 9.2.** Personal data, to the extent necessary, may be transferred outside the European Economic Area in the event of cooperation with entities operating in third countries and/or using IT solutions of entities processing Personal Data in third countries. The list of suppliers and countries to which the Administrator may transfer data can be found [here](#).
- 9.3.** In order to obtain a copy of information on the security measures that the Administrator uses when transferring data outside the EEA, please contact the Administrator.

10. SECURITY OF PERSONAL DATA

- 10.1. The Administrator shall implement technical and organizational measures to ensure that Personal Data is processed by him in a secure manner, ensuring, above all, that only authorized persons have access to the data and only to the extent that it is necessary due to the tasks performed by these persons tasks.
- 10.2. The Administrator shall take all necessary actions to ensure that its subcontractors and other entities cooperating in the processing of Personal Data provide sufficient guarantees for the implementation of appropriate security measures so that the processing meets the requirements of the provisions on the protection of personal data and protects the rights of data subjects.

11. CONTACT DETAILS

- 11.1. Contact with the Administrator is possible via the e-mail address contact@ochk.cloud, and/or the registered office address: ul. Grzybowska 62, 00-844 Warsaw.
- 11.2. Contact with the Data Protection Officer is possible via the e-mail address iod@ochk.cloud, and/or the address of the registered office: ul. Grzybowska 62, 00-844 Warsaw.

12. CHANGES TO THE INFORMATION CLAUSE OF THE GDPR

- 12.1. The clause is verified on an ongoing basis and updated if necessary.
- 12.2. The current version of the Clause has been effective since May 4, 2023.