

## **INFORMATION ON HOW YOUR PERSONAL DATA ARE PROCESSED BY THE ASSOCIATION OF AUTOMOTIVE PARTS DISTRIBUTORS AND PRODUCERS**

With regards to Articles 13 and 14 of Regulation 2016/679 of the European Parliament and of the Council of the European Union (GDPR), we are providing information on the rules for the processing of personal data by the Association of Automotive Parts Distributors and Manufacturers based in Warsaw.

Association of Automotive Parts Distributors and Manufacturers shall be hereinafter referred to as the Administrator or the Association.

### **1. Administrator**

- 1.1. The administrator of the personal data is Stowarzyszenie Dystrybutorów i Producentów Części Motoryzacyjnych, ul. Rondo Ignacego Daszyńskiego, 1 00-843 Warszawa, entered into the register of associations, other social and professional organizations, foundations and independent public health care institutions kept by the District Court in Warsaw, 14<sup>th</sup> Commercial Department of the National Court Register under the registry No. KRS:0000239091, VAT No. 5242551120, REGON Statistical No.:140248378, [biuro@sdcm.pl](mailto:biuro@sdcm.pl).

### **2. Categories of data processed**

- 2.1. The Administrator may process, inter alia, the following categories of personal data: identification data, address data, contact data and possibly other data if these are necessary for the purposes for which the Administrator processes the data.

### **3. Purposes of data processing**

- 3.1. The Administrator may process personal data for the purposes of:
  - 3.1.1. the performance of a contract or taking steps at the request of the data subject prior to entering into a contract;
    - 3.1.1.1. where the data subject is a party to the contract, the legal basis for the processing will be Article 6(1)(b) of GDPR;
    - 3.1.1.2. where the data subject is not a party to the contract, the legal basis for the processing will be Article 6(1)(f) of GDPR, as the conclusion of such a contract is a legitimate interest of the Administrator;
    - 3.1.1.3. the provision of personal data for this purpose of processing is voluntary, but is a condition for action prior to the conclusion of a contract and for the subsequent conclusion of that contract;
    - 3.1.1.4. the conclusion of a contract will not be possible without the provision of data;
  - 3.1.2. associating members of the Association;
    - 3.1.2.1. if the member is the data subject, the legal basis for the processing will be Article 6(1)(b) of GDPR (as the Articles of Association should be considered as a contract between the members of the association);

- 3.1.2.2. if the member is not the data subject, the legal basis for the processing will be Article 6(1)(f) of GDPR, as enabling you to join as a member of the Association is a legitimate interest of the Administrator;
- 3.1.2.3. the provision of personal data for this purpose of processing is voluntary, but is a condition for being a member of the association;
- 3.1.2.4. without being specified, it will not be possible to become a member of the Association;
- 3.1.3. assertion or defence of claims by others;
  - 3.1.3.1. the legal basis for the processing will be Article 6(1)(f) of GDPR, as the exercise of one's rights in the event of a possible dispute is a legitimate interest of the Administrator;
  - 3.1.3.2. for this purpose of processing, the Administrator is likely to already have personal data at his disposal;
  - 3.1.3.3. the provision of other personal data may, however, be a statutory requirement resulting from a dispute, but this will depend on the specific situation;
- 3.1.4. responding (by telephone or post or e-mail) to an enquiry or correspondence from the data subject to the Administrator;
  - 3.1.4.1. the legal basis for the processing will be Article 6(1)(f) of GDPR, as responding to enquiries or correspondence is a legitimate interest of the Administrator;
  - 3.1.4.2. the provision of personal data for this purpose of processing is voluntary, but may be necessary in order for the person to contact the Administrator and obtain a reply;
  - 3.1.4.3. it may not be possible to obtain a response from the Administrator without providing the data, but this will depend on the specific situation;
- 3.1.5. complying with legal obligations incumbent on the Administrator, such as, for example, maintaining accounting and bookkeeping records in accordance with applicable regulations;
  - 3.1.5.1. the legal basis will be Article 6(1)(c) of GDPR;
  - 3.1.5.2. the provision of data which are processed for this purpose is a legal requirement;
  - 3.1.5.3. failure to provide the data would make it impossible to conclude a contract or, in a specific case, to issue an invoice, for example;
- 3.1.6. enabling participation in recruitment processes carried out by the Administrator;
  - 3.1.6.1. in the scope of ongoing recruitment processes - taking action by the Administrator at the request of an employee candidate (i.e. the examination of a job application), prior to the possible conclusion of a contract; in this case, the legal basis for the processing of personal data will be Article 6(1)(b) of GDPR;
  - 3.1.6.2. with regard to recruitment processes that may be carried out in the future, the voluntary consent of the job applicant, in which case the legal basis will be Article 6(1)(a) of GDPR;

- 3.1.6.3. the provision of data is voluntary, but necessary for participation in the recruitment process;
- 3.1.7. contacting the data subject on matters concerning the automotive market;
  - 3.1.7.1. the legal basis for the processing of the data will be Article 6(1)(f) of GDPR, as the Controller has a legitimate interest in the form of the need to contact specific persons on matters related to the automotive market;
  - 3.1.7.2. for this purpose of processing, the Administrator is likely to already have personal data at his disposal;
- 3.1.8. enabling participation in conferences, congresses or other such events organised or co-organised by the Administrator, including the sending of information concerning the programme of the conference etc.
  - 3.1.8.1. the legal basis for the processing will be Article 6(1)(f) of GDPR, as the Administrator has a legitimate interest in organising or co-organising the aforementioned events, including ensuring the participation of participants in them;
  - 3.1.8.2. the provision of data is voluntary, but necessary for participation in the recruitment process;
- 3.1.9. direct marketing of the Administrator's products and services;
  - 3.1.9.1. the legal basis for the processing will be Article 6(1)(f) of GDPR, as direct marketing of the Administrator's products and services is its legitimate interest;
  - 3.1.9.2. the processing of data for the purpose of sending marketing information by e-mail or transmitting it by telephone will only take place if the data subject has consented to receive marketing information by e-mail or to use his/her telephone number for marketing purposes, respectively;
  - 3.1.9.3. the provision of personal data for this purpose of processing is voluntary;
  - 3.1.9.4. if personal data such as a telephone number or e-mail address is not provided, the data subject will not receive marketing content.

#### **4. Data recipients**

- 4.1. The Administrator may make personal data available to recipients who process data on behalf of the Administrator or who process personal data as separate, independent administrators.
- 4.2. The Administrator makes personal data available to recipients in accordance with applicable law, for example on the basis of data-processing outsourcing agreements.
- 4.3. The Administrator may share personal data with its subcontractors (entities it uses for processing) such as:
  - 4.3.1. providers of services such as e-mail, virtual disk and office applications, including communication applications;
  - 4.3.2. entities organising conferences, congresses or other such events,

- 4.3.3. marketing service providers;
  - 4.3.4. providers of IT operation and maintenance services providers of IT operation and maintenance services;
  - 4.3.5. providers of marketing tools;
  - 4.3.6. legal, tax and accounting advisers.
- 4.4. The Administrator shall also be entitled to make personal data available to other entities if such an obligation arises from the law.

## **5. Transfer of data outside the European Economic Area**

- 5.1. The Administrator shall not transfer personal data outside the European Economic Area, except to the Administrator's subcontractors (entities that process data on the Administrator's behalf) who provide the Administrator with tools, applications or services for the Administrator.
- 5.2. A transfer of data outside the European Economic Area may take place if it is in accordance with the applicable legislation (for example, on the basis of standard contractual clauses adopted by the European Commission (Article 46(2)(c) of GDPR)). The clauses are available online, on the website of the European Commission ([ec.europa.eu](http://ec.europa.eu)). The clauses may also be made available by the Administrator at the request of the data subject.

## **6. Data retention period**

- 6.1. The duration of storage of personal data is strictly related to the purpose of the processing, personal data will not be processed for longer than the period which results from the purpose for which they were collected.
- 6.2. Personal data processed:
- 6.2.1. For the purposes of:
    - 6.2.1.1. pre-contractual actions - they will be stored for a period of 2 years from the date of these actions, unless a contract is concluded;
    - 6.2.1.2. the performance of the contract, including the exercise of the rights and obligations of a member of the Association - they will be retained for the period during which the contract is performed or during the period of membership in the Association and for the period necessary for the limitation of claims;
  - 6.2.2. or the purpose of associating members of the Association - they will be kept for the duration of membership in the Association;
  - 6.2.3. for the purpose of asserting or defending against claims by others - they will be kept for the period necessary for the limitation of claims;
  - 6.2.4. for the purpose of responding to enquiries or correspondence on a one-off basis - will be retained for a period of 1 year after the enquiry or correspondence has been sent;
  - 6.2.5. in order to comply with legal obligations incumbent on the Administrator - they will be kept for the period required by law;

- 6.2.6. in order to be able to participate in the recruitment processes, the Administrator shall keep the personal data for a period of 1 year from the date of their collection - if the candidate for employee has given the appropriate consent; if the consent has not been given, the personal data shall be deleted immediately after the end of the respective recruitment process; if the consent has been withdrawn, the personal data shall be deleted immediately after the Administrator has received a statement of withdrawal of consent;
- 6.2.7. for the purpose of contacting the data subject on matters relating to the automotive market - will be retained until an objection has been made to their processing for this purpose;
- 6.2.8. for the purpose of participation in conferences, congresses or other such events - they will be kept for the period necessary for the limitation of claims;
- 6.2.9. for the purpose of direct marketing of the Administrator's products and services - will be stored until:
  - 6.2.9.1. object to their processing for these purposes, or
  - 6.2.9.2. withdraw consent to receive commercial communications or to use telecommunications device and automatic calling systems for direct marketing purposes.

## **7. Rights of data subjects**

- 7.1. The data subject shall have the following rights:
  - 7.1.1. the right of access to the personal data provided and the right to obtain a copy thereof;
  - 7.1.2. the right to rectification of personal data;
  - 7.1.3. the right to erasure of personal data;
  - 7.1.4. the right to request the restriction of the processing of personal data;
  - 7.1.5. the right to data portability of personal data;
  - 7.1.6. the right to object to the processing of personal data;
  - 7.1.7. the right to lodge a complaint with the President of the Office for Personal Data Protection (ul. Stawki 2, 00-193 Warsaw).
- 7.2. Where processing is based on consent, the data subject also has the right to withdraw consent to the processing of personal data at any time. The withdrawal of consent does not affect the lawfulness of the processing carried out on the basis of consent before its withdrawal.
- 7.3. The right to withdraw consent also applies to consent to receive commercial communications and consent to use telecommunications device and automatic calling systems for direct marketing purposes.
- 7.4. The data subject may, in particular, object at any time to the processing of personal data concerning him or her.
- 7.5. In order to exercise their rights, data subjects may contact the Administrator.

7.6. The data subject may also contact the Administrator in order to obtain information as to why the Administrator has decided that it may process personal data on the basis of legitimate interests.

## **8. Automated decision-making**

8.1. The Administrator shall not take decisions with respect to data subjects which are based solely on automated processing, including profiling, and which produce legal effects or similarly significantly affect data subjects.

## **9. Source of data**

9.1. The Administrator may have obtained personal data:

- 9.1.1. directly from the data subject;
- 9.1.2. from a representative of the data subject or an entity with which the data subject is associated (e.g. his/her employer);
- 9.1.3. from another person who has communicated that the data subject is interested in an offer from the Administrator;
- 9.1.4. the Central Register and Information on Business Activity or other publicly available sources;
- 9.1.5. from the Administrator's external partners.