

## SCHEDULE 2

### INFORMATION RE PERSONAL DATA PROCESSING IN CONNECTION WITH PROVISION OF SERVICES.

GESSEL, KOZIOROWSKI Kancelaria Radców Prawnych i Adwokatów Spółka partnerska (formerly: GESSEL, KOZIOROWSKI Sp.k.) ("GESSEL") hereby serves notice that, in connection with its provision of legal services, it processes data concerning natural persons, including GESSEL Clients who are natural persons and further natural persons whose data came into GESSEL's possession through communications with Clients and in the context of providing services to them, 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") as well as other applicable laws. Set out below, please find information concerning processing of personal data by GESSEL.

### WHO PROCESSES THE DATA?

#### Data controller

The personal data controller is:

GESSEL, KOZIOROWSKI Kancelaria Radców Prawnych i Adwokatów Spółka partnerska (formerly: GESSEL, KOZIOROWSKI Sp.k.) with its registered seat in Warsaw at ul. Sienna 39, 00-121 Warszawa, entered in the business enterprises register of the National Court Register maintained by the District Court for the capital city of Warsaw in Warsaw, Department XII – Commercial of the National Court Register under no. KRS 0000892064, NIP tax identification no. 525 20 70 586,

tel.: + 48 22 318 69 01

fax: + 48 22 318 69 31

[mail@gessel.pl](mailto:mail@gessel.pl)

The data controller's up-to-date contact details are available at:

[gessel.pl/kontakt](https://gessel.pl/kontakt)

#### Third parties

GESSEL does not pass this personal data on to unauthorised parties. Accordingly, apart from qualified lawyers and other employees and cooperating persons authorised to process the data within GESSEL, the data may be made available only to a limited group of recipients, including selected third parties providing auxiliary services commissioned by GESSEL to ensure due provision of its own services and obligated to safeguard the personal data (e.g. IT service providers). Depending on the exact circumstances or events with respect to which GESSEL is providing its legal services (e.g. court or administrative proceedings, commercial transactions, negotiation and drafting of a contract, drawing up of a legal opinion), data may also be passed on to other entities involved (e.g. competent bodies and authorities, counterparties and adversaries as well as their advisors and representatives, or contracting parties).

### WHAT DATA IS PROCESSED AND ON WHAT BASIS?

#### Contact details, business and professional data

GESSEL processes contact information and information concerning existing and prospective business and professional relationships and projects. This typically includes details of Clients and of persons acting on their behalf, interested / inquiring parties, and other natural persons with whom GESSEL communicates, and it covers basic identification and contact details (e.g. given name, surname, telephone no., e-mail address, organisational affiliation) as well as further details disclosed in the course of such communications and/or included in the relevant documents.

This data may be controlled and administrated by GESSEL for the purpose of performing executed agreements and/or striving to execute an agreement (art. 6.1.a) GDPR) and of maintaining contact and conducting and managing correspondence, i.e. for purposes arising from legally legitimate interests pursued by the data controller (art. 6.1.f) GDPR).

#### Data in the context of pending cases

In the next order of sequence, processing may extend to further data – also data appertaining to persons who do not have such relationships with GESSEL – necessary for due attendance to the Client's interests. The exact scope of such data shall depend on the specific circumstances of the given case covered by GESSEL's mandate.

Such data may be administered / controlled by GESSEL for the purpose of duly attending to these cases, i.e. for purposes arising from legally legitimate interests pursued by the data controller or a third party (art. 6.1.f) GDPR). Within the scope in which use of specific data is necessary for compliance with a specific legal duty – e.g. in the context of procedural requirements – the legal basis for such processing shall also include necessity from the perspective of complying with a legal duty incumbent on the data controller (art. 6.1.c) GDPR). As regards personal data appertaining to Clients, the legal basis for such processing shall also include necessity for performance of agreements executed with Clients (art. 6.1.b) GDPR). In the case of, lastly, processing of sensitive data from special categories, the legal basis for processing is comprised in necessity for establishing and pursuing claims and/or defending against claims (art. 9.2.f) GDPR).

All along, such data as well as any further information concerning Client cases shall constitute specially privileged information which shall remain confidential in accordance with the professional secrecy duty binding upon lawyers admitted to practice in Poland; processing of such data shall, in each and every instance, proceed in accordance with the legislative Acts governing the professions of advocate [*adwokat*] and attorney [*radca prawny*].

#### Special basis

Further data may also be processed within the legal framework of GESSEL's operations. In this connection, special purposes shall be connected with the legal framework for engaging in legal practice as an advocate or attorney (e.g. avoiding conflicts of interest), with statutory duties concerning counteraction of money laundering and financing of terrorism (and their attendant duties concerning e.g. identification and verification of Clients and persons affiliated with them and various analytical, documentary, and reporting actions

comprising financial security measures), and accounting and tax laws (art. 6.1.c) GDPR).

### Other purposes and means of data processing

For purposes of furthering the objectives of processing data made available by its Clients and of other data assembled by it, GESSEL may verify and merge data, and also supplement it with data gleaned from other sources, also public ones (e.g. business enterprise registers and court registers).

Within a limited scope, GESSEL may file assembled data for further purposes, e.g. as necessary for establishing and

pursuing claims and/or defending against claims and ensuring safety and due circulation of information, which – being as it is a legally legitimate interest pursued by the data controller – shall then comprise a separate basis for processing (art. 6.1.f) GDPR).

### HOW LONG WILL THE DATA BE KEPT?

Data shall be kept on file not longer than as necessary to achieve the objectives for which the personal data has been collected. In the basic scope, this shall mean a period necessary to definitively close the cases / matters for purposes of which the data had been processed, with due heed for any applicable file retention duties and correspondence archiving and backup procedures. In addition, personal data shall be stored not longer than prescribed by applicable laws and/or until the applicable statute of limitations has elapsed.

### IS THIS NECESSARY ?

Apart from individually identified cases where possession of specific data is required under applicable laws or is a precondition for executing an agreement (e.g. in light of applicable laws regarding counteraction of money laundering and financing of terrorism) or constitutes a contractual requirement within a joint action arrangement (and failure to provide data incurs certain consequences), providing personal data is voluntary, subject to the reservation that refusal to provide data may impede attainment of the objective in furtherance of which data processing was envisaged or render it altogether impossible.

### RIGHTS

The persons concerned may, whensoever they desire, demand access to their data, demand that their data is corrected or removed, and to demand limitation of the processing of their data.

The persons concerned may also, at any time, file a complaint with the supervisory authority – the President of the Polish Personal Data Protection Office (for more information, please see: [Complaints - UODO](#)).

**Right to object:** Within the scope in which processing refers to pursuit of the data controller's lawful legitimate interests (e.g. establishing and pursuing claims and/or defending against claims), the person concerned is entitled to object to such processing at any time on grounds appertaining to such person's specific situation. As a result of any such complaint, GESSEL will no longer be permitted to process the personal data within the scope covered by such complaint, unless GESSEL is in a position to cite a material, lawfully legitimate basis for such processing which supersedes the interests, rights, and freedoms of the person lodging the complaint and/or a basis for establishing, pursuing, or defending claims. As regards data processed for direct marketing purposes, as a result of such complaint GESSEL will be prevented from

continuing such processing with no necessity of citing special circumstances.

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*For more information – also as regards the GESSEL newsletter – and to contact us on any matter relating to personal data protection, please refer to our website <http://gesSEL.pl> and the privacy policy posted there. We look forward to hearing from you !*