

All Łukasiewicz-GIT Information Clauses are available on the website: <https://git.lukasiewicz.gov.pl/dane-osobowe/>

INFORMATION CLAUSE - RECRUITMENT

Pursuant to Article 13(1) and (2) of the General 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 (General Data Protection Regulation, hereinafter: "GDPR"), we inform you that:

- 1) **The Administrator of your personal data is the Łukasiewicz Research Network - Upper Silesian Institute of Technology** (also referred to as "**Łukasiewicz-GIT**"). The Administrator can be contacted by telephone: (+48) 32 23 45 205, by e-mail: sekretariat@git.lukasiewicz.gov.pl or by letter to the address: Sieć Badawcza Łukasiewicz – Górnośląski Instytut Technologiczny, ul. Karola Miarki 12-14, 44-100 Gliwice.
- 2) The Administrator has appointed a **Data Protection Officer** who can be contacted at the following email address: iod@git.lukasiewicz.gov.pl or by letter to the address: Inspektor Ochrony Danych Osobowych, Sieć Badawcza Łukasiewicz – Górnośląski Instytut Technologiczny, ul. Karola Miarki 12-14, 44-100 Gliwice.
- 3) **Legal basis and purposes of processing your personal data:**
 - a) Article 6(1)(b) of GDPR - to take actions prior to the conclusion of a contract of employment or a civil law contract, i.e.: to consider your application, on the basis of the documents you have submitted, including making contact with you at the recruitment stage,
 - b) Article 6(1)(c) of GDPR - in order to comply with the Administrator's legal obligation under the law, including on the basis of **Art. 22(1) of the Labour Code**, the Administrator has the right to require from you to provide personal data to the extent of: name(s), surname, date of birth, contact details indicated by you, as well as your education, professional qualifications, course of previous employment and other data, when it is necessary to perform work of specific type or on a specific position or when it is necessary to realise an entitlement or fulfill an obligation arising from a legal provision,
 - c) Article 6(1)(f) of GDPR - for purposes arising from the legitimate interests pursued by the Administrator or by a third party, i.e. the retention of correspondence connected with recruitment for evidential purposes for the period resulting from the limitation periods for claims;
 - d) Article 6(1)(a) of GDPR and **Article 9(2)(a) of GDPR***) - on the basis of your voluntary consent, also in the form of a voluntary affirmative action, e.g. by sending your application documents to the Administrator via e-mail or contact form, for the processing of ordinary personal data and/or your voluntary express consent for the processing of personal data of special categories, beyond the scope of Article 22(1) of the Labour Code and your voluntary consent for the processing of your personal data in future recruitments. You may withdraw these consents at any time.
- 4) Recipients or categories of Recipients of your personal data - authorities supervising the Administrator's activities, superior bodies and public authorities or entities entitled to obtain data on the basis of applicable legislation, and entities providing services to the Administrator within the framework of concluded contracts, inter alia in the scope of:
 - provision of document shredding and archiving services,
 - provision of technical and organisational services to the Administrator to ensure efficient management (in particular: ICT service providers, equipment suppliers, courier and postal companies, entities cooperating by the preparation and distribution of publications, entities operating websites, social media),
 - provision of legal, insurance and consultancy services.
- 5) Your personal data will not be transferred to a third country / international organisation.
- 6) Your personal data will be processed for the time necessary to carry out the recruitment process, and then, in the event of your acceptance, they will be stored for the period of time

for which personnel documents are kept, resulting from the applicable provisions of law, including the Labour Code and the Administrator's internal regulations, and then they will be destroyed in a manner which makes their reconstruction impossible; in the event that you are not accepted within 4 months of the end of the recruitment process, they will be destroyed in the same way as above, unless there is a suspicion that one or more persons participating in the same recruitment process as you may lodge claims against the Administrator at any time on the grounds of discrimination or on other grounds, in which case the Administrator will keep for evidence all documents from that recruitment process, including your documents, until the end of the period of limitation of claims under generally applicable law, including Art. 118 of the Act of 23 April 1964 Civil Code and will then be destroyed as above. If you have given your consent to the processing of your personal data for future recruitment, your data will be kept for further 12 months from the end of the recruitment and will then be destroyed as above.

7) **You have the right to:**

- a) request from the Administrator, in the manner set out in point 1 above, access to your personal data, its rectification, erasure ("right to be forgotten"), restriction of processing and the right to data portability.
 - b) object to the Administrator on grounds relating to your particular situation, in the manner set out in point 1 above, to the processing of your personal data for purposes arising from legitimate interests pursued by the Administrator or by a third party (Article 6(1)(f) of GDPR). You have this right only if there are no compelling legitimate grounds for the processing overriding your interests, rights and freedoms or grounds for the establishment, assertion or defence of claims.
 - c) withdraw at any time the consent you have given to the Administrator, in the manner set out in point 1 above, where the processing is based on your freely given consent (Art.6(1)(a) or 9(2)(a) of GDPR). The withdrawal of consent is not retroactive and does not affect the lawfulness of the processing carried out on the basis of consent before its withdrawal.
 - d) lodge a complaint with the supervisory authority, i.e. Prezes Urzędu Danych Osobowych, ul. Stawki 2, 00-193 Warszawa, <https://uodo.gov.pl/pl/p/kontakt>, tel. (+48) 22 531 03 00, if you consider that the Administrator's processing of your personal data violates the provisions of GDPR.
- 8) Your provision of personal data is entirely voluntary. Failure to provide this data may prevent the recruitment process and the subsequent possible conclusion of an employment or civil law contract. Providing your personal data necessary for the fulfillment of an obligation incumbent on the Administrator (Article 6(1)(c) of GDPR), in particular data required under Article 22(1) of the Labour Code, is a statutory requirement under applicable law.
- 9) No automated decision-making, including profiling, will take place during the processing of your personal data, which means that the actions referred to in Article 22(1) and (4) of GDPR will not be taken.

***) Art. 9(1) and (2)(a) of GDPR (personal data of specific categories)**

1. The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person or data concerning that person's health, sexuality or sexual orientation is prohibited.

2. Item 1 shall not apply if one of the following conditions is met:

- (a) the data subject has given his or her explicit consent to the processing of such personal data for one or more specific purposes, unless Union law or Member State law provide that the data subject may not waive the prohibition referred to in item 1;

Art. 22^{1b}. Labour Code

§ 1. The consent of an applicant for employment or an employee may constitute the basis for the employer's processing of personal data as referred to in Article 9(1) of GDPR only if the transfer of such personal data takes place **on the initiative of the applicant for employment or the employee.**