

EXTRACT FROM DATA PROTECTION POLICY

in

Dom Maklerski TMS Brokers S.A.

regarding the rights of data subjects

I. GENERAL PROVISIONS

§ 1.

Whenever a term is capitalized in the Policy, it has the meaning set out below:

- 1) **Administrator** - it means **Dom Maklerski TMS Brokers S.A.** with its registered office in Warsaw, setting the purposes and methods of Data Processing;
- 2) **Personal data** - it means information about an identified or identifiable natural person ("**data subject**"). An identifiable person is a person who can be directly or indirectly identified, in particular on the basis of an identifier such as name, identification number, location data, online identifier or one or more specific factors determining physical, physiological, genetic, mental, economic, cultural or social identity of the individual;
- 3) **Recipient of data** - it means a natural or legal person, public authority, entity or other entity to whom Personal Data is disclosed, including a processor, with the exception of public authorities that may receive Personal Data as part of a specific proceeding in accordance with EU or Polish law;
- 4) **Restriction of processing** - it means the designation of stored Personal Data in order to limit their future Processing;
- 5) **Supervisory authority** - it shall mean the President of the Office for Personal Data Protection;
- 6) **Data processing** - it means an operation or set of operations performed on Personal Data or sets on 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;
- 7) **Regulation** - it shall mean a Regulation of the European Parliament and Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons in connection with the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (General Data Protection Regulation);
- 8) **Special categories of Personal Data** - it means Personal data revealing racial or ethnic origin, political views, religious or beliefs, trade union membership and genetic data, biometric data processed to uniquely identify a natural person or health, sexuality data or that person's sexual orientation;
- 9) **Disclosure of personal data** - it means sending, distributing or other sharing of Personal Data;
- 10) **Act** - it shall mean the Act of 10 May 2018 on the protection of personal data;
- 11) **Deletion of data** - it means the destruction of Personal Data or such modification that will not allow determining the identity of the data subject;
- 12) **Collection of personal data** - it means the acquisition of Personal Data from the data subject or from other sources;
- 13) **Consent of the data subject** - it means voluntary, specific, conscious and unequivocal demonstration of the will to which the data subject, in the form of a statement or explicit confirmation action, authorizes the processing of his data.

II. ADMINISTRATOR'S OBLIGATIONS

§ 2.

The Administrator guarantees that the rights of data subjects are respected in the following areas:

- requests to rectify or update Personal Data;
- requests to limit the processing of Personal Data;
- object to the processing of Personal Data;
- request removal of Personal Data;
- request confirmation of processing, access to Personal Data and obtaining a copy thereof;
- requests to transfer Personal Data;
- withdrawal of Consent to Data Processing;
- refrain from automated decision making.

III. DATA SUBJECT'S RIGHTS

§ 3.

In order to exercise his or her rights, the data subject contacts the data protection officer:

- via e-mail to the following address: odo@tms.pl, or
- to the address: ul. Złota 59, 00-120 Warsaw.

§ 4.

1. If the Personal Data of the data subject are collected from that person, the Administrator, when Collecting Personal Data, provides the information specified in § 13 para. 1, 2 and 3 of the Regulation, unless that person already has this information.
2. If Personal Data has not been obtained from the data subject, the Administrator provides the information specified in § 14 para. 1, 2 and 4 of the Regulation, unless:
 - a. that person already has this information;
 - b. providing such information proves impossible or would involve a disproportionate effort;
 - c. acquisition or Disclosure is expressly governed by European Union law or Polish law, which provides for appropriate measures to protect the legitimate interests of the data subject; or
 - d. Personal data must remain confidential in accordance with the obligation of professional secrecy provided for in European Union law or Polish law, including the statutory obligation of confidentiality.
3. The information referred to in para. 2, the Administrator provides:
 - a. within a reasonable time after obtaining Personal Data - no later than within a month - taking into account the specific circumstances of Data Processing;
 - b. if Personal Data are to be used for communication with the data subject - at the latest at the first such communication with the data subject at the latest; or
 - c. if it is planned to Disclose Personal Data to another Recipient of data - at the latest upon their first Disclosure.

§ 5.

1. If the basis for Data processing is the Consent of the data subject, the Administrator must be able to demonstrate that the data subject has consented to the processing of his or her data.
2. The Consent of the data subject should be a voluntary, specific, informed and unequivocal demonstration of the will to which the data subject, in the form of a statement or explicit confirmation action, authorizes the processing of data concerning him for a specific purpose. For various purposes of Data Processing, a separate Consent of the data subject should be received.
3. If the data subject agrees in a statement that also addresses other matters, the request for Consent must be presented in a way that makes it possible to clearly distinguish it from other matters in an understandable and easily accessible form in clear and simple language.
4. The Administrator allows the data subject to withdraw his or her Consent at any time in the same way as it was expressed. The Administrator informs the data subject about the possibility

of withdrawing Consent in a clear and transparent manner. In the event of withdrawal of Consent, the Administrator shall immediately cease Processing this person's data.

5. Expressing Consent to Data Processing may not be a condition for concluding a contract or providing a service.
6. In the event of a plan to change the purpose of Data Processing, the Administrator again asks the data subject for Consent to Process his or her data for the purpose changed.

§ 6.

1. The administrator enables the data subject to obtain confirmation whether Personal data concerning hi mor her are being processed, and if this is also the case, to obtain access to them and the information specified in § 15 para. 1 and 2 of the Regulation.
2. The Administrator provides the data subject with a copy of the Personal Data being processed. The Administrator shall charge a fee in the amount specified in the Table of Fees for all subsequent copies requested by the data subject. If the data subject asks for a copy by electronic means and unless otherwise stated, the information is provided by email.

§ 7.

1. The Administrator corrects incorrect Data at the request of the data subject immediately after receiving such a request.
2. The Administrator supplements incomplete Personal Data at the request of the data subject immediately after receiving such a request. The Administrator refuses to supplement Personal Data when it is incompatible with the purposes of processing.
3. The Administrator verifies the substantive correctness of Personal Data indicated in the request to rectify or supplement Personal Data.
4. The Administrator informs about the rectification of each Recipient of data who has been disclosed Personal Data, unless this proves impossible or will require a disproportionate effort. The Administrator informs the data subject about these Recipients of data, if the data subject requests it.

§ 8.

1. At the request of the data subject, the Administrator deletes Personal Data concerning them, if one of the following circumstances occurs:
 - a. Personal data are no longer necessary for the purposes for which they were collected or otherwise processed;
 - b. the data subject has withdrawn the Consent on which the Data Processing is based, and there is no other legal basis for the processing;
 - c. the data subject raises an objection pursuant to art. 21 paragraph 1 of the Regulation regarding Data Processing and there are no overriding legitimate grounds for processing or the data subject raises an objection pursuant to art. 21 paragraph 2 of the Regulations regarding processing;
 - d. Personal data was processed unlawfully;
 - e. Personal data must be deleted in order to comply with the legal obligation provided for in European Union law or Polish law to which the Administrator is subject;
 - f. Personal data was collected in connection with offering information society services.
2. If the Administrator has published Personal Data, which in accordance with para. 1 is obliged to delete, then - taking into account available technology and cost of implementation - takes reasonable steps, including technical measures, to inform the Controllers processing these Personal Data that the data subject requests that these Administrators remove all links to these Data, copies of these Personal Data or their replications. The Administrator informs the data subject about these Recipients of data, if the data subject requests it.
3. The Administrator may refuse to delete Personal Data to the extent it is necessary:
 - a. to exercise the right to freedom of expression and information;

- b. to comply with a legal obligation requiring processing under EU or Member State law to which the Administrator is subject, or to perform a task carried out in the public interest or in the exercise of official authority entrusted to the Administrator;
 - c. due to reasons of public interest in the field of public health in accordance with art. 9 para. 2 letter h) and i) and art. 9 para. 3 of the Regulation;
 - d. for archival purposes in the public interest, for scientific or historical research purposes or for statistical purposes in accordance with art. 89 paragraph 1 of the Regulation, if it is likely that the removal of Personal Data will prevent or seriously impede the achievement of the purposes of such processing; or
 - e. to determine, pursue or defend claims.
4. The Administrator will cease processing Personal Data immediately after receiving the objection of the Data Subject, if the Data Processing was necessary to perform a task carried out in the public interest or as part of exercising public authority entrusted to the Administrator or for purposes arising from legitimate interests pursued by the Administrator or by third party. The Administrator may not accept the objection, if it demonstrates the existence of valid legitimate grounds for Data processing, superior to the interests, rights and freedoms of the data subject, or grounds for establishing, investigating or defending claims.
 5. The Administrator will cease Processing data for direct marketing purposes immediately after receiving the objection of the Data Subject to the processing for such purposes.
 6. A request to delete Personal Data or an objection may be submitted by a data subject in writing, electronically, including via the Administrator's website, by phone or orally for the record at the Administrator's seat.

§ 9.

1. If the processing of data is based on the Consent of the data subject and in an automated manner, the Administrator allows data subjects to receive a copy of their Personal Data in electronic form, in the xml, .json, .csv format or other commonly used, structured, machine-readable format that enables that person to send Personal Data to another service provider, to read Personal Data automatically by another provider, and to use Personal Data as part of another provider's services.
2. As far as technically possible, at the request of the data subject, the Administrator sends Personal Data directly to another Administrator.
3. The Administrator may refuse to provide copies of Personal Data in accordance with paragraph. 1, if it could adversely affect the rights and freedoms of others.

§ 10.

1. The Administrator limits the processing of data at the request of the data subject in the following cases:
 - a. the data subject questions the correctness of Personal Data - for a period enabling the Administrator to check the correctness of this Personal Data;
 - b. The processing of data is unlawful, and the data subject opposes the Deletion of Personal Data, requesting instead to limit their use;
 - c. The Administrator no longer needs Personal Data for processing purposes, but they are needed by the data subject to determine, assert or defend claims;
 - d. the data subject has raised an objection pursuant to art. 21 paragraph 1 of the Regulation regarding Data Processing - until it is determined whether legally justified grounds on the part of the Administrator prevail over the grounds of objection of the data subject.
2. The Administrator stores data whose Processing has been restricted in accordance with para. 1, and in the remaining scope processes them only:
 - a. with the Consent of the data subject, or
 - b. to determine, pursue or defend claims, or
 - c. to protect the rights of another natural or legal person, or
 - d. due to important reasons of public interest of the European Union or the Republic of Poland.

3. Before lifting the Data Processing Restriction, the Administrator shall inform the data subject who requested the Restriction.
4. The Administrator informs about the limitation of Data Processing to each Recipient of data who has been disclosed Personal Data, unless this proves impossible or requires a disproportionate effort. The Administrator informs the data subject about these Recipients of data, if the data subject requests it.

§ 11.

1. The Administrator allows decisions that are based solely on automated Data Processing, including profiling, and have legal effects on the data subject, or in a similar way significantly affect him, only if such a decision:
 - a. it is necessary to conclude or perform an agreement between the data subject and the Administrator;
 - b. is allowed by European Union law or Polish law to which the Administrator is subject and which provides for appropriate measures to protect the rights, freedoms and legitimate interests of the data subject; or
 - c. is based on the explicit Consent of the data subject.
2. In the cases referred to in para. 1 letter a and c, at the request of the data subject, the Administrator will provide verification of human intervention. The Administrator will allow the data subject to express his or her own position and challenge the decision taken in the manner specified in paragraph 1.
3. The decisions referred to in para. 2 may not be based on Special categories of Personal Data, unless art. 9 para. 2 letter a) or g) of the Regulation and there are appropriate measures to protect the rights, freedoms and legitimate interests of the data subject.