

Appendix No 1

Information on the processing of the Participants' and the Winner's personal data in relation to the Contest "Oknoplast for Art"

In accordance with Article 13(1) and 13(2) of 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 and free movement of personal data, hereinafter referred to as the "GDPR", we provide the following information:

Data Controller

The Organisers of the Contest, i.e. MOC AK The Museum of Contemporary Art in Krakow with its registered office at ul. Lipowa 4, 30-702 Krakow (hereinafter referred to as: "MOC AK"), and Oknoplast with its registered office in Ochmanów 117, 32-003 Podłęże (hereinafter: "Oknoplast"), both process your personal data within the framework of the jointly pursued purposes as joint controllers within the meaning of Article 26 of the GDPR.

Contact point, Data Protection Officer

The joint controllers have agreed that MOC AK shall be the contact point. For any matter related to the processing of your personal data, you can contact the MOC AK's designated Data Protection Officer at the following e-mail address: iod@mocak.pl.

Arrangements between the data controllers

The joint controllers mutually agreed on their respective responsibilities to fulfill their obligations under the GDPR, by assigning them to the processes identified for the Contest, as follows:

- 1) **Recruitment of Participants:** Recruitment will be carried out by MOC AK through the receipt of Participants' applications submitted by using the form made available on the Contest-related website. At this stage, Oknoplast shall fulfil the information obligation on behalf of the joint controllers. The applications shall be recorded and stored by Oknoplast.
- 2) **Assessment of the submitted Contest Works by the appointed Jury:**
 - a) MOC AK and Oknoplast shall forward the submitted Contest Works together with all documents received from their authors to the Jury Members. The Jury shall be authorised by MOC AK to process personal data;
 - b) The Jury shall pass its verdict to Oknoplast and to MOC AK;
 - c) MOC AK shall communicate with the Participants in connection with the Contest;
 - d) MOC AK shall inform the Winners of the Contest (the Grand Prize Winner and the Distinguished Winners) about the results to the contact details provided by the Participant.
- 3) **Contact with the Winner and signing of the agreement:** MOC AK shall carry out activities in order to collect the necessary documentation from the Winners (e.g.

statements related to the tax settlement of the prizes, certificates of tax residence), as well as in order to conclude an agreement on the transfer of copyrights to Oknoplast. Oknoplast shall be responsible for the transport of windows in connection with the implementation of the projects.

- 4) **Storage of the documentation and Contest Works:** MOCÁK and Oknoplast shall keep documentation related to the participation until the legal claims limitation, e.g. in connection with possible complaints.
- 5) **Accounting support for Contest:** Oknoplast shall be responsible for founding and settlement of the prizes.
- 6) **Archiving of accounting and contractual documentation:** Oknoplast shall archive the accounting documentation and the documents related to the agreement for transfer of copyright, acting as an independent controller in this respect. As an independent controller, MOCÁK shall archive the rewarded projects, in connection with the obligation to document the activities of the museum.

Purpose of personal data processing, basis and scope of data processing

The Organizers process the Participant's personal data – including his/her name, surname and contact details such as e-mail address and personal data from the biographical note and related to the portfolio – as the Organisers needs to verify if the Participant has artistic achievements or has education in the field of artistic disciplines – on the basis of the legitimate interests of Organizers (Article 6(1)(f) of the GDPR). The Organizers process the above-mentioned Participant's data in order to allow his/her participation in the Contest, as well as to conduct the Contest and decide on the awards' distribution and to announce the results by publishing the name of the Winners and information about the awarded project. In addition, the data is processed for the purpose of defence or assertion of possible claims to which the Organisers are entitled, e.g. in the event of receiving any complaints or claims (Article 6(1)(f) of the GDPR).

In the case of Winners of the Contest, the scope of the collected data will be extended to include their data necessary in order to transport the window constituting the basis for the execution of the Contest work, to conclude the agreements related to the transfer of copyright, and data necessary for preparation and execution of exhibitions, as well as data in connection with the awards and settlement of the prizes. The above data is processed on the basis of:

- a. the necessity to conclude an agreement for the transfer of copyright (Article 6(1)(b) of the GDPR);
- b. in connection with the obligation to document MOCÁK's activities (Article 6(1)(c) and (e) of the GDPR) in accordance with the requirements introduced by the Act of 14 July 1983 on the national archive resource and state archives;
- c. in order to comply with legal obligations related to the award of prizes, i.e. tax obligations (Article 6(1)(c) of the GDPR);

- d. for the purpose of defence or assertion of possible claims to which the Organisers are entitled, e.g. in the event of receiving any complaints or claims (Article 6(1)(f) of the GDPR).

Data Recipients

The following persons are or may become the recipients of your personal data:

- A. suppliers and maintainers of software used by the joint controllers to process personal data;
- B. those receiving the records for destruction after the end of the retention period;
- C. those providing the services necessary to ensure contact with you to the joint controllers (for example, courier companies through which correspondence or window delivery can be delivered);
- D. providing advisory and auditing services on behalf of the joint controllers (for example, auditing companies, certification companies), as well as legal, debt collection and tax services;
- E. paying agents, such as banks, in connection with the payment of prizes

Transfer of personal data outside the European Economic Area

Non-winners personal data will not be transferred outside the European Economic Area (EEA).

Data for marking the authorship of the Winners, e.g. full name may be made shared in connection to the organisation of exhibitions outside the EEA or on social media (e.g. Facebook, Instagram, Twitter). The Winner voluntarily indicates the manner of designating the authorship to which he/she consents. The Winner shall have the right to change the manner of designating the authorship after notifying the Organiser. You may at any time be informed about the safeguards applied to the transfer of data outside the European Economic Area if you submit your request via e-mail to privacy@oknoplast.com.pl

Period for which data will be processed

Personal data of the Participants will be stored until the Winners are rewarded, and then for a period of 3 years from the date of completion of the Contest – solely for the purpose of pursuing claims or defending against legal claims. The retention period may be extended in connection with the investigation or defence of legal claims.

Moreover, the Winners' data will be processed in connection with the requirements connected with the obligation to document accounting operations for a period of five years from the end of the accounting year after the Winner's prize will have been paid. Personal data related to the agreement on the transfer of copyright and in connection with the designation of authorship shall be processed for the duration of these rights.

Implementing the rights of data subjects

You have the right to:

- ✦ request that your data be rectified (corrected);
- ✦ request that your data be erased;
- ✦ limit the processing of your data (suspension of operations on data, including non-erasure, as requested);
- ✦ access your data (including the right to request for a copy of data);
- ✦ data portability, i.e. to transfer your data to another controller (to the extent and with the exceptions specified in Article 20 of the GDPR);
- ✦ additionally, as regards the processing of personal data for other purposes relating to a legitimate interest of the Controller, you have the right to object to the processing on grounds relating to your particular situation.

In order to exercise the rights mentioned above, please send your request(s) to the following addresses: via e-mail – iod@mocak.pl, or in writing at the address of the registered office of MOC AK or submit your request(s) in person at the registered office of MOC AK. MOC AK shall notify Oknoplast and the joint controllers will decide together on the execution of your request(s).

Before satisfying your request(s), MOC AK may require confirmation of your identity in a manner compatible with each individual request.

If you consider that the processing of your personal data by MOC AK violates the provisions of the GDPR, you have the right to lodge a complaint to a data protection supervisory authority in your country of residence. In Poland it is the President of the Personal Data Protection Office at the following address: ul. Stawki 2, 00-193 Warsaw.

Information on data requirements

The provision of data designated as required by Organisers is necessary for participation in the Contest. In the event of winning, the provision of data is necessary for the conclusion of the agreement and for the settlement of the prize in accordance with tax regulations. Refusal to provide the required data shall mean that you are unable to take part in the Contest organised by MOC AK and Oknoplast or that the prize cannot be given to you. The provision of data related to marking your authorship or the provision of data not marked as the required data is voluntary.

Automated decisions

The joint controllers will not apply automated decision-making, including profiling, to you and your data.