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

**regarding public procurement**

**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 serves, within the meaning of article 4(7) of GDPR, as the controller of personal data of natural persons which is processed in the public procurement process.
2. The controller can be contacted by email at opi@opi.org.pl or by phone at (+48) 22 570 14 00.
3. Personal data will be processed to:
4. select the most favourable tender in a public procurement process in compliance with the applicable legal regulations or the internal public procurement rules established by the ordering party,
5. supervise the awarded public procurement contracts,
6. enforce legal remedies applied in a public procurement process,
7. fulfil the objectives related to the financing of public procurement contracts from EU funds,
8. archive relevant information,
9. determine, assert or defend claims.
10. The following are the premises that legalize the processing of personal data:
11. in the case of the purposes specified in sections 3a) through 3c) – Article 6(1)(c) of the GDPR, according to which processing shall be lawful if it is necessary for compliance with legal obligations to which the controller is subject and which arise from the *Public Procurement Act* of 11 September 2019 or from the *Rules on awarding public procurement contracts valued less than PLN 130,000 net*, under which public procurement contracts are awarded,
12. in the case of the purpose specified in section 3d) ­– Article 6(1)(c) of the GDPR, according to which processing shall be lawful if it is necessary for compliance with legal obligations to which the controller is subject and which arise from the Act of 28 April 2022 on implementation of tasks financed from EU funds in the 2021–2027 financial perspective,
13. in the case of the purpose specified in section 3e) ­– Article 6(1)(c) of the GDPR, according to which processing shall be lawful if it is necessary for compliance with legal obligations to which the controller is subject and which arise from the Act of 14 July 1983 on national archival collections and archives,
14. in the case of the purpose specified in section 3f) – Article 6(1)(f) of the GDPR, according to which processing is lawful for the purposes of the legitimate interests pursued by the controller which manifest in determining, asserting or defending claims.
	1. Personal data that is processed for the purpose of selecting the most advantageous public procurement bid by means of a request for proposal procedure is collected from publically available sources, such as the internet, and is classified as identification and contact data.
	2. Personal data may be accessed by:
15. service providers and their authorised staff members who, based on agreements on entrusting the processing of personal data, are entrusted to process personal data for the purposes of conducting services provided for the controller, including providers of IT, legal, advisory, auditing and archive services, and providers of IT tools that the controller uses to conduct the public procurement procedure,
16. individuals and entities that have access to the documentation pertaining to specific public procurement procedures, according to the public procurement act,
17. entities that are authorised to supervise the activity conducted by the controller, according to applicable legal regulations,
18. entities that are responsible for auditing the accounts related to the EU funds.
	1. Personal data will be processed for the following periods of time:
19. in the case of the purposes specified in sections 3a) through 3c) ­– for 4 years as from the day on which a bid is placed by the bidder,
20. In the case of the purpose specified in section 3d) – for up to 10 years, depending on the requirements of the programme from which a public procurement procedure is funded or on applicable rules of law,
21. in the case of the purpose specified in section 3e) – perpetually, as per the periods for such purposes specified in the act on national archival collections and archives,
22. in the case of the purpose specified in section 3f) – until the claims are barred; if such claims are filed, personal data will be processed until the end of the period during which legal remedies pertaining to the processing of personal data may be enforced by the parties.
	1. Data subjects are entitled to request that the controller enables them to exercise the following of their rights:
23. the right of access to and rectification of their personal data (Articles 15 and 16 of the GDPR).
If the fulfilment of the obligations referred to in Article 15(1)–(3) of the GDPR requires a disproportionately large effort, the controller may request that the data subjects provide additional information pertaining to their requests, including the name, number or date of the public procurement procedure. A request for the right to rectification of data cannot alter the outcome of the public procurement procedure or modify the crucial terms of the contract unless the public procurement act states otherwise,
24. the right to restriction of the processing of personal data (Article 18 of the GDPR). In the case of the request referred to in Article 18 of the GDPR, the data processing will only be restricted after the completion of the procedure for awarding the public procurement contract,
25. data subjects are entitled to submit complaints pertaining to the processing of their personal data by the controller to the President of the Polish Personal Data Protection Office (address: ul. Stawki 2, 00-193 Warszawa),
26. the rights referred to in Articles 17 and 22 of the GDPR cannot be enforced due to the fact that the conditions specified in those articles do not apply to the public procurement procedure.
	1. Personal data will not be processed for the purposes of automatic decision making, including profiling.
	2. Personal data will not be transferred to any third countries or international organisations.
	3. Providing personal data for the purposes specified above is mandatory and arises from the regulations that govern public procurement procedures. Failure to provide such data will prevent participation in the public procurement procedure.

**Version: 2**

**Date: 27 August 2024**