

## Appendix 8: Rules on the processing of personal data

In order to comply with the obligation imposed by Articles 13 and 14 of the GDPR, in conjunction with Article 88 of the Implementation Act, we advise of the rules for the processing of personal data under the PFR KOFFI programme, i.e. the KOFFI 2.0 financial instrument, which is part of the FENG Programme financed by the European Regional Development Fund.

### I. Data Controllers

The Independent Controllers of data processed under the PFR KOFFI programme are as follows:

- 1) Minister of Development Funds and Regional Policy, with the registered office at ul. Wspólna 2/4, 00-926 Warsaw,
- 2) Bank Gospodarstwa Krajowego with its registered office in Warsaw, Al. Jerozolimskie 7, 00-955 Warsaw,
- 3) PFR Ventures spółka z ograniczoną odpowiedzialnością, ul. Krucza 50, 00-025 Warsaw,
- 4) PFR Ventures spółka z ograniczoną odpowiedzialnością KOFFI 2.0 ASI S.K.A, ul. Krucza 50, 00-025 Warsaw.

### II. Purpose of data processing

Personal data will be processed in connection with the implementation of the PFR KOFFI programme, i.e. the KOFFI 2.0 financial instrument, which is part of the FENG Programme financed from the European Regional Development Fund.

Providing data is voluntary, but necessary to achieve the above-mentioned purpose. Refusal to provide them is tantamount to the inability to take appropriate action.

### III. Basis for processing

Personal data will be processed by the Controllers in connection with the fact that:

1. They are obliged to do so by the **provisions of law** (Article 6(1)(c) of the GDPR) or perform **tasks carried out in the public interest** or exercise official authority vested in them (Article 6(1)(e) of the GDPR), and all these obligations arise under the following provisions of law:

- Act of 27 August 2009 on public finance (Journal of Laws of 2009 No. 157, item 1240, as amended) (the "Public Finance Act"),
  - Act of 30 April 2004 on proceedings in matters concerning State aid (Journal of Laws of 2004 No. 123, item 1291, as amended),
  - Regulation of the Council of Ministers of 29 March 2010 on the scope of information submitted by an entity applying for aid other than de minimis aid or de minimis aid in agriculture or fisheries (Journal of Laws of 2010 No. 53, item 312, as amended),
  - Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (the "General Regulation"),
  - Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (the "GBER"),
  - Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and the Cohesion Fund (the "ERDF Regulation"),
  - Act of 28 April 2022 on the principles and implementation of tasks financed from European funds in the 2021-2027 financial perspective (Journal of Laws of 2022, item 1079, as amended),
  - Regulation of the Minister of Development Funds and Regional Policy of 15 November 2022 on granting state aid and de minimis aid with the participation of Bank Gospodarstwa Krajowego under the "European Funds for Modern Economy 2021-2027" programme (the "FENG Regulation"),
  - Act of 14 June 1960 – Code of Administrative Procedure.
2. They prepare and execute **contracts** the data of which are processed, and the processing of personal data is necessary for entry into and performance thereof (Article 6(1)(b) of the GDPR).

#### IV. Types of data processed

Controllers may process the following types of data:

1. identification data, including in particular: name, surname, job title, contact details (such as: e-mail address, telephone number), online identifiers, place of work, in some cases also PESEL, NIP, REGON,
2. data related to the scope of participation of natural persons in the project, including in particular: the form of involvement in the project, remuneration received, working time, information on criminal record, bank accounts, professional experience, education, financial situation,
3. data of natural persons appearing on documents confirming the eligibility of expenditure, including professional experience, series and number of identity card,
4. data relating to the image and voice of persons participating in the implementation of the Programme or taking part in events related to it.

The data are obtained directly from data subjects or from institutions and entities involved in the implementation of the Programme.

#### **V. Recipients of personal data**

Personal data processed under the Programme may be entrusted or made available to:

1. entities to which tasks have been assigned under the Programme,
2. Audit Authority referred to in Article 71 of Regulation 2021/1060 of 24 June 2021,
3. European Union (EU) institutions or entities entrusted by the EU with the implementation of the FENG;
4. entities that provide services to the Controllers related to the operation and development of ICT systems, as well as providing connectivity, e.g. IT solution providers and telecommunications operators, accounting services, etc.

#### **VI. Data storage period**

Personal data will be stored in accordance with the provisions on national archival resources and archives, including for a period of at least 5 years from 31 December of a year in which the last payment was made to the Programme beneficiary, subject to the provisions that may provide for a longer period of time for inspections, as well as the provisions on state aid and *de minimis* aid and the provisions on the tax on goods and services.

#### **VII. Rights of data subjects**

Persons whose data is processed have the following rights:

1. the right to access their data and receive a copy thereof (Article 15 of the GDPR),
2. the right to rectification of their data (Article 16 of the GDPR),

3. the right to obtain from the controller restriction of processing of their personal data (Article 18 of the GDPR),
4. the right to object to the processing of their data (Article 21 of the GDPR) – if the processing is carried out in order to perform a task carried out in the public interest or in the exercise of official authority vested in the controller (i.e. for the purpose referred to in Article 6(1)(e) of the GDPR),
5. the right to lodge a complaint (Article 77 of the GDPR) with the supervisory authority, i.e. the President of the Personal Data Protection Office (at the address: ul. Stawki 2, 00-193 Warsaw) if it is considered that the processing of personal data violates the provisions of the GDPR or other provisions of law on personal data protection.

### **VIII. Automated decision-making**

Personal data will not be subject to automated decision-making, including profiling.

### **IX. Transfer of data to a third country**

Personal data will not be transferred to a third country or an international organization other than the European Union.

### **X. Contact with Data Controllers and Data Protection Officers**

In order to obtain information on the processing of personal data by the Controllers, please contact the Controllers directly at the addresses indicated in section 1 or the appointed Personal Data Protection Officers (DPOs) as follows:

- 1) Minister of Development Funds and Regional Policy, with the registered office at ul. Wspólna 2/4, 00-926 Warsaw
  - by regular post to the following address: ul. Wspólna 2/4, 00-926 Warsaw,
  - via electronic mail, at the following e-mail address: [IOD@mfiipr.gov.pl](mailto:IOD@mfiipr.gov.pl),
- 2) Bank Gospodarstwa Krajowego with its registered office in Warsaw, Al. Jerozolimskie 7, 00-955 Warsaw
  - by regular post, addressing correspondence to the temporary registered office: Bank Gospodarstwa Krajowego, Data Protection Officer, Bud. VARSO 2, ul. Chmielna 73, 00-801 Warsaw,
  - by electronic mail, at the e-mail address: [iod@bgk.pl](mailto:iod@bgk.pl),

3) PFR Ventures spółka z ograniczoną odpowiedzialnością

- by regular post to the following address: ul. Krucza 50, 00-025 Warsaw,
- by electronic mail, at the e-mail address: [iodo@pfrventures.pl](mailto:iodo@pfrventures.pl).