**GDPR Information Clauses for the Project participants**

The data of the Project Participants are processed pursuant to Art. 88 of the Implementation Act by three separate data controllers: the Managing Authority – the Minister responsible for Regional Development, the Intermediate Body – the National Centre for Research and Development and the National Agency for Academic Exchange.

**INFORMATION CLAUSE OF THE MANAGING AUTHORITY – THE MINISTER RESPONSIBLE FOR REGIONAL DEVELOPMENT**

In order to fulfil the obligation imposed by Art. 13 and 14 of the GDPR [1], in connection with Art. 88 of the Implementation Act on the principles of implementation of tasks financed from European funds in the financial perspective 2021-2027[2], we hereby inform about the principles of processing your personal data:

**I. Data Controller**

The separate controller of your personal data is the Minister responsible for regional development with its registered office at ul. Wspólna 2/4, 00-926 Warszawa.

**II. Purposes of data processing**

The personal data will be processed in connection with the implementation of FERS, in particular for the purposes of monitoring, reporting, communication, publication, evaluation, financial management, verification and audits and for the purposes of determining the eligibility of participants.

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

**III. Legal basis for processing**

We will process your personal data in connection with the fact that:

1. We are obliged to do so by **law** (Article 6 section (1) letter c, Article 9 section (2) letter g and Article 10[3] of the GDPR) [4]:

* 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 funds and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy,
* Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (OJ EU L 231 of 30.06.2021, p. 21, as amended),
* Act of 28 April 2022 on the principles of implementation of tasks financed from European funds in the financial perspective 2021-2027, in particular Articles 87-93,
* Act of 14 June 1960 - Code of Administrative Procedure,
* Act of 27 August 2009 on Public Finances.

**IV. Manner of data acquisition**

We obtain data directly from the data subjects, or from institutions and entities involved in the implementation of the Programme, including in particular applicants, beneficiaries, partners.

**V. Access to personal data**

Your data is accessible to employees and collaborators of the Data Controller. In additions, your personal data may be entrusted or made available to:

1. entities to which we have commissioned the performance of tasks within FERS,
2. bodies of the European Commission, the minister responsible for public finances, the president of the social insurance institution,
3. entities that perform services for in connection with the operation and development of ICT systems, as well as ensuring communication, e.g. suppliers of IT solutions and telecommunications operators.

**VI. Data storage period**

Personal data are stored for the period necessary to achieve the purposes specified in point II.

**VII Rights of the data subjects**

You have the following rights with regard to the processing of your personal data:

1. the right to access your personal data and obtain copies thereof (art. 15 GDPR),
2. the right to request rectification of your personal data (art. 16 GDPR),
3. the right to request the erasure of your personal data (art. 17 GDPR) - should the circumstances defined in article 17 section (3) of the GDPR arise;
4. the right to request that the data controller restrict of the processing of your personal data (art. 18 of the GDPR),
5. the right to transfer your data (Article 20 of the GDPR) - if the processing is based on a contract: for the purpose of its conclusion or implementation (in accordance with Article 6 section (1) letter b of the GDPR), and in an automated manner [5],
6. the right to lodge a complaint with the supervisory authority, i.e. the President of the Personal Data Protection Office (art. 77 GDPR) – in the case a person considers that the processing of their personal data violates the provisions of the GDPR or other national provisions regulating the protection of personal data, applicable in Poland;

**VII. Automated decision making**

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

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

Your personal data will not be transferred to a third country.

X. Contact with the data controller and Data Protection Officer

If you have any questions regarding the processing of personal data by the minister responsible for regional development, please contact the Data Protection Officer (DPO) in the following manner:

* by traditional mail (ul. Wspólna 2/4, 00-926 Warszawa),
* electronically (e-mail address: [*IOD@mfipr.gov.pl*](mailto:IOD@mfipr.gov.pl)).

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Signature of the project participant

*[signed with a qualified electronic signature; trusted profile; handwritten signature; electronic authentication]*

**INFORMATION CLAUSE OF THE INTERMEDIATE BODY – NATIONAL CENTRE FOR RESEARCH AND DEVELOPMENT**

In accordance with Articles 13 and 14 of the Regulation 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 (hereinafter referred to as the "**GDPR**"), I hereby inform you that:

1. the controller of your personal data is the **National Centre for Research and Development** (hereinafter referred to as the "**NCBR**") with its registered office in Warszawa (00-801), ul. Chmielna 69;
2. the Data Protection Officer (DPO) can be contacted at the following e-mail address: [iod@ncbr.gov.pl](mailto:iod@ncbr.gov.pl) and at the NCBR correspondence address indicated above with the note "Data Protection Officer";
3. personal data are processed for the purpose of implementing the project carried out under the European Funds for Social Development Programme 2021-2027 ("FERS"), in particular for the purpose of assessment and selection of the project, conclusion of a funding agreement, supervision of implementation of the project, reporting, communication, publication, evaluation, financial management, verification and control, audit, assessment of information and promotional activities, its reception, assessment and financial settlement, for the purposes of determining the eligibility of participants and the possible determination, pursuit or defence of claims;
4. personal data are processed due to the purpose indicated above, i.e. processing is necessary to perform a task implemented in the public interest (Article 6, section (1), letter e of the GDPR), and NCBR is authorized to process your personal data under the Act of 30 April 2010 on the National Centre for Research and Development in connection with the implementation of the NCBR tasks specified therein and under the Act of 28 April 2022 on the principles of implementing tasks financed from European funds in the financial perspective 2021-2027, and in particular Chapter 18 of this Act (Article 6, section (1), letter c of the GDPR);
5. personal data were obtained directly from you or from public registers or from institutions and entities involved in the implementation of the project, including in particular from applicants, beneficiaries, partners;
6. NCBR processes your personal data contained in the application for funding or transferred as part of the implementation of the tasks indicated in point 3 of the present clause;
7. providing personal data is necessary to achieve the above-mentioned purpose. Refusal to provide them is tantamount to the inability to take appropriate actions;
8. personal data will be processed for the period necessary to achieve the purpose specified in point 3, and then for archival purposes for a period consistent with the NCBR office instructions and the Uniform Material List of Files;
9. the recipients of personal data will be public authorities and entities performing public tasks or acting on behalf of public authorities, to the extent and for the purposes resulting from legal regulations, as well as entities providing services necessary for the implementation of tasks by NCBR, in particular the entity supporting the implementation of tasks is NCBR+ sp. z o. o. This data may also be transferred to IT partners, entities providing technical or organizational support, archiving and destruction of documents, postal, courier, payment services, marketing services;
10. you have the following rights in relation to NCBR: to request access to your personal data, to rectify it, to delete it, to limit its processing, and to object to the processing of your personal data. In matters concerning the exercise of your rights, you can contact the data protection officer at the e-mail address provided in point 2 above;
11. you also have the right to lodge a complaint with the President of the Personal Data Protection Office;
12. your personal data will not be subject to automated decision-making, including profiling;
13. your personal data will not be transferred to a third country.

[1] 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 (OJ EU L 119 of 4 May 2016, p. 1-88).

[2] Act of 28 April 2022 on the principles of implementing tasks financed from European funds in the financial perspective 2021-2027 (Journal of Laws 2022, item 1079), hereinafter referred to as the "implementation act".

[3] Applies only to projects activating persons serving a prison sentence.

[4] One or more legal provisions should be indicated - they can be cited to a limited extent for the purposes of a specific clause.

[5] To automate the process of personal data processing, it is sufficient that these data are saved on a computer disk.

[6] The form is determined by the Intermediate Institution.

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Signature of the project participant

*[signed with a qualified electronic signature; trusted profile; handwritten signature; electronic authentication]*

**Information clause of the Polish National Agency for Academic Exchange regarding the processing of personal data of participants in projects financed by the European Funds for Social Development 2021-2027 |9FERS)**

|  |  |
| --- | --- |
| Data Controller | National Agency for Academic Exchange (the Agency)  ul. Polna 40, 00-635 Warszawa |
| Purpose and legal basis for data processing | The Agency processes your personal data on the basis of Article 6(1)(c) and (e) of the GDPR[[1]](#footnote-1), and on the basis of Article 9(2)(g) and (j) of the GDPR in conjunction with Article 6(1)(c) and (e) of the RODO in order to:  1) perform the public task carried out in the public interest in the field of internationalisation of higher education and science vested to the Agency, as defined in Article 2 of the Act of 7 July 2017 on the National Agency for Academic Exchange  2) fulfil the Agency’s legal obligations in connection with the implementation of the project funding agreement, including obligations concerning statistics and those related to monitoring, reporting, communication, publication, evaluation, financial management, verification and performance of project audits, and to determine the eligibility of participants |
| Categories of data processed | The Agency may process the following categories of your data:  identification data, as indicated in art. 87 section (2) point (1) of the Implementation Act[[2]](#footnote-2), including: first name, surname, address, e-mail address, telephone number, fax number, PESEL, REGON, education level, internet identifiers;  data related to the scope of your participation in the project, indicated in art. 87 sec. 2 item 2 of the Implementation Act, including: remuneration, form and period of involvement in the project;  your data appearing on documents confirming the eligibility of expenditures, indicated in art. 87 sec. (2) point (3) of the Implementation Act, including bank account number, professional experience;  data indicated in art. 87 sec. 3 of the Implementation Act concerning racial or ethnic origin or concerning health, referred to in art. 9 of the GDPR;  data concerning the image of persons participating in the implementation of the Program or taking part in events related to it - based on a separate voluntary consent. |
| Okres przetwarzania danych | Your data will be processed by the Agency until the purpose of the processing ceases to exist, or for the period resulting from the archival category of documents in which the data are included, as specified in the executive regulations of the act of 14 July 1983 on national archival resources and archives. |
| Data recipients/data processors | With all guarantees for the security, the Agency may make your data available to entities authorized to receive them under the provisions of the law, in particular under the Implementation Act, or transfer them to entities processing the data on behalf of the Agency on the basis of an appropriate data processing agreement. |
| Transfer of data to third countries | Your data will not be transferred to any third country or an international organisation. Should it be necessary to transfer your data to a third country, the Agency will provide adequate safeguards for the transfer and effective legal remedies, in particular the standard contractual clauses adopted by the European Commission, and will inform you accordingly |
| Decision making based solely on automated processing of personal data, including profiling | Does not occur. |
| Requirement to provide data/ data source | The Agency obtains the data directly from the data subjects or from the institutions and bodies engaged in the implementation of the FERS projects, including in particular from the applicants and beneficiaries and partners. A refusal to provide data means that a particular person will not be able to participate in the event. |
| Rights of the data subjects | Pursuant to the GDPR regulations you have the right to request access to your personal data, rectification of your data, data portability and restriction of the processing of your data.  You may also lodge a complaint with the President of the Personal Data Protection Office if you believe that the processing of your personal data by the Agency violates the law. . |
| Contact details of the DPO | odo@nawa.gov.pl |

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Signature of the project participant

*[signed with a qualified electronic signature; trusted profile; handwritten signature; electronic authentication]*

1. 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 [↑](#footnote-ref-1)
2. Act of April 28, 2022 on the principles of implementing tasks financed from European funds in the 2021-2027 financial perspective [↑](#footnote-ref-2)