

# RAILWAYMEN PRIVACY RULES

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## Section I. Introduction

The Railwaymen operates in compliance with the highest standards of personal data protection, including legal regulations, in particular the EU General Data Protection Regulation (Regulation (EU) 2016/679) (**GDPR**).

These Railwaymen Privacy Rules explain how Railwaymen will protect the personal data of current, former and future Railwaymen employees, individuals who are engaged or employed by Clients, suppliers and business partners, investors as well as any other individuals whose personal data is Processed by Railwaymen in the course of its activities.

These Privacy Rules enter into force as of 01.02.2019 (**Effective Date**).

Last reviewed and updated on: 11.09.2024.

Any questions concerning these Privacy Rules may be directed to the:

***Railwaymen Personal Data Coordinator***

Railwaymen Sp. z o.o.  
Na Zjeździe Str. No 11  
30-527 Kraków, Poland

or via: [gdpr@railwaymen.org](mailto:gdpr@railwaymen.org)

Full and up-to-date details of the Administrator can be found at <https://railwaymen.org/contact-us>.

Capitalised terms have the meaning set out in Section II (**Definitions**). Capitalised terms that are not defined in these Privacy Rules have the meanings given to them in GDPR.

## Section II. Definitions

1.	<b>Adequacy Decision</b>	a decision issued by a competent supervisory authority or government body under Applicable Data Protection Law that a country or region or a category of recipients in such country or region is deemed to provide an "adequate" level of data protection
2.	<b>Archive</b>	a collection of Personal Data that is no longer necessary to achieve the purposes for which the Personal Data originally was collected or that is no longer used for general business activities, but is used only for historical, scientific or statistical purposes, dispute resolution, investigations or general archiving purposes; an Archive includes any Personal data set that can no longer be accessed by any Employee other than the system administrator
3.	<b>Business Partner</b>	any Third Party, other than a Client or Supplier, that has or has had a business relationship or strategic alliance with Railwaymen (e.g., a joint marketing partner, joint venture, or joint development partner)
4.	<b>Business Purpose</b>	a purpose for Processing Personal Data or for Processing Sensitive Data as specified in Section IV

5.	<b>Client</b>	any person, private organisation, or government body that purchases, may purchase or has purchased a Railwaymen product or service
6.	<b>Personal Data Coordinator</b>	the person as referred to in Section X.1
7.	<b>Data Controller</b>	the entity or natural person which alone or jointly with others determines the purposes and means of the Processing of Personal Data
8.	<b>Data Protection Law</b>	the provisions of mandatory law of a country containing rules for the protection of individuals with regard to the Processing of Personal Data including rules containing requirements relating to security or the free movement of such Personal Data
9.	<b>Data Security Breach</b>	mean the unauthorised acquisition, access, use or disclosure of unencrypted Personal Data that compromises the security or privacy of such information to the extent the compromise poses a high risk of financial, reputational, or other harm to the Person.
10.	<b>Dependent</b>	the spouse, partner or child belonging to the household of the Employee, or the emergency contact of the Employee
11.	<b>EEA or European Economic Area</b>	all Member States of the European Union, Norway, Iceland and Liechtenstein and, for purposes of these Privacy Rules, Switzerland, and the United Kingdom (post-Brexit). This list may be expanded by Railwaymen to include other countries
12.	<b>EEA Countries</b>	the countries in the EEA
13.	<b>EEA Data Protection Law</b>	the provisions of mandatory law of an EEA Countries containing rules for the protection of individuals with regard to the Processing of Personal Data including security requirements for and the free movement of such Personal Data
14.	<b>EEA Personal Data</b>	Personal Data of which the Processing is subject to EEA Data Protection Law
15.	<b>Effective Date</b>	the date on which these Privacy Rules becomes effective as set forth in the Preamble
16.	<b>Employee</b>	any natural person in the context of the person's employment or similar relationship with Railwaymen, such as: <ul style="list-style-type: none"> <li>• an employee, job applicant or former employee of Railwaymen, including temporary workers working under the direct supervision of Railwaymen (e.g., independent contractors and trainees); this term does not include people working at Railwaymen as consultants or employees of Third Parties providing services to Railwaymen,</li> </ul>

		<ul style="list-style-type: none"> <li>a (former) executive or non-executive director of Railwaymen</li> </ul>
17.	<b>Employee Data</b>	any information relating to an identified or identifiable natural person (an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person), insofar as this information relates to an Employee (and his or her Dependents) and is Processed in the context of their (former) employment relationship with Railwaymen; this definition does not cover the Processing of Employee Data in the Employee's capacity as a Client of Railwaymen
18.	<b>Individual</b>	any individual employed by, or any person working for, a Client, Supplier or Business Partner and any other individual (other than an Employee) whose Personal Data Railwaymen processes in the context of its business activities
19.	<b>Individual Data</b>	any information relating to an identified or identifiable natural person (an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person), insofar as this information relates to an Individual and is Processed in the context of Railwaymen's business activities
20.	<b>Personal Data</b>	any information relating to an identified or identifiable natural person (an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person), insofar as this information relates to an Individual or Employee and is Processed by Railwaymen
21.	<b>Person</b>	Employees and Individuals collectively
22.	<b>Processing</b>	any operation that is performed on Personal Data, whether or not by automatic means, such as collection, recording, storage, organisation, alteration, use, disclosure (including the granting of remote access), transmission or deletion of Personal Data
23.	<b>Processor Contract</b>	any contract for the Processing of Personal Data entered into by Railwaymen and a Third Party Processor

24.	<b>Railwaymen</b>	Railwaymen Sp. z o.o. (a limited liability company established in accordance with Polish law) with its seat in Kraków, address: Na Zjeździe Street No 11, 30-527 Kraków, number in entrepreneur register (KRS): 386418; full and up-to-date details of the Administrator can be found at <a href="https://railwaymen.org/contact-us">https://railwaymen.org/contact-us</a>
25.	<b>Secondary Purpose</b>	any purpose other than the Business Purposes for which Personal Data is further Processed
26.	<b>Sensitive Data</b>	Personal Data that reveals a Person's racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a Person's sex life or sexual orientation, along with Personal Data relating to criminal convictions and offences or social security numbers issued by the government
27.	<b>Staff</b>	all current Employees and other persons acting under the direct authority of Railwaymen who Process Personal Data as part of their respective duties or responsibilities towards Railwaymen using Personal Data technology systems or working primarily from Railwaymen's premises
28.	<b>Supplier</b>	any Third Party that provides goods or services to Railwaymen (e.g., an agent, consultant, vendor, contractor)
29.	<b>Third Party</b>	any person or entity (e.g., an organization or public authority) outside Railwaymen
30.	<b>Third Party Controller</b>	a Third Party that Processes Personal Data and determines the purpose and means of the Processing
31.	<b>Third Party Processor</b>	a Third Party that Processes Personal Data on behalf of Railwaymen and at Railwaymen's direction as Data Controller
32.	<b>Transfer Restriction</b>	any restrictions and/or requirements under Applicable Data Protection Law in regard of the transfer of Personal Data from the country in which the Personal Data was collected to another country

## Section III. Scope of these Privacy Rules

1. These Privacy Rules apply to the Processing of Personal Data by Railwaymen Sp. z o.o. with its seat in Kraków (**Railwaymen**).
2. These Privacy Rules address Processing of Personal Data by Railwaymen with respect to:
  - a) Clients, Suppliers, Business Partners and other individuals in the context of Railwaymen's activities ("Individual" and "Individual Data," respectively) and
  - b) Employees in the context of their employment relationship with Railwaymen, unless and to the extent such Employee is a Client of Railwaymen ("Employee" and "Employee Data", respectively).

Such Individuals and Employees will collectively be referred to as "Persons".

3. These Privacy Rules provide supplemental rights and remedies to Persons only. Nothing in these Privacy Rules will be construed to take away any rights or remedies that Persons may have under applicable local law.
4. These Privacy Rules apply to the Processing of Personal Data by electronic means and in systematically accessible paper-based filing systems.

## Section IV. Purposes for Processing Personal Data

1. **Business Purposes:** Railwaymen may Process a Person's Personal Data for one or more of the following business purposes.

- a) **Business process execution, internal management and management reporting.**

This purpose addresses activities such as scheduling work, recording time, managing company and Employee assets (including the IT systems and infrastructure), risk management, conducting (internal) audits and investigations, finance and accounting, implementing business and IT security controls, provision of central processing facilities for efficiency purposes, management reporting and analysis, and managing and using Employee directories; managing mergers, acquisitions and divestitures; Archive and insurance purposes; legal or business consulting; and preventing, preparing for or engaging in dispute resolution.

- b) **Health, safety and security.**

This purpose includes the protection of the interests of Railwaymen and its Employees and Clients, including the screening and monitoring of Persons before and during employment or other engagements, including the screening against publicly available government and/or law enforcement agency sanctions lists and other third-party data sources, the detecting, preventing, investigating and combating (attempted) fraud and other criminal or objectionable conduct directed against Railwaymen, its Employees or Clients, including the use of and participation in Railwaymen's incident registers, and activities such as those involving health and safety, the protection of Railwaymen and Employee assets (including IT systems and infrastructure), and the authentication of Client, Supplier, Business Partner, or Employee status and access rights (such as required screening activities for access to Railwaymen's premises or systems).

- c) **Compliance with law.**

This purpose addresses Processing of Personal Data necessary for the performance of a task carried out to comply with a legal obligation to which Railwaymen is subject, and the disclosure of Personal Data to government institutions and supervisory authorities, including

tax and other competent authorities for the sector in which Railwaymen operates, including for the prevention of money laundering, financing of terrorism and other crimes, Client due diligence and the duty of care towards Clients (e.g. credit monitoring).

**d) Protecting the vital interests of Persons.**

This purpose addresses Processing necessary to protect the vital interests of a Person such as making arrangements to protect the vital interest of Persons in the event of health, safety and security situations.

**e) Individual Data only: Assessment and acceptance of a Client, conclusion and execution of agreements with a Client.**

This purpose includes Processing of Individual Data that is necessary in connection with the assessment and acceptance of Clients, including confirming and verifying the identity and credit status and creditworthiness of relevant Clients (this may involve the use of a credit reference agency or other Third Party), conducting due diligence, and screening against publicly available government and/or law enforcement agency sanctions lists and other third-party data sources, the use of and participation in Railwaymen's incident registers and/or third party verification services.

This purpose also includes Processing of Individual Data in connection with the execution of agreements.

**f) Individual Data only: Development and improvement of products and/or services.**

This purpose includes Processing of Individual Data that is necessary for the development and improvement of Railwaymen products and/or services, research and development. This may include collecting and analysing Client feedback and analysing Individuals' use of Railwaymen's products and/or services.

**g) Individual Data only: Performance of Client services.**

This purpose addresses Processing of Individual Data necessary for the performance of services provided by Railwaymen to Clients to support Railwaymen products and services offered to or in use with their Clients (e.g., of software, web apps). These services may include the maintenance, upgrade, replacement, inspection and related support activities aimed at facilitating continued and sustained use of Railwaymen products and services.

**h) Individual Data only: Conclusion and execution of agreements with Clients, Suppliers and Business Partners.**

This purpose addresses the Processing of Individual Data necessary to conclude and execute agreements with Clients, Suppliers and Business Partners, including required screening activities (e.g., for access to Railwaymen's premises or systems), performing credit checks and to record and financially settle delivered services, products and materials to and from Railwaymen.

**i) Individual Data only: Relationship management and marketing.**

This purpose includes activities such as maintaining and promoting contact with Clients, Suppliers, Business Partners, and Persons, account management, Client service, recalls, collection of Individual Data through websites, applications and other Client interaction and engagement channels and the development, execution and analysis of market surveys and marketing strategies and campaigns.

**j) Employee Data only: Human resources and personnel management.**

This purpose includes Processing that is necessary for the performance of an employment or other contract with an Employee (or taking necessary steps at the request of an Employee

prior to entering into a contract), activities of the human resources department (e.g. management and administration of recruiting, outplacement, employability, leave and other absences), compensation and benefits (including pensions), payments, tax issues, career and talent development, performance evaluations, management of grievances and complaints, training, international mobility (including travel and relocation) and expenses, and Employee communications.

**k) Employee Data only: Organizational analysis and development, management reporting and acquisition and divestitures.**

This purpose addresses various activities, such as conducting Employee surveys, managing mergers, acquisitions and divestitures, and Processing Employee Data for management reporting and analysis.

Where there is a question whether a certain Processing of Personal Data can be based on a Business Purpose listed above, the Personal Data Coordinator should be consulted before the Processing takes place.

**2. Secondary Purpose:** Personal Data may be Processed for a business purpose other than the original Business Purposes only if the Secondary Purpose is closely related to the original Business Purpose.

For example, to the extent not already covered in Section IV.1, it is generally permissible to Process Personal Data for the following purposes:

- anonymization of Personal Data,
- transfer of Personal Data to an Archive,
- internal or independent external audits or investigations,
- IT systems and infrastructure related Processing such as for life-cycle management, maintenance, support and security (including resilience and incident management),
- statistical, historical or scientific research thereby taking into account applicable requirements where such research results in profiling,
- dispute resolution,
- fraud prevention,
- legal or business consulting,
- insurance purposes.

If the use of Personal Data for the Secondary Purpose has potential negative consequences for the Person, Railwaymen will take appropriate steps (such as further limiting access and taking additional security measures) to mitigate such consequences as much as reasonably possible.

If the consequences cannot be appropriately mitigated, Railwaymen may provide Persons with an opt-out opportunity or obtain their consent.

**3. Processing Sensitive Data:** Railwaymen shall Process Sensitive Data only where permissible under applicable local law and to the extent necessary to serve the applicable Business Purpose.

**a) Specific Purposes for Processing Sensitive Data:** In addition, Sensitive Data may be collected, used or otherwise Processed for one (or more) of the specific and general purposes specified below.

- Physical or mental health Personal Data** (including any opinion of physical or mental health and Personal Data relating to disabilities and absence due to illness or pregnancy):

**Employee Data only:**

- administering pensions, health and welfare benefit plans, maternity, paternity or family leave programs, or collective agreements (or similar arrangements) that create rights depending on the state of health of the Employee,



- accommodating persons with a disability to remove or reduce inequality or to ensure diversity in staffing, provided that use of the relevant Sensitive Data allows for an objective determination that an Employee belongs to the relevant category,
- reintegrating or providing support for Employees entitled to benefits in connection with illness or work incapacity,
- for screening and monitoring of Employees before and during employment and for assessing and making decisions on (continued) eligibility for positions, projects or scope of responsibilities,
- providing facilities in the workplace to accommodate health problems or disabilities.

☐ Family life (Employee Data relating to partners of Employees):

**Employee Data only:**

- administering Employee pensions and benefits programs,
- administering Employee memberships.

**b) General Purposes for Processing Sensitive Data:** In addition to the specific purposes listed above, all categories of Sensitive Data may be Processed under one or more of the following general circumstances:

- as required or allowed for the performance of a task carried out to comply with a legal obligation to which Railwaymen is subject,
- to protect a vital interest of a Person, but only where it is impossible to obtain the Person's consent first,
- for dispute resolution and/or fraud prevention,
- to the extent necessary to comply with an obligation of public international law (e.g., a treaty),
- if the Sensitive Data has been posted or otherwise shared at the Person's own initiative within or outside of Railwaymen, such as on the Railwaymen intranet or collaboration platforms and through social media; such Processing may however only occur in so far as this respects the context and any explicit access conditions under which the Person has shared such Personal Data,
- for Secondary Purposes in accordance with Section IV.2.

**4. Consent for Processing of Personal Data:** Where required or permitted by applicable law, Railwaymen will or may obtain consent from the Person before Processing Personal Data. When seeking consent, Railwaymen will inform the Person about the purposes of the Processing. With regard to EEA Personal Data, Railwaymen will also inform the Person about the right to withdraw consent at any time (and for Employee Data, without consequence to the Employee's employment relationship), and that withdrawal of consent does not affect the lawfulness of the relevant Processing before such withdrawal.

Upon withdrawal of consent, Railwaymen will discontinue Processing as soon as reasonably practical. The withdrawal of consent shall not affect (i) the lawfulness of the Processing based on such consent before its withdrawal and (ii) the lawfulness of Processing for Business Purposes not based on consent, after withdrawal.

Where Processing is undertaken at the request of a Person (e.g., he or she subscribes to a service or seeks a benefit), the Person is deemed to have provided consent to the Processing.

**Additional requirements for Employee Data:** Subject to the exceptions below, Employee consent generally will not be used as the legal basis for Processing Employee Data. One of the Business Purposes should exist for any Processing of Employee Data. Consent may be requested from Employees only in the following cases:

- if none of the Business Purposes applies, Railwaymen may request Employee consent for Processing Employee Data, but only if the Processing has no foreseeable adverse consequences for the Employee,
- if applicable law requires that Railwaymen requests the consent of the Employee for the relevant Processing, Railwaymen shall, in addition to ensuring that a Business Purpose exists for the Processing, also seek Employee consent for the Processing,
- if an individual applies for employment or other work engagement with Railwaymen, Railwaymen may request the individual's consent to Process his or her Employee Data for purposes of evaluating his or her application.

5. **Dependents:** Railwaymen may Process Personal Data of Dependents if:

- such Personal Data was provided with the consent of the Employee or the Dependent,
- unless it is not reasonably possible to obtain such consent and such Personal Data are Processed to protect a vital interest of Dependent,
- Processing of the Dependents data is reasonably necessary for the performance of a contract with the Employee or the employment-at-will relationship with the Employee,
- the Processing is required or permitted by applicable law.

6. **Direct Marketing:** Where required by law, Railwaymen shall send direct marketing communications to a Person only with his or her prior opt-in consent. Railwaymen will offer Persons the opportunity to opt-out of future direct marketing communications and to object against further communication.

If a Person objects to receiving marketing communications from Railwaymen or withdraws his or her consent to receive such materials, Railwaymen will take steps to refrain from sending further marketing materials as specifically requested by the Person. Railwaymen will do so within the time period required by applicable law.

No Personal Data shall be provided to, or used on behalf of, Third Parties for purposes of direct marketing without the prior consent of the Person.

7. **Automated Decisions:** Automated tools may be used to make decisions about Persons, but decisions with a potentially significant negative impact for the Person may not be based solely on the results provided by an automated tool. This restriction does not apply if the Processing pertains to Personal Data other than EEA Personal Data.

Railwaymen will adopt and implement suitable measures to safeguard the rights and legitimate interests of Persons.

The requirements set out in Section IV.4 apply to the requesting, denial or withdrawal of the Person's consent.

## Section V. Quantity and Quality of Personal Data

1. **No Excessive Personal Data and Storage Period:** Railwaymen shall only Process Personal Data in so far as this is reasonably adequate for, relevant and limited to its Business Purpose(s). Railwaymen shall only retain Personal Data for as long as needed for such Business Purposes, including in particular as needed to comply with retention requirements under applicable law. Railwaymen shall take reasonable steps to delete, de-identify or destroy (e.g., by scrambling) Personal Data that is not required for the applicable Business Purpose. Railwaymen maintains data and records retention schedules that define the appropriate retention periods.

When the applicable storage period has ended, the Personal Data will be promptly deleted, destroyed, de-identified or (if appropriate) transferred to an Archive (unless this is prohibited by law or an applicable records retention schedule).

2. **Quality of Personal Data:** Personal Data should be accurate, complete and kept up-to-date to the extent reasonably necessary for the applicable Business Purpose.
3. **Privacy by Design:** Railwaymen shall take commercially reasonable technical and organisational steps to ensure that the requirements of this Section V are implemented into the design of new systems and processes used to Process Personal Data.

## Section VI. Information Requirements

1. Railwaymen shall inform Persons through a privacy notice (**Information Clause**) of the following:
  - a) the Business Purposes for which their Personal Data is Processed,
  - b) the nature and categories of Personal Data Processed,
  - c) the contact details in matters of Personal Data,
  - d) the categories of Third Parties to which Personal Data is disclosed (if any), whether any such Third Party is covered by an Adequacy Decision and if not, information on the data transfer mechanism as referred to in Section X, as well as the means to get a copy thereof, or access thereto,
  - e) the period for which Personal Data will be stored or (if not possible) the criteria used to determine this period,
  - f) an overview of the rights of Persons under these Privacy Rules and how these can be exercised,
  - g) the use of automated decision making referred to in Section IV.7, as well as meaningful information about the logic involved as well as the significance and envisaged consequences thereof for the Person,
  - h) the source of Personal Data (where Personal Data has not been obtained from the Person), including whether Personal Data came from a public source.
2. **Personal Data not Obtained from the Person:** Where EEA Personal Data has not been obtained directly from the Person, Railwaymen shall provide the Person with the information as set out in Section VI.1:
  - within a reasonable period after obtaining Personal Data but at the latest within one month, having regard to specific circumstances of the Personal Data Processed,
  - if Personal Data is used for communication with a Person, at the latest at the time of the first communication with the Person,
  - if a disclosure to another recipient is envisaged, at the latest when Personal Data is first disclosed.
3. **Exceptions:** The requirements of Section VI. 1 and VI.2 may be inapplicable if:
  - the Person already has the information as set out in Section VI.1,
  - it would be impossible or would involve a disproportionate effort to provide the information to Persons, in which case Railwaymen will take additional measures to protect the Individual's fundamental rights and freedoms and legitimate interests as appropriate,
  - obtaining Personal Data is expressly laid down in applicable law,
  - Personal Data must remain confidential subject to an obligation of professional secrecy regulated by applicable law, including a statutory obligation of secrecy.

## Section VII. Rights of Persons

1. **Right of Access:** Every Person has the right to request access to his or her Personal Data Processed by or on behalf of Railwaymen, and further, where reasonably possible, access to the information listed in Section VI.1 or, if applicable, Section VI.2. In addition and where provided for by applicable Data Protection Law, the Person has the right to receive a copy of the Personal Data undergoing Processing, subject to any exemptions provided for by applicable Data Protection Law and in any event without adversely affecting the rights and freedoms of others.
2. **Right to Rectification, Deletion, and Restriction:** If Personal Data is incorrect, incomplete, or not Processed in compliance with these Privacy Rules, the Person has the right to have his or her Personal Data rectified, deleted or the Processing thereof restricted (as appropriate). If Personal Data has been made public by Railwaymen, and the Person is entitled to deletion of Personal Data, in addition to deleting the relevant Personal Data, Railwaymen shall take commercially reasonable steps to inform Third Parties that are Processing the relevant Personal Data or linking to the relevant Personal Data, that the Person has requested the deletion of Personal Data by such Third Parties.
3. **Right to Object:** The Person has the right to object to:
  - a) the Processing of his or her Personal Data on the basis of compelling grounds related to his or her particular situation, unless Railwaymen can demonstrate a prevailing legitimate interest for the Processing and
  - b) receiving marketing communications on the basis of Section IV.6 (including any profiling related thereto).
4. **Restrictions to Rights of Persons:** The rights of Persons set out in Section VII.1-VII.3 above do not apply in one or more of the following circumstances:
  - the Processing is required or allowed for the performance of a task carried out to comply with a legal obligation of Railwaymen,
  - the Processing is required by or allowed for a task carried out in the public interest, including in the area of public health and for archiving, scientific or historical research or statistical purposes,
  - the Processing is necessary for exercising the right of freedom of expression and information,
  - for dispute resolution purposes,
  - the exercise of the rights by the Persons adversely affects the rights and freedoms of Railwaymen or others,
  - in case a specific restriction of the rights of Persons applies under applicable Data Protection Law.
5. **Procedure:** A Person may exercise rights under this Section VII by following steps.
  - a) Person should send his or her request to the Personal Data Coordinator via email to [gdpr@railwaymen.org](mailto:gdpr@railwaymen.org).
  - b) Railwaymen shall respond the request within 30 days, by responding to the email which it received or – by request of the Person – in the form in which the request was received.
  - c) Prior to fulfilling the request of the Person, Railwaymen may require the Person to provide or supplement information or data necessary to process the notification/the request (e.g. required to identify the Person).
  - d) Railwaymen may deny a Person's request if:
    - the request does not meet the requirements of Section VII.1-VIII.3 or meets the requirements of Section VII.4,

- the request is not sufficiently specific,
- the identity of the relevant Person cannot be established by reasonable means, including additional information provided by the Person,
- Railwaymen can reasonably demonstrate that the request is manifestly unfounded or excessive, e.g., because of its repetitive character (a time interval between requests of six months or less shall generally be deemed to be an unreasonable time interval),
- the Processing is required or allowed for the performance of a task carried out to comply with a legal obligation of Railwaymen,
- the Processing is required by or allowed for a task carried out in the public interest, including in the area of public health and for archiving, scientific or historical research or statistical purposes,
- the Processing is necessary for exercising the right of freedom of expression and information,
- for dispute resolution purposes,
- in so far as the request violates the rights and freedoms of Railwaymen or others,
- a specific restriction of the rights of Persons applies under EEA Data Protection Law.

e) Complaints: A Person may file a complaint in accordance Article 77 of GDPR.

Polish supervisory authority is **the President of the Personal Data Protection Office** (2 Stawki Street, 00-193 Warsaw).

**6. No Requirement to Process Identifying Data:** Railwaymen is not obliged to Process additional information in order to be able to identify the Person for the sole purpose of facilitating the rights of the Person under these Privacy Rules.

## Section VIII. Security and Confidentiality Requirements

1. **Data Security:** Railwaymen shall take appropriate commercially reasonable technical, physical and organizational measures to protect Personal Data from misuse or accidental, unlawful, or unauthorized destruction, loss, alteration, disclosure, acquisition or access. To achieve this, Railwaymen has developed and implemented policies and guidelines with supporting controls relating to the protection of Personal Data.
2. **Staff Access and Confidentiality:** Railwaymen shall provide Staff access to Personal Data only to the extent necessary to serve the Processing and to perform their role. Railwaymen shall impose confidentiality obligations on Staff with access to Personal Data.
3. **Data Security Breach Notification Requirement:** Railwaymen shall document any Data Security Breaches, comprising the facts relating to the incident, its effects and the remedial actions taken. Where so required by applicable Data Protection Law, Railwaymen shall notify Individuals of a Data Security Breach.

## Section IX. Data Transfers to Third Parties

1. **Transfers by Railwaymen to Third Party Controllers and Processors:** Railwaymen may transfer Personal Data to Third Parties for Processing as needed for the Business Purpose or with the Person's consent.
2. **Data Transfers to Third Party Controllers:** Railwaymen may transfer Personal Data to the Third Party Controller (other than a government agency) only if it has a valid contract in which Railwaymen shall seek to protect the data protection interests of Persons. This provision does not apply in case of incidental transfers of Personal Data to the Third Party Controller, such as, when a reference is provided for an Employee or where details are shared for purposes of ordering (semi) public services (e.g. making reservations for transport services or hotel bookings).

3. **Data Transfers to Third Party Processors:** Railwaymen may transfer EEA Personal Data to Third Party Processors only if it has a valid contract with the Processor (Processor Contract).
4. **Transfers to Third Parties (Subject To Transfer Restrictions):** Without prejudice to Section IV.4 (Consent for Processing of Personal Data), Personal Data that is subject to the Transfer Restriction may be transferred to the Third Party that is located outside the country in which the Personal Data was collected if:
  - a) The Third Party is covered by the Adequacy Decision,
  - b) the transfer is necessary for the performance or management of a contract with the Person, or for taking necessary steps at the request of the Person prior to entering into a contract, e.g., for processing orders, for processing job applications,
  - c) a contract has been concluded between Railwaymen and the relevant Third Party requiring that (a) provides for safeguards at a similar level of protection as that provided by these Privacy Rules and GDPR or (b) that is recognized under applicable Data Protection Law as providing an "adequate" level of privacy protection (e.g., for the EEA: a model contract approved by the European Commission),
  - d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Person between Railwaymen and a Third Party (e.g., booking an airline ticket),
  - e) the Third Party has been certified under a 'safe harbour' program that is recognized under applicable Data Protection Law as providing an 'adequate' level of privacy protection,
  - f) the Third Party has implemented Binding Corporate Rules or a similar transfer control mechanism that is recognized under applicable Data Protection Law as providing an 'adequate' level of privacy protection,
  - g) the transfer is necessary to protect a vital interest of the Person,
  - h) the transfer is necessary for the establishment, exercise or defence of a legal claim,
  - i) the transfer is necessary to satisfy a pressing need to protect the public interests of a democratic society,
  - j) the transfer is necessary for the performance of a task carried out to comply with a legal obligation to which Railwaymen is subject.

The requirements set out in Section IV.4 apply to the requesting, denial or withdrawal of the Person's consent.

## Section X. Final Provisions

1. **Personal Data Coordinator:** Railwaymen has appointed the Personal Data Coordinator who is responsible for supervising and directing compliance with these Privacy Rules.
2. **Policies and Procedures:** These Privacy Rules supplement all Railwaymen privacy policies, guidelines and notices that exist on the Effective Date. Railwaymen shall develop and implement policies and procedures to comply with these Privacy Rules.
3. **Law Applicable to these Privacy Rules:** These Privacy Rules shall be governed by and interpreted in accordance with Polish law, including GDPR and Polish Act on Personal Data Protection.
4. **Adoption and Modification of these Privacy Rules:** These Privacy Rules have been adopted by Railwaymen and enter into force as of the Effective Date. These Privacy Rules may be changed without consent by any Persons, even if the amendment relates to a provision which confers rights to, or contains safeguards for the benefit of, Persons. Relevant parts of the applicable Privacy Rules will be communicated using Railwaymen public website, by means of an email message to (relevant) Clients, Suppliers, Business Partners, or Employees, or by such other means as Railwaymen may consider appropriate.

Any change shall enter into force with immediate effect after it is approved and published on the appropriate Railwaymen public website.