

# Personal data processing clause for employees, contractors and former employees

Please read this document to learn why we collect your data and how we process them.

## 1. Who is responsible for processing your data? Whom to contact?

The controller of your data is Santander Bank Polska S.A. You may contact us:

- a) By post – Santander Bank Polska S.A., al. Jana Pawła II 17, 00-854 Warszawa;
- b) By email – [kontakt@santander.pl](mailto:kontakt@santander.pl).

We have appointed a Data Protection Officer, whom you may contact with matters relating to data protection. You can do it:

- a) By post – Santander Bank Polska S.A., pl. Andersa 5, 61-894 Poznań, with a note: “Inspektor ochrony danych” (“Data Protection Officer”);
- b) By email – [iod@santander.pl](mailto:iod@santander.pl).

See point 7 to find out how to submit an application to exercise your rights.

## 2. What is the reason, purpose and basis for the processing of your data?

We process your data in accordance with 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 (“GDPR”), and the Polish data protection legislation.

We can process your data:

- a) to conclude or perform agreements concluded with you;
- b) to comply with legal obligations;
- c) for purposes resulting from our legitimate interest;
- d) based on your consent.

## 3. When do we process your data?

- 1) We process data to perform employment contracts or mandate agreements concluded with you, including to make an assessment, provide training, grant social benefits, manage business travel, and to perform activities before signing an agreement with you.
- 2) We also process data when carrying out numerous obligations imposed on us by law, including the Labour Code, regulations on social and health insurance, trade unions, occupational safety and health, employment-related benefits (e.g. social benefit fund), tax law, the Banking Law Act, the Act on trading in financial instruments, the MAR, as well as regulations issued by such institutions as the European Central Bank, the European Banking Authority or the Polish Financial Supervision Authority.
- 3) In certain situations we process your data for purposes arising from our or third party’s legitimate interests. For example, we do it:
  - a) to establish, exercise or defend claims;
  - b) to grant powers of attorney to act on behalf of the data controller;
  - c) for our internal administrative purposes, including to manage staff and to prepare statistics and internal reports for our Bank and for Santander Group;

- d) to exercise business ethics rights.
- 4) We process your data based on your consent. You give us your consent for specific purposes, e.g. so that we can transfer your data within Santander Bank Polska Group or Santander Group. You have the right to withdraw your consent at any time.

Santander Bank Polska Group means Santander Bank Polska S.A. and its subsidiaries, including its future members. For the list of subsidiaries, please visit <https://www.santander.pl/o-banku/o-nas>.

Santander Group means a universal banking group based in Spain. For more details, please go to: <https://www.santander.pl/o-banku/grupa-santander>.

#### **4. Whom may we disclose your data to?**

- 1) We may disclose your data to other recipients:
- a) to perform an agreement with you;
  - b) to comply with our legal obligation;
  - c) based on your consent; or
  - d) for purposes resulting from our or third party's legitimate interests.
- 2) We may disclose your data to such recipients as:
- a) our authorised employees;
  - b) our customers;
  - c) insurance companies;
  - d) trade unions;
  - e) other entities legally authorised to receive your data under relevant regulations;
  - f) members of Santander Bank Polska Group and Santander Group (in accordance with Recital 48 GDPR);
  - g) our partner outlets;
  - h) other entities acting for and on behalf of our Bank under separate agreements;
  - i) entities that process data on our behalf, and their authorised employees, where such entities process data:
    - on the basis of an agreement with us, and only at our request; and
    - provided that they keep such personal data secret.

#### **5. In what situations and how can we transfer your data to countries outside the European Economic Area (EEA)?**

We can transfer your data to recipients in countries outside the EEA, the so-called third countries, including the USA, in the following circumstances:

- a) if it is necessary for us to perform an agreement we have concluded with you, e.g. when we make a funds transfer or buy/sell securities on your behalf;
- b) when we obtain your consent to do so;
- c) where the Commission (EU) has decided that the third country or the international organisation ensures an adequate level of protection;
- d) where appropriate safeguards have been provided by incorporating standard protection clauses adopted by the Commission (EU) in the agreement with the data recipient, and on condition that your data protection rights are enforceable in the third country and effective legal remedies are available to you.

You can receive a copy of your data that we transfer to a third country. See point 7 for details on how to submit a request for that copy.

#### **6. How long will we process and store your data?**

We will process your data for as long as it is necessary. It depends on the purpose for which we process them. We will do it:

- a) to perform the employment contract or the mandate agreement we have concluded with you – until the agreement ends, and thereafter to pursue or defend any possible claims – taking into account the statutory limitation period for claims;

- b) to comply with our legal obligations arising from our statutory requirements related to record-keeping (e.g. employee record retention periods) or maintenance of evidence in accordance with the Civil Code;
- c) as long as we have a legitimate interest to process those data, or until you object to such processing, if there are no legal grounds for us to continue processing the data;
- d) to process data based on your consent – until you withdraw the consent.

## 7. What rights do you have?

You have the following rights:

- a) The right to access and rectify your data, and to demand that we remove the data or restrict their processing.
- b) The right to object to data processing:
  - when you are in a special situation, and we process data for purposes resulting from our legitimate interests;
  - when we do it for marketing purposes;
  - when we do it for the purpose of profiling.
- c) The right to withdraw your prior consent to data processing at any time. The withdrawal of your consent will not affect the lawfulness of processing based on that consent before its withdrawal.
- d) The right to transfer the data we have received from you, and which we process based on your consent, or to conclude and perform an agreement. The transfer means that we save the data and pass them on to you. We save the data in a structured, commonly used and machine-readable format. At your request, we can send them to another data controller, if technically feasible. This right to transfer data does not apply to the data which constitute our trade secret.

We will satisfy your rights at your request. You can submit that request to us:

- By post – Santander Bank Polska S.A., pl. Andersa 5, 61-894 Poznań, with a note: “Inspektor ochrony danych” (“Data Protection Officer”);
- By email – [iod@santander.pl](mailto:iod@santander.pl).

When we exercise your rights, we may need additional information from you to confirm your identity.

- e) The right to lodge a complaint with the supervisory authority, namely the Head of the Personal Data Protection Office (Urząd Ochrony Danych Osobowych) if you believe that we process your data in breach of the GDPR.

## 8. Are you required to provide us with your data?

If you do not provide us with your data, we will not be able to enter into or perform an employment contract or a mandate agreement with you. Provision of the data is voluntary, but necessary to enter into and perform an agreement with us.

## 9. When do we make automated decisions and profile data, and to what extent?

- 1) We do not use any fully automated decision-making processes for the purpose of management of employment relationships or relationships under mandate agreements.
- 2) If we decide to use such procedures in individual cases under the procedures referred to above, you will be notified of this fact if that is required by law.
- 3) We use partially automated processes to evaluate certain personal aspects (profiling). For example, we use profiling for the purpose of appropriate and adequate determination of the level of components of remuneration with regard to certain groups of employees.