**INFORMATION CLAUSE ON THE PROCESSING OF PERSONAL DATA BY ŁUKASIEWICZ – PORT**

**AS A CONTRACTING PARTY FOR THE PURPOSES OF PROCEDURES CONDUCTED ON THE BASIS OF THE PROVISIONS OF THE PUBLIC PROCUREMENT LAW ACT (PPL ACT)**

**regarding the CONTRACT entitled**

**“****Expert supervision of retrofitting the BSL-3 laboratory in Łukasiewicz - PORT”, case no. PO.271.39.2022**

Pursuant to Article 13(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 (the “General Data Protection Regulation”) (the “**GDPR**”), and Article 19 of the Public Procurement Law Act, the Contracting Party (the “Controller”) hereby informs that:

1. The controller of personal data provided to the Contracting Party as part of this procedure is: Łukasiewicz Research Network- PORT Polish Centre for Technology Development with its registered office in Wrocław, ul. Stabłowicka 147, 54-066 Wrocław, National Court Register No. (KRS): 0000850580; Taxpayer Identification No. (NIP):8943140523; biuro@port.lukasiewicz.gov.pl (the “**Controller**”).
2. The Controller has appointed a Data Protection Officer (the “**DPO**”). Contact the DPO at iod@port.lukasiewicz.gov.pl. You are welcome to communicate with the DPO on all matters concerning the processing of your personal data.
3. Specific information on the processing of data in your case:

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| --- | --- | --- | --- | --- | --- |
| Who is affected by the processing | Means of obtaining personal data | Legal basis for processing personal data | Personal data processed | Purpose of personal data processing | Period of personal data processing |
| The Contractor (procedure participant), persons representing it, its attorneys and representatives through whom it acts in the procedure, supervisory bodies, etc., and other persons indicated by the Contractor (procedure participant) in the tender and other documentation submitted to the Contracting Party. | From you (you provide the Contracting Party with your personal data; we may also receive your data from third parties- your employer or your counterparty as part of their tender process). | Article 6(1)(c) of GDPR in conjunction with the provisions of the PPL Act in the case of data on convictions - in conjunction with Article 10 of the GDPR.  Alternatively: Article 6(1)(b) of the GDPR – the data are required for the execution of your request for consideration of the tender / application by the Contracting Party, and you are seeking to obtain a outcome of the procedure which is positive for you. Failure to provide data makes it impossible to fulfil the request. | Any personal data provided in the course of this or other public procurement procedure under the PPL Act. This may include: first name, last name, personal identity number, date and place of birth, information on experience and occupation, qualifications, convictions, residential addresses, contact details. | Conducting a public procurement procedure (or other appropriate procedure) based on the provisions of the PPL Act, as specifically indicated in the documentation to which this clause is attached. | As a rule – up to 4 (four) years from the date of completion of the contract award procedure, but for no less than the term of the agreement concluded as a result of this procedure (art. 78 of the PPL Act). |

1. Your personal data may also be processed – after exhausting other legal grounds – for archiving purposes, which is the legitimate interest of a state legal entity performing public tasks assigned by the act from public funds, referred to in Article 6(1)(f) of the GDPR, in which case the further archiving period will be no longer than a further 10 years. If the funds disbursed by the Contracting Party in this procedure come from third party sources, it is possible that the data processing period will depend on the regulations governing the settlement of such funds with a third party (financing institution).
2. If any legal provisions to any extent provide for a longer processing period, this longer period applies.
3. The Controller may transfer your data to other entities in accordance with the law. The recipients of your personal data may include:
4. duly authorised collaborators of the Controller or its service providers, to the extent necessary and reasonable, including e.g. IT service providers, software service providers;
5. entities entitled to statutory or contractual control or supervision over the Controller, in particular the Łukasiewicz Centre and the President of the Łukasiewicz Centre;
6. other entities with statutory powers of supervision and control and other entities authorised by law;
7. in the event of a relationship between you and the Controller (including the funding of a public procurement contract from external funds) for the purposes of subsidised scientific projects or commercialisation – a subsidising, intermediary or funding institution, etc., for example NCBiR or NCN;
8. Your personal data will not be transferred to third countries or international organisations. If this were to happen, we will inform you separately. However, this does not apply to the transfer for the purposes of implementing and accounting for grants, subsidies, scientific programmes, etc. funded from the budget of the European Union. The data may be transferred by the Controller to European Union to the extent necessary for the fulfilment of obligations and proper spending of public funds.
9. No automated decisions will be taken in relation to your personal data. There will be no profiling on its basis.
10. To exercise your rights, please contact the Controller by e-mail at the above mentioned contact details of the Data Protection Officer. You have the right to:
11. access your personal data held;
12. as a general rule, rectify or supplement the personal data provided. Exercising the right to rectify or supplement your personal data cannot result in a change to the result of the procurement procedure or in a change to the provisions of the public procurement contract to an extent incompatible with the PPL Act (Article 19(2));
13. as a general rule, request restrictions on the processing of personal data. In a procedure for the award of a tendered contract, the submission of a restriction request does not restrict processing of personal data until after the end of the procurement process (Article 19(3) of the PPL Act);
14. lodge a complaint to the President of the Office for Personal Data Protection against data processing by the Controller;
15. as a general rule, to erase data (right to be forgotten). This right to the extent covered by Article 17(3)(b), (d) or (e) of the GDPR, does not apply as long as the basis for processing your data is Article 6(1)(c) of the GDPR (it is limited in that it is processing for legal purposes - the Contracting Party must process the data lawfully);
16. as a general rule, the portability of your personal data. This right does not apply to processing necessary for the performance of a task carried out in the public interest and has a limitation in this procedure (Article 20(3) of the GDPR);
17. as a general rule, object to the processing of your personal data. As long as the basis for processing of your personal data is Article 6 (1) (c) (or alternatively: (b)) of the GDPR, this objection is not valid (Article 21 (1) of the GDPR);
18. revoke your freely given consent to processing at any time – where processing is based on consent. The withdrawal of consent does not affect processing which had taken place prior to the withdrawal. As a general rule, your data will not be processed on the basis of consent in this tender selection procedure, so this right does not apply.

We would like to point out that the provisions of law and the nature of the procedures conducted on the basis of the provisions of the Public Procurement Law Act may result, in specific cases, in further limitations to your rights. If you have any doubts, please contact the Contracting Party's Data Protection Officer.