

Principles relating to processing of personal data

GBT Sp. z o.o. (LLC)

Definitions

RODO, also known as “GDPR” or “The General Data Protection Regulation” is the 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.

This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor, where the processing activities are related to the offering of goods or services to such data subjects or the monitoring of their behaviour.

Personal data

- in accordance with Art. 4(1) of GDPR - information relating to an identified or identifiable natural person
- in accordance with Art. 4(1) - an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as: first name and last name
- an identification number
- location data
- an online identifier
- one or more factors specific to the: physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
- personal data can be divided into ordinary and “special category data” (previously called “sensitive data”), so data relating to e.g. origin, religious beliefs, worldview, health, sexuality etc.

Filing system (Art. 4 point 6) means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis

Processing (Art. 4 point 2) - means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

Controller (Art. 4 point 7) - means the natural or legal person, public authority, agency or another body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific

criteria for the controller's nomination may be provided for by Union or Member State law

Processor (Art. 4 point 8) - means a natural or legal person, public authority, agency or another body which processes personal data on behalf of the controller

Consent of the data subject (Art. 4 point 11) - means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her

Personal data breach (Art. 4 point 12) - means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed

7 principles relating to processing of personal data in accordance with the GDPR:

1. THE LAWFULNESS, FAIRNESS and TRANSPARENCY PRINCIPLE – Art.5(1)

a) processed lawfully, fairly and in a transparent manner in relation to the data subject (“lawfulness, fairness and transparency”)

2. THE DATA PROCESSING PURPOSE LIMITATION PRINCIPLE – Art.5(1)

b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; (“purpose limitation”)

3. THE DATA MINIMISATION PRINCIPLE – Art.5(1)

c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (“data minimisation”)

4. THE DATA ACCURACY PRINCIPLE Art.5(1)

d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (“accuracy”)

5. THE DATA STORAGE LIMITATION PRINCIPLE Art.5(1)

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Art. 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (“storage limitation”)

6. THE DATA INTEGRITY AND CONFIDENTIALITY PRINCIPLE Art.5(1)

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (“integrity and confidentiality”)

7. THE ACCOUNTABILITY PRINCIPLE means that the controller shall be able to demonstrate compliance with the above mentioned principles

Records of processing activities, i.e. what data we process at GBT:

1) Data of employees/ HR and Payroll Department:

2) Data of employee's family members for the purpose of Health Insurance Registration/ HR and Payroll Department:

a) Method of data storage: data stored in electronic and paper form

b) Electronic security:

- password-protected access to personal computers and dedicated programs
- antivirus protection for computer workstations
- backups
- antivirus protection for the server

c) Physical security:

Documents are stored in locked filing cabinets and in separate dedicated rooms.

d) How long is the data stored?

50 years after termination of employment.

10 years after termination of employment for workers employed from year 2019 onwards

e) Legal basis

The Act of 26 June 1974 Labour Code, Journal of Laws of 1974, no. 24 item 141

The Act of 13 October 1998 on the Social Insurance System, Journal of Laws of 1998, no. 137 item 887

The Act of 29 August 1997 on The Protection Of Personal Data, Journal of Laws of 1997, no. 133 item 883

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3) Data of cooperating companies/ Financial Department

a) **Method of data storage:** data stored in electronic and paper form

b) **Electronic security:**

- password-protected access to personal computers and dedicated programs
- antivirus protection for computer workstations
- backups
- antivirus protection for the server

c) **Physical security:**

Documents are stored in locked filing cabinets and in separate dedicated rooms

d) **How long is the data stored?**

6 years from the end of the year for which the accounting document is provided or 11 years in case of tax loss.

e) **Legal basis:**

The Act of 15 February 1992 on Income Tax From Legal Persons, Journal of Laws of 1992, no. 21 item 86

The Accounting Act of 29 September 1994, Journal of Laws of 1994, no. 121 item 591

The Act of 29 August 1997 On The Protection Of Personal Data, Journal of Laws of 1997, no. 133 item 883

4) Data of drivers - Warehouse/scale, Operators, Office workers

a) **Method of data storage:** data stored in electronic and paper form

b) **Electronic security:**

- password-protected access to personal computers and dedicated programs
- antivirus protection for computer workstations
- backups
- antivirus protection for the server:

c) Physical security

Documents are stored in locked filing cabinets and in separate dedicated rooms.

d) How long is the data stored?

6 years from the end of the year for which the accounting document is provided or 11 years in case of tax loss.

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The Act of 15 February 1992 on Income Tax From Legal Persons, Journal of Laws of 1992, no. 21 item 86

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The obligation to report breach

In the case of a personal data breach in our company, the assigned person on behalf of Gdansk Bulk Terminal shall, without undue delay, inform the Inspector for Personal Data Protection (IOD). IOD shall, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority, i.e. GIODO (The Inspector General for the Protection of Personal Data), unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.

The risk to the rights and freedoms of natural persons in accordance with the GDPR could lead to, among others physical, material or non-material damage to natural persons - such as loss of control over their personal data or limitation of their rights, discrimination, identity theft or fraud, financial loss, unauthorised reversal of pseudonymisation, damage to reputation, loss of confidentiality of personal data protected by professional secrecy or any other significant economic or social disadvantage.

Right to be forgotten

In accordance with the Art. 17 of the GDPR, every natural person has a “right to be forgotten” where the retention of this person’s data infringes this Regulation or Union or Member State law to which the controller is subject.

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:

- the personal data is no longer necessary in relation to the purposes for which they were collected or otherwise processed
- the data subject withdraws consent on which the processing was based and where there is no other legal ground for the processing
- the data subject objects to the processing of his or her personal data
- the personal data has been unlawfully processed
- the personal data has to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject
- the personal data has been collected in relation to the offer of information society services referred to in Art. 8(1) of the GDPR

The exceptions to the right to be forgotten

The right to be forgotten shall not apply to the extent that processing is necessary:

- for exercising the right of freedom of expression and information

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- 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
- on the grounds of:
 - »» health-related objectives
 - »» public interest in the area of public health
- for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Art. 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
- for the establishment, exercise or defence of legal claims

Contact for matters relating to the protection, security and processing of the personal data:

The Controller of the Personal Data

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