

## PRIVACY POLICY

- concerning personal data of persons contracted under civil law contracts (contractors) -

### 1. Who are we and how to find us?

The Controller of personal data is LUXOBESOLUX Sarl with its registered office in Luxembourg (address: 8 rue de Beggen, L-1220 Luxembourg; VAT EU LU28279037), Company Registration Number (RCS Luxembourg): B203 271

(hereinafter: “LUXOBESOLUX”).

You can contact us by e-mail: [GDPR@besolux.com](mailto:GDPR@besolux.com)

### 2. Why do we process your personal data?

We process your personal data to the extent required by labour law, tax law, and social security law – to comply with the obligations imposed on the contracting entity (Article 6(1)(c) of the GDPR). The personal data processed by us for this purpose include special categories of data, i.e. data concerning your health (e.g. initial and periodic examination or L4 certificates). The legal basis for the processing is Article 9(2)(b) of the GDPR, which allows the processing of such data whenever necessary for the purposes of complying with obligations and exercising specific rights by the controller or the data subject in the field of employment law, social security and social protection, insofar as this is permitted by Union or Luxembourg law, or by a collective agreement under the law of a Member State which provides for adequate safeguards for the fundamental rights and interests of the data subject. The legal basis for the processing is also Article 9(2)(h) of the GDPR, which allows the processing of such data whenever the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of working capacity, of the employee, for medical diagnosis, the provision of health or social care, the treatment or the management of health or social security systems and services on the basis of Union or Member State law.

Your data are also processed for the preparation, conclusion, performance and termination of our civil law contract with you (e.g. commission contract or service contract) and associated contracts (Article 6(1)(b) of the GDPR).

Apart from the data required by law, we also process your other personal data closely related to the performance of your duties and our supervision of the implementation of the contract with you. This processing involves the contents of your company e-mail box and also access control systems. We can also inspect these information if necessary, but we do not systematically monitor them. Without access to this data, we would not be able to effectively supervise most of your work, and in the event of your

departure or illness, we would not be able to hand over the tasks you have carried out to other persons. Therefore, the processing is necessary for the purposes of the legitimate interests pursued by the controller (Article 6(1)(f) of the GDPR). We endeavour to limit the processing of your personal data to the strict minimum. We set up a company e-mail box for you and keep you informed of the access control systems in use.

### **3. What kinds of personal data do we process?**

We process the following of your personal data:

- 1) data contained in your civil law contract,
- 2) first name(s) and surname(s),
- 3) contact details as provided by you (including telephone number and e-mail address),
- 4) residence or business address,
- 5) payment account number,
- 6) personal data contained in software, applications and tools used to manage information in the company,
- 7) personal data contained in company e-mail boxes,
- 8) health data (based on Article 9(2)(b) and (h) of the GDPR),
- 9) data posted on our website in sections containing information about our employees and collaborators.

### **4. Whom do we disclose your personal data to? (transfer to third countries)**

We will disclose your personal data, to the extent required, to government authorities entitled to it by law (such as tax authorities or the Social Insurance Institution).

Your personal data are processed in an IT system, parts of which are located in the so-called public cloud, for the purposes of storing data on a server and operating a mail server.

Your data may also be processed by the suppliers of IT tools and software used by you to implement the contract between you and us.

Your data may also be disclosed to affiliated entities of LUXOBESOLUX (including Beso Lux spółka z ograniczoną odpowiedzialnością, with a registered office in Łódź, entered into the register of entrepreneurs of the National Court Register kept by the District Court for Łódź-Śródmieście in Łódź,

Twentieth Commercial Division, entry number KRS: 0000689756, statistical number REGON: 367958776 and tax identification number NIP: 7292718480)

and to our contractors (clients, suppliers, subcontractors) to the extent necessary for the performance of your duties.

Also, you need to know that in our business we use the support of specialised third parties who may or need to access some of your data – namely those who provide the following services to us:

- external IT support,
- external accounting services,
- external OH&S services,
- e-mail hosting,
- so-called employee benefits (if such services are provided to you),
- group insurance and medical insurance (if such services are provided to you).

Sometimes the recipients of your data may also include users of our website and recipients of information brochures, promotional materials, etc. containing information about our staff.

Some of the operations described above involve the transfer of your personal data to so-called third countries (outside the European Economic Area), where the GDPR does not apply. This is always done, however, on the basis of the legal instruments provided for in the GDPR, which guarantee adequate protection of your rights and freedoms.

#### **5. For how long we will process your personal data?**

We are obliged to store your payroll, pay slips or other evidence used to establish the basis of your retirement or pension for a period of 50 years following the date on which you cease to cooperate with us. This obligation stems from Article 125a(4) of the Act on Retirement and Pension Benefits from the Social Insurance Fund.

As regards your data that we need for social security purposes, there are several groups of data that need to be considered. The period of retention of documents (and thus of your data contained in them) varies when it comes to declaration, settlement, and payment documents.

The declaration documents of an insured person (i.e. you) and a payer of contributions (i.e. us) should be kept for at least 5 years.

As regards settlement documents, payers of contributions must keep their copies for a period of 5 years, starting from the date on which the settlements are submitted to the Social Insurance Institution

(pursuant to Article 47(3c) of the Act on the Social Insurance System). This concerns copies of settlement declarations and copies of personal monthly reports and copies of corrective settlement documents submitted by the payer to the Social Insurance Institution.

In turn, payment documents constitute evidence of payment of contributions and the date of their payment, with the obligation to keep them arising indirectly from the Tax Ordinance. Payment documents (confirming payment of social security contributions, health insurance premiums, the Labour Fund and the Guaranteed Employee Benefits Fund), as they evidence the costs incurred and the entitlement to a retirement pension, should be kept until the statute of limitations for tax liabilities.

As regards your personal data contained in your company e-mail box, such data will be stored for a period necessary to protect you against any claims you may have against us in connection with our legal relationship (until the expiry of the statute of limitations for such claims)

## 6. How do we make it possible for you to exercise your rights?

We are committed to ensuring that you are happy cooperating with us. However, you should be aware that you have a number of rights which will allow you to have your say on how we process your personal data, and in some cases to have such processing ceased. These rights are as follows:

- **right of access (governed under Article 15 of the GDPR)**

### Article 15

#### *Right of access by the data subject*

1. *The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:*

*(a) the purposes of the processing;*

*(b) the categories of personal data concerned;*

*(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;*

*(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;*

*(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;*

*(f) the right to lodge a complaint with a supervisory authority;*

*(g) where the personal data are not collected from the data subject, any available information as to their source;*

*(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.*

*2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.*

*3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.*

*4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.*

– **right to rectification (governed under Article 16 of the GDPR)**

*Article 16*

*Right to rectification*

*The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.*

– **right to erasure (governed under Article 17 of the GDPR)**

*Article 17*

*Right to erasure ('right to be forgotten')*

1. *The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:*

*(a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;*

*(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing;*

*(c) the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2);*

*(d) the personal data have been unlawfully processed;*

*(e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;*

*(f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1).*

2. *Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.*

3. *Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:*

*(a) for exercising the right of freedom of expression and information;*

*(b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;*

*(c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3);*

*(d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or*

*(e) for the establishment, exercise or defence of legal claims.*

– **right to restriction of processing (governed under Article 18 of the GDPR)**

*Article 18*

*Right to restriction of processing*

1. *The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:*

*(a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;*

*(b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;*

*(c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;*

*(d) the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.*

2. *Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.*

3. *A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.*

– **right to object (governed under Article 21 of the GDPR)**

*Article 21*

*Right to object*

1. *The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate*

*grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.*

*2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.*

*3. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.*

*4. At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.*

*5. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.*

*6. Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.*

– **right to data portability (governed under Article 20 of the GDPR)**

*Article 20*

*Right to data portability*

*1. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:*

*(a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1); and*

*(b) the processing is carried out by automated means.*



2. *In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.*

3. *The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.*

4. *The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.*

To exercise any of the rights described above, please contact your line manager. However, if you prefer, feel free to contact us by email at: [GDPR@besolux.com](mailto:GDPR@besolux.com) or by phone at: +184 303.

#### **7. Right to lodge a complaint with a supervisory authority**

Pursuant to Article 77 of the GDPR, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the GDPR. In Luxembourg, the supervisory authority is the President of the Commission Nationale pour la Protection des Données – you can lodge a complaint, for instance, by traditional mail to the address: 15, Boulevard du Jazz L-4370 Belvaux, or by e-mail to [info@cnpd.lu](mailto:info@cnpd.lu) or you can obtain more detailed information (including current telephone numbers) on the following website: <http://www.cnpd.lu/>.

If you wish to contact another supervisory authority responsible for the protection of personal data – go to the website of the European Data Protection Board: [https://edpb.europa.eu/about-edpb/about-edpb/members\\_en](https://edpb.europa.eu/about-edpb/about-edpb/members_en)

#### **8. Is it necessary for you to provide your data in order to enter into a contract with us?**

To the extent in which we collect your personal data necessary for the performance of obligations imposed on us by law – it is your statutory obligation to provide such data.

To the extent in which we collect your additional data through tools used by you to perform your work – failure to provide your data will prevent you from performing your services. Therefore, you are obliged to accept that we have access to the personal data contained in these tools and systems.

#### **9. Where do we get your personal data from?**

We acquire your personal data exclusively from you.

#### **10. Automated processing and profiling**

We do not process your data by automated means and we do not carry out profiling within the meaning adopted in the GDPR.