**Attachment no. 5**

**INFORMATION CLAUSE   
ON PERSONAL DATA PROCESSING BY THE CONTRACTING PARTY**

**For the needs of conducting Preliminary market consultations,**

**REGARDING consultancy and obtaining information for the preparation of a public procurement procedure entitled*:***

**„*Execution of construction works aimed at the reconstruction and commissioning of BSL-3 laboratory at Łukasiewicz – PORT*”**

According to Article 13 and Article 14 of the Regulation of the European Parliament and of the Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to processing of personal data and on free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (GDPR), the Contracting Party (organizer of Preliminary market consultations) informs that:

1. The administrator of personal data provided to the Contracting Party in the course of this procedure is: **Łukasiewicz Research Network – PORT Polish Center for Technology Development, located in Wrocław**, Stabłowicka 147, 54-066 Wrocław, National Court Register (KRS): 0000850580; Tax Identification Number (NIP): 894 314 05 23; email: [biuro@port.lukasiewicz.gov.pl](mailto:biuro@port.lukasiewicz.gov.pl).
2. Administrator powołał Inspektora Ochrony Danych (IOD). Kontakt z IOD: [iod@port.lukasiewicz.gov.pl](mailto:iod@port.lukasiewicz.gov.pl). Zapraszamy do kontaktu we wszystkich sprawach dotyczących przetwarzania Państwa danych. The administrator has appointed a Data Protection Officer (DPO). Contact the DPO at: iod@port.lukasiewicz.gov.pl. Feel free to contact us for any matters related to the processing of your data.
3. Personal data will be processed based on:

* Article 6(1)(c) of the GDPR in connection with the provisions of the Public Procurement Law; providing personal data is a statutory requirement, and failure to provide them makes participation in preliminary market consultations impossible; any data regarding criminal convictions or offenses and related security measures are processed based on Article 6(1)(c) in connection with Article 10 of the GDPR;
* alternatively: based on Article 6(1)(b) of the GDPR as data necessary for the fulfillment of the Contractor's (participant in Preliminary market consultations) request to participate in the proceedings; failure to provide data makes it impossible to fulfill the request;
* alternatively: based on Article 6(1)(f) of the GDPR for proceedings related to claims by the Administrator or against the Administrator. Your personal data may also be processed – after exhausting other legal bases – for archival purposes, which is a legally justified interest of the state legal entity performing public tasks with public funds as mentioned in Article 6(1)(f) of the GDPR; in this case, the further archiving period will not exceed 5 years.

1. Dane osobowe będą przetwarzane w celu: związanym z przeprowadzeniem Wstępnych konsultacji rynkowych, których przedmiotem jest doradztwo i pozyskanie informacji, służących do przygotowania postępowania o zamówienie publiczne p.n.: „*Wykonanie robót budowlanych mających na celu przebudowę i uruchomienie laboratorium BSL-3 w Łukasiewicz – PORT*” Personal data will be processed for the purpose related to conducting Preliminary market consultations, the subject of which is consultancy and obtaining information for the preparation of a public procurement procedure entitled "Execution of construction works aimed at the reconstruction and commissioning of BSL-3 laboratory at Łukasiewicz – PORT”.
2. The Administrator processes such categories of data as: contact details, e.g., name, surname, company, contact addresses, job position, telephone number, email address; if it is necessary to stay on the Administrator's premises to fulfill the contract: image (as part of monitoring, about which you will be informed in case of its application on-site), experience and qualifications, if required to participate in consultations, and data provided in the application to participate in market consultations.
3. Personal data has been obtained from you, and in the case of representatives or plenipotentiaries or contact persons from your employer/client/co-worker to the extent enabling mutual contact.
4. Recipients of your personal data may include, in particular: duly authorized collaborators of the Administrator or its service providers, entities authorized to statutory or contractual control or supervision over the Administrator, in particular, Łukasiewicz Center, the relevant minister and ministry, intermediary institutions, in particular, NCN or NCBiR, entities authorized by you, entities handling IT services related to public procurement, and other entities authorized by law, in particular, to access documentation based on Article 18 or Article 74(1) Public Procurement Law (PPL) in connection with Article 84-85 PPL or within the right to access public information.
5. Your personal data may be transferred to the European Union, especially in the case of implementing public orders funded from public funds, including EU funds. The Administrator uses Microsoft 365, which may result in the transfer of your personal data to a third country. The terms of use of Online Services for Microsoft 365 and obligations regarding the processing and securing of user data and personal data by online services are defined by Microsoft, including in particular: a) privacy statement - https://privacy.microsoft.com/en-us/privacystatement; b) Microsoft Services Agreement (MSA) - https://www.microsoft.com/en-us/servicesagreement/. Microsoft 365 complies with international standards for protection standards, confirmed by the ISO/IEC 27001:2005 certificate. The service is also subject to regular audits. The service holds a certificate of compliance with the ISO 27018 cloud data protection standard, meaning that customer data stored in the cloud will not be used for marketing purposes without their knowledge.
6. The data processing period is the time of carrying out activities aimed at conducting preliminary market consultations and, after their completion, a period of 4 years from the date of completion of the public procurement procedure which these consultations relate to, and the archival period in accordance with applicable laws. Whichever period is longer, it is applied.
7. In relation to personal data, decisions will not be made in an automated manner, according to Article 22 of the GDPR.
8. The Contractor (participant in Preliminary market consultations) has:

* the right of access to the provided personal data under Article 15 of the GDPR;
* the right to rectify the provided personal data under Article 16 of the GDPR (exercising the right to rectification cannot result in a change in the outcome of the public procurement procedure or a change in the provisions of the contract inconsistent with the PPL, and cannot violate the integrity of the protocol and its annexes);
* the right, based on Article 18 of the GDPR, to request the Administrator to limit the processing of personal data, excluding the cases specified in Article 18(2) of the GDPR (the right to limit processing does not apply to storage, to ensure the use of legal protection measures or to protect the rights of another natural or legal person, or for important reasons of the public interest of the European Union or a Member State);
* the right to lodge a complaint with the President of the Personal Data Protection Office regarding the processing of data by the Administrator (Personal Data Protection Office: Stawki 2, 00-193 Warsaw, tel. 22 531 03 00, fax. 22 531 03 01, https://uodo.gov.pl/en/p/contact);
* the right to withdraw their voluntarily given consent to processing at any time – if processing is based on consent. The withdrawal of this consent does not affect the processing carried out on this basis before its withdrawal. As a rule, in this proceeding - market consultations - your data will not be processed based on consent, so this right generally does not apply.

1. The participant in preliminary market consultations does not have:

* the right to erasure of data (right to be forgotten), to the extent specified in Article 17(3) lit. b, d, or e of the GDPR, as long as the processing of your data is based on Article 6(1) lit. c of the GDPR (it is limited because it is processing for purposes arising from legal provisions – the Contracting Party must process this data in accordance with the law);
* the right to data portability, as specified in Article 20(1) of the GDPR, to the extent specified in Article 20(3) sentence 2 of the GDPR for the performance of a public interest and is subject to restrictions;
* the right to object to the processing of personal data, based on Article 21 of the GDPR; as long as the basis for processing your data is Article 6(1) lit. c (or subsidiarily: lit. b) of the GDPR, you do not have the right to object.

1. The Contracting Party (organizer of Preliminary market consultations), acting by analogy to Article 19(4) of the PPL, informs that:

* the exercise of the right to rectification or supplementation under Article 16 of the GDPR by the person whose personal data it concerns, cannot result in a change in the outcome of the public procurement procedure or a change in the provisions of the contract for public procurement inconsistent with the law;
* making a request under Article 18(1) of the GDPR does not limit the processing of personal data until the completion of the public procurement procedure, competition, preliminary market consultations, etc.;
* the Contracting Party retains the record of the procurement procedure along with attachments for a period of four years from the date of completion of the procurement procedure, ensuring its integrity. If the duration of the contract exceeds four years, the Contracting Party retains the contract for the entire duration of the contract.

1. We point out that legal provisions and the nature of preliminary market consultations conducted based on the provisions of the Public Procurement Law act may impose further restrictions on your rights in specific cases. In case of any doubts, please contact the Data Protection Officer.

.