

Information clause for employees in connection with a concluded employment contract

Dear Employee,

It is the intent of the Employer to ensure the effective protection of your personal data.

It is important to us to make sure that your personal data are safe and do not fall into the wrong hands.

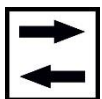


In addition, we would like give you clear information regarding the use of your data and the rights you are entitled to. In order to do that, we are providing you with information about the way your personal data is used in connection with the work performed in our company.

Please read this information carefully, and if there is something you do not understand, ask an employee from our Human Resources department or the Personal Data Inspector.

After reading and asking questions, please confirm that you have read this information with your signature and today's date.

INFORMATION CLAUSE



[Personal Data Administrator] The companies of the ES-SYSTEM Capital Group that are subject to an agreement on co-administration, i.e. ES-SYSTEM S.A. with its seat in Kraków, ES-SYSTEM Wilkasy sp. z o.o. with its seat in Wilkasy, ES-SYSTEM Projekty sp. z o.o. with its seat in Kraków, and ES-SYSTEM NT sp. z o.o. with its seat in Kraków (hereinafter referred to as the “**Co-Administrators**”) are the employees’ collective Personal Data Administrator. An excerpt from the above-mentioned agreement has been published on the websites www.essystem.pl and www.wilkasy.essystem.pl. It is these entities that determine the purposes and means of processing of the Employee’s personal data.

The Co-Administrators have appointed the following point of contact for data subjects: the Data Protection Inspector, ES-SYSTEM S.A., address: ul. Przemysłowa 2, 30-701 Kraków, Poland, e-mail address: inspektorodo@essystem.pl.

The Co-Administrators have appointed a Data Protection Inspector for the purpose of ongoing monitoring of compliance with the principles of the proper protection of personal data. You can contact the Inspector by sending an email to the same address as above.

The Co-Administrators process the Employee’s personal data solely on the basis of the law and for specific purposes:

I. **First and foremost, the Employee’s data are used for the purpose of the fulfillment of the obligations imposed on the Co-Administrators under the law, including labor law, social security, health, and safety at work regulations, tax law and accounting regulations.**

- 1) **[Detailed purpose]** The Employee’s personal data will be processed for the purpose of fulfilling the obligations imposed on the Co-Administrators by law in connection with the following:
 - a) fulfilling duties and rights resulting from employment, including social security obligations, by:

- i. processing the Employee's personal data in the payroll process (including payment of remuneration and other benefits with deductions);
 - ii. processing the Employee's personal data in the HR process (including concluding and making amendments to the employment contract, updating the Employee's personal data, referring them for medical tests to determine if they are fit for work, storing and archiving the Employee's personal files, professional training, controlling working time, procedures against discrimination and mobbing, responsibility for the property entrusted to the Employee, honoring requests for special leave and other rights/obligations arising from employment);
 - iii. processing the Employee's personal data for the purpose of implementing health and safety rules and procedures (e.g. in connection with accidents at work, occupational diseases, conducting health and safety training);
 - iv. processing the Employee's personal data for social security benefits (including the registration of persons entitled to social security from the Social Insurance Institution [*Polish: ZUS*], honoring requests for maternity, paternity and parental leave, as well as other entitlements resulting from social security law);
 - b) ensuring the fulfillment of the obligation to educate about sobriety and counteracting alcoholism (i.e. checking the employees' sobriety);
 - c) settlement of public levies (annual tax returns), including running the individual Employees' income records;
 - d) fulfilling duties towards state/local government authorities/offices (e.g. inspections from the National Labor Inspectorate, the Social Insurance Institution, the Tax Office, requests from the police and other law enforcement agencies, the preparation of replies to letters/requests from entities legally entitled to request personal data);
 - e) fulfilling duties related to accounting and financial reporting.
- 2) **[Recipients]** The recipients of the personal data provided by the Employee in order to fulfill the obligations imposed on the Co-Administrators under the law are state authorities and other entities authorized by law, banks that pay out remuneration, and entities which have been entrusted with processing the Employee's personal data by the Co-Administrators (including entities that provide training, accounting service, and suppliers of personalized work clothing).
- 3) **[Data storage period]** The Employee's personal data collected for the purpose of fulfilling the obligations under the law will be stored for the duration of their employment (unless otherwise required by law), and after they are no longer employed by the company, the data will be stored for the period of time required by law or to secure any claims.
- 4) **[Rights]** In relation to the data collected in order to fulfill the obligations resulting from the provisions of law, the Employee is entitled to the right to access the content of their personal data and to correct it, the right to delete it or limit its processing. The Employee is also entitled to the right to file a complaint to the supervisory authority – the President of the Office for Personal Data.
- 5) **[Automated decision making]** The Employee's personal data collected for the purpose of fulfilling obligations resulting from the provisions of law will not be subject to automated decision making, including profiling.
- 6) Providing personal data is an obligation resulting from the provisions of law.
- 7) **[Legal basis]** The legal basis for the processing of personal data is contained in art. 6 par. 1 letter c) of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 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 referred to as: "GDPR").

II. The Employee's personal data can be used in all activities arising from the scope of the Employee's duties – performing the employment contract (e.g. signing invoices, reports, contracts, protocols, contact with domestic and foreign clients)

- 1) **[Recipients]** The recipients of the personal data processed for the purpose of performing the employment contract are state authorities and other entities authorized by law, domestic and foreign contractors of the Co-Administrators, entities which have been entrusted with processing the Employee's data by the Co-Administrators, as well as entities affiliated with the Co-Administrators through capital or their legal successors.
- 2) **[Transferring personal data to a third country]** Employee data are not generally transferred by the Co-Administrators to third countries, however it may be transferred in the cases specified in the Employer's Working Regulations, particularly when the scope of the Employee's duties under the employment contract (e.g. participation in foreign trade) requires its transfer outside the EEA for the purposes of the proper performance of the employment contract concluded between the Employee and the Employer (i.e. the legal basis referred to in art. 49 par.1 letter b) of the GDPR).
- 3) **[Data storage period]** The Employee's personal data will be stored in accordance with the Co-Administrators' archiving regulations that are applicable for the individual categories of documents containing the Employee's personal data, and after that archiving duration, for the period and to the extent required by law or to secure any claims.
- 4) **[Rights]** In relation to the data processed during the performance of the employment contract, the Employee is entitled to the right to access the content of their personal data, and to correct it, the right to delete it, transfer it, or limit its processing. The Employee is also entitled to the right to file a complaint to the supervisory authority – the President of the Office for Personal Data Protection.
- 5) **[Automated decision making]** The Employee's personal data collected for the purpose of performing the employment contract will not be subject to automated decision making, including profiling.
- 6) Providing personal data is voluntary, but necessary for the performance of the employment contract.
- 7) **[Legal basis]** The legal basis for the processing of personal data is contained in art. 6 par. 1 letter b of the GDPR.

III. The Employee's personal data are used for the legitimate purposes of the employer, i.e. in order to protect the property in the workplace and performing analyses and studies within the ES-SYSTEM Capital Group.

- 1) **[Detailed purpose]** The Employee's personal data will also be processed for legitimate purposes pursued by the Co-Administrators, i.e.:
 - a) for the efficient implementation of current operations, including the implementation of business and administration processes associated with the company's activity in which the Employee participates in connection with the performance of employment (e.g. business mail correspondence, using company websites and systems, the documentation of processes, delegations);
 - b) for the implementation of the corporate policy of the companies in the ES-SYSTEM Capital Group, to which the Co-Administrators belong, as well as for preparing reports and analyses;
 - c) for preparing work performance analyses and checking the implementation of objectives assigned to the employees;
 - d) to ensure the employees' safety, protection of property, and the confidentiality of information, the disclosure of which could be damaging to the Co-Administrators;

- e) for the possible establishment, investigation or defense of claims due to the conducted business activities.
- 2) **[Recipients]** The recipients of the personal data provided by the Employee and processed for legitimate purposes of the Co-Administrators are state authorities and other entities authorized by law, entities which have been entrusted with processing the Employee's data by the Co-Administrators, as well as entities affiliated with the Co-Administrators through capital and their legal successors.
 - 3) **[Data storage period]** The Employee's data will be stored until the fulfillment of the fulfillment of the Co-Administrators' legitimate interests, which constitute the basis for processing, or until the Employee objects to such processing.
 - 4) **[Rights]** The Employee is entitled to the right to access the content of your personal data and to correct it, the right to delete it or limit its processing, as well as the right to object to its processing. You are also entitled to the right to file a complaint to the supervisory authority – the President of the Office for Personal Data Protection.
 - 5) **[Automated decision making]** Personal data processed for legitimate purposes of the Co-Administrator will not be subject to automated decision making, including profiling.
 - 6) Providing personal data is voluntary, however it is necessary for the proper performance of the employment contract. Not providing personal data prevents the proper performance of all duties arising from employment.
 - 7) **[Legal basis]** The legal basis for the processing of personal data is contained in art. 6 par. 1 letter f of the GDPR.

In addition, the Employer may also be entitled to process the Employee's personal data in cases strictly regulated by law (e.g. as part of the Company Social Benefits Fund) on the basis of separate consent. Similarly, Employee data may be used for the purposes of marketing the Employer's products or offering the sale of the Employer's assets.



Each time you grant such consent, the Employer will separately fulfill the information obligation resulting from art. 13 of the GDPR.