

Information on the processing of personal data for the business contractors and its representatives

- 1 The Controller of your personal data is Axpo Elektrociepłownia Nowa Sarzyna Sp. z o.o., located in Nowa Sarzyna 37-310, at 2 ks. J. Popiełuszki Street ("**Control-ler**", "**ENS**", "**we**").
- 2 For any matters regarding your personal data, you can contact us by phone at +48 17 240 50 00, or by email at ens@ens.pl or privacy@axpo.pl.
- 3 This Information on the processing of personal data is intended for:
 - a) clients who conduct a sole proprietorship, agricultural business, or are partners in a general partnership and who have signed or intend to sign a contract with ENS,
 - b) representatives of contractors (including commercial companies, institutions, or sole proprietors) who contact ENS regarding a contract.
- 4 Your personal data will be processed for the following purposes:
 - a) with regard to contractors indicated in point 3.a above: to negotiate or perform the contract or to take action at your request before entering into a contract, including billing (e.g. issuing invoices in the KSeF system - National e-Invoice System), pursuant to Article 6 (1) (b) of the GDPR,
 - b) with regard to representatives of contractors: to perform the contract concluded by the Controller with the contractor or take action at the Contractor's request prior to entering into a contract, pursuant to Article 6 (1) (f) of the GDPR, i.e. the Controller's legitimate interests consisting in ensuring the possibility of ongoing contact with contractors, proper cooperation, and the proper performance of contracts concluded by the Controller;
 - c) to comply with legal obligations to which the Controller is subject pursuant to Article 6 (1) (c) of the GDPR (including obligations resulting from the Accounting Act, the Value Added Tax Act, the Tax Code, and the Restructuring Law),
 - d) handling and processing of submitted questions or requests on the basis of the Controller's legitimate interests on the basis of Article 6(1)(f) of the GDPR, i.e. to ensure ongoing and effective provision of information to the questions asked and processing of the requests made,
 - e) ensure compliance with internal procedures and policies, including the prevention and detection of violations of the above, i.e. to fulfil the Controller's legitimate interest in ensuring that the Controller's activities are carried out in accordance with the established rules (Article 6(1)(f) GDPR);
 - f) pursuing, establishing, and defending against claims. The legal basis for processing is the legitimate interest of the Controller (Article 6(1)(f) GDPR), consisting of protecting the legal and financial interests of the Controller, including the ability to pursue due claims or defend against claims submitted by clients

- or third parties, and demonstrating the correctness of the Controller's actions in case of disputes or proceedings.
- 5 The Controller will process the following personal data for the above purposes:
 - a) identification data (e.g. first name, last name, PESEL or ID card number, if required);
 - b) contact data (e-mail address, telephone number, postal address);
 - c) basic information about your business activity (e.g. REGON number, tax ID number, company name);
 - d) information included in the contracts with the Controller or in relation to such contracts;
 - e) in the case of representatives - basic information related to your employment (e.g. position, business contact information);
 - f) data contained in the documents sent to the Controller.
 - 6 In case of collecting personal data directly from you - the provision of personal data by you is necessary to conclude or fulfil the contract, while the refusal to provide it may result in the inability to conclude or perform a contract with the Controller, or to process your questions or requests.
 - 7 In case you have not provided personal data directly to the Controller- personal data may have been provided to the Controller by a contractor you represent.
 - 8 We will keep your data for the period of:
 - a) performance of the contract and after its expiration until the end of the statute of limitations for possible claims or for the period resulting from the relevant legislation (usually 3 years for claims arising from the provision of periodic services and those related to the conduct of business activities);
 - b) in the case of data processed for settlement, tax, and accounting purposes – for the period required by legal provisions, in particular 5 years, calculated from the end of the calendar year in which the tax obligation arose or the settlement was made, in accordance with the provisions of the Accounting Act and tax laws;
 - c) In the case of data processing based on the legitimate interest of the Controller, your personal data will be kept until the existence of the Controller's legitimate interest, in particular, until the expiration of the statute of limitations for claims.
 - 9 Your personal data may be transferred to other entities (e.g., postal or courier service providers, debt acquirers or banking service providers, the Controller's parent company i.e. Axpo Polska sp. z o.o., Axpo Solutions AG or other companies in the Axpo group of companies to which the Controller belongs) or third-party service providers (e.g., accounting, auditing, tax, legal, distribution or IT service providers), National Revenue Administration (in connection with the operation of the National e-Invoice System), as well as to governmental, law enforcement, administrative authorities and courts (upon their request).
 - 10 Your personal data may be transferred outside the EEA, including the headquarters of the Controller's parent company – Axpo Services AG in Switzerland, which, in accordance with the Decision of the European Commission

of 26 July 2000, No. C (2000) 2304, ensures an adequate level of protection for personal data transferred from the European Union (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000D0518>).

- 11 You have the right to request access to your personal data, their rectification, erasure, restriction of processing and their portability in a structured, commonly used format readable by machine (if data is processed on the basis of your consent or in connection with the performance of an agreement in an automated manner). You also have the right to object to the processing of your personal data based on the Controller's legitimate interest.
- 12 Each person has the right to appeal to the supervisory authority (in Poland- the President of the Personal Data Protection Office).
- 13 To exercise the above rights, you may contact us by email at ens@ens.pl or privacy@axpo.pl.