**Information on the processing of personal data of natural persons by
the National Information Processing Institute
in Warsaw**

**regarding contracts and collaboration under contracts**

**Pursuant to Articles 13 and 14 of 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 (hereinafter: ‘GDPR’), we inform that:**

1. The National Information Processing Institute (OPI) with the registered office at the following address: Al. Niepodległości 188B, 00-608 Warszawa, serves, within the meaning of article 4(7) of the GDPR, as the controller of personal data that (i) pertains to natural persons who represent the counterparty and who conclude contracts on behalf of the counterparty and (ii) pertains to natural persons who are appointed by the counterparty for the purpose of contacting, coordinating or being responsible for the performance of contracts. The controller can be contacted by email at opi@opi.org.pl.
2. The controller has appointed the data protection officer who can be contacted for any issues regarding the processing of personal data by email at iod@opi.org.pl.
3. Personal data is processed to:
4. **conclude and perform contracts,** in which case the data is processed under Article 6(1)(f) of the GDPR to secure legitimate interests pursued by the controller, manifested in the conclusion and performance of the contract in connection with the business activity, as well as in the necessity of processing personal data which pertains to individuals who represent the counterparty or who are appointed by the counterparty to perform the contract. If the counterparty is a sole proprietor who concludes the contract on his own behalf, the data is processed under Article 6(1)(b) of the GDPR to ensure the performance of the contract to which the sole proprietor is a party;
5. **settle public-law liabilities arising from the contract,** in which case the data is processed under Article 6(1)(c) of the GDPR to ensure the controller complies with legal obligations specified in rules of law, including tax and social security system acts, on the basis of which the controller settles public-law liabilities arising from contracts concluded with natural persons acting in the capacity of counterparties;
6. **fulfil legal obligations pertaining to the source of funding of contractor's remuneration as specified in the contract,** if the subject matter of the contract is co-funded by the EU, in which case the data is processed under Article 6(1)(c) of the GDPR to ensure the controller complies with legal obligations arising from the Act of 28 April 2022 on the principles of implementation of tasks that are financed with European funds in the 2021–2027 financial perspective,
7. **archive documents,** in which case the data is processed under Article 6(1)(c) of the GDPR to ensure the controller complies with legal obligations arising from the Act on national archival collections and archives, according to which the controller is obliged to archive documents,
8. **determine, assert or defend claims,** if any claims arise from the contract, in which case the data is processed under Article 6(1)(f) of the GDPR, e.g. when processing is necessary for the purposes of legitimate interests pursued by the controller to ensure that controller’s rights and interests arising from the contract are protected.
9. The personal data of contact persons, coordinators, or those responsible for the fulfilment of contracts, which are provided by the counterparty, will be processed as identification, contact, and business-related data.
10. Personal data is shared with data recipients, including entities that provide services to the controller under specific contracts, such as providers of IT, consulting, postal, courier, and archiving services and solutions, to whom the controller entrusts the processing of personal data for the purpose of providing such services.
11. Personal data will be processed for the duration of the contract and for 3 years following completion of the contract, unless the data subject objects to the processing of their data for reasons related to their particular situation and only if the Ordering Party finds no valid, legally justified grounds for data processing that override the interests, rights and liberties of the data subject, or grounds for establishing, asserting or defending claims. Personal data of a natural person who is a party to the contract will be processed for the purpose of settling public-law liabilities arising from the contract for a period of 5 years, as from the end of the year in which the contract expires. In the event of claims arising from the performance of the contract, personal data will be processed until all legal remedies available to the Parties in this regard have been exhausted. Personal data related to the fulfilment of obligations arising from the financing of the contract’s subject from EU funds will be processed for up to 10 years, depending on the funding programme. Personal data used for archiving purposes will be processed perpetually, first in the institute’s archive and then in the national archive to which it will be sent in line with an applicable office procedure.
12. Data subjects are entitled to request that the controller enables them to exercise the following of their rights:
13. the right of access to their personal data (Article 15 of the GDPR),
14. the right of rectification of their personal data (Article 16 of the GDPR),
15. the right to restriction of the processing of their personal data (Article 18 of the GDPR),
16. the right to object to the processing of their personal data on grounds relating to their particular situation (Article 21(1) of the GDPR).

Data subjects who submitted a request pertaining to the processing of their data as part of the exercise of their rights may be asked by the controller to answer several questions regarding their personal data to verify their identity.

1. The individuals specified in section 1 are entitled to file a complaint regarding the processing of their personal data with the supervisory body ­– the President of the Polish Personal Data Protection Office.
2. In order to enter into and perform the contract, the personal data specified in section 1 must be provided. Not meeting this requirement will prevent the contract from being concluded and performed. The provision of personal data of natural persons who are parties to the contract for the purposes of settling public-law liabilities is a legal requirement arising from tax and social security regulations. Not providing such data will prevent the contract from being concluded and the remuneration due under the contract from being settled.
3. Personal data will not be processed for the purposes of automatic decision making, including profiling.

**Version: 2**

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