

Privacy policy for contractors of Dom Maklerski TMS Brokers S.A.

*This "Privacy Policy for the contractors of Dom Maklerski TMS Brokers S.A." (hereinafter "**Privacy Policy**") was prepared by the company Dom Maklerski TMS Brokers S.A. (hereinafter "**Data controller**" or "**TMS Brokers**") and is addressed to business partners, suppliers and service providers of TMS Brokers.*

The purpose of this Privacy Policy is to provide information about the conditions, principles and rules used to process personal data provided to the Data controller in connection with the cooperation or performance of the agreement linking TMS with the contractor.

1. Who is responsible for your personal data?

The Data controller of personal data is Dom Maklerski TMS Brokers S.A. with its registered office in Warsaw, address: ul. Złota 59, 00-120 Warsaw, entered into the register of entrepreneurs under number 0000204776.

2. How to contact the Data controller?

A Data Protection Officer has been appointed at TMS Brokers. In matters regarding the processing of personal data by the Data controller, you can contact the following e-mail address: odo@tms.pl.

3. On what basis and for what purpose the Data controller process your personal data?

The Data controller undertake to process your personal data in order to:

- a) conclusion and performance of the agreement concluded with the Data controller and making the necessary settlements in connection with its conclusion - for the time necessary to perform the agreement, and after its completion, personal data will be processed for the time needed to demonstrate the correct performance of the obligations arising from it until the deadlines indicated in provisions on archiving,

- b) performing the Data controller's statutory obligations, in particular tax and reporting - for the time necessary to implement the Data controller's statutory obligations, in particular until the expiry of the limitation period for tax obligations,
- c) implementation of the legitimate interest of the Data controller described below - for the time necessary to implement the legitimate interest of the Data controller, in this respect, however, no longer than until the special situation of your objection is justified, and if direct marketing is a legitimate interest - until your objection,
- d) if voluntary and optional consent is given, the data will also be processed for the marketing purpose of providing you with information about products sold by the Data controller, promotions, price lists and other promotional information and events by means of messages sent to your e-mail address or telephone number and during telephone conversations with you - until you withdraw your consent to receive marketing messages.

The legal basis for processing to the extent necessary to conclude and perform the agreement is art. 6 para 1 letter b) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27.04.2016 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 "**GDPR**")) and art. 6 para. 1 letter c) of the GDPR to the extent necessary to perform statutory obligations by the Data controller.

The basis for data processing is also art. 6 para. 1 letter f) of the GDPR, i.e. the Data controller's legitimate interest in providing necessary settlements in connection with the concluded agreement, pursuing claims, direct marketing as well as building relationships and image.

If you agree to receive marketing messages sent to your e-mail address and phone number, then the legal basis will also be art. 10 of the Act of July 18, 2002 on the provision of electronic services in connection with art. 172 of the Telecommunications Act of 16.07.2004. If you agree to receive marketing messages during voice calls made to your phone number, the legal basis for processing will be art. 172 of the Telecommunications Law.

Data processing for purposes other than the above may take place: (i) based on obtaining additional consent, (ii) on the basis of applicable law, or (iii) when it is consistent with the purpose for which the personal data was originally collected (art. 6 para. 4 of the GDPR).

4. What are your rights within the scope of the Privacy Policy?

Under the provisions of the GDPR, you have numerous rights with respect to personal data. The following is a general description of your rights:

Dom Maklerski TMS Brokers SA, Złote Tarasy (Budynek Skylight), ul. Złota 59, 00-120 Warszawa
tel. (22) 27 66 200, fax (22) 27 66 202, dommaklerski@tms.pl, www.tms.pl

Dom Maklerski TMS Brokers SA, podlega Komisji Nadzoru Finansowego. Spółka zarejestrowana przez Sąd Rejonowy dla m.st. Warszawy w Warszawie, XII Wydział Gospodarczy Krajowego Rejestru Sądowego pod numerem KRS 0000204776
Kapitał zakładowy: 3.537.560 zł, kapitał wptacony: 3.537.560 zł, NIP: 526-27-59-131, REGON: 015715078

- a) Access to personal data.
You can exercise your right to access your data at any time.
- b) Correction and completion of data.
You have the right to request the Data controller to immediately correct your personal data that is incorrect, as well as to request incomplete personal data.
- c) The right to delete data.
You have the right to request the Data controller to immediately delete your personal data in any of the following cases:
- i. when personal data are no longer necessary for the purposes for which they were collected or otherwise processed,
 - ii. when personal data is processed unlawfully,
 - iii. when personal data must be deleted in order to comply with the legal obligation provided for in generally applicable provisions.
- The Data controller will not be able, however, to delete your personal data to the extent that its processing will be necessary for:
- i. exercising the right to freedom of expression and information,
 - ii. compliance with a legal obligation requiring processing under generally applicable provisions,
 - iii. statistical purposes on the principles set out in the GDPR,
 - iv. establishing, pursuing or defending claims.
- d) The right to limit data processing.
You have the right to request the Data controller to limit the processing of personal data in cases where:
- i. You question the correctness of personal data - for a period allowing the Data controller to check the correctness of this data,
 - ii. processing is unlawful, and you object to the deletion of personal data, requesting instead to limit their use,
 - iii. the Data controller no longer needs personal data for processing purposes, but you need it to determine, pursue or defend claims.
- e) Right to object.
You have the right to object to the processing of your personal data in the event that the Data controller processes this data in a legitimate interest, including for direct marketing. To the extent that data is processed for a purpose other than direct marketing, the Data controller may not accept the objection if it demonstrates the existence of valid legitimate grounds for processing, overriding your interests, rights and freedoms, or grounds for establishing, investigating or defending claims.
- f) Right to withdraw consent.
To the extent that the processing of personal data is based on your consent, you have the right to withdraw consent at any time. Withdrawal of consent does not affect the lawfulness of the processing that was carried out on the basis of consent before its withdrawal.
- g) Right to data portability.

To the extent that data is processed for the conclusion and performance of the agreement or processed on the basis of consent and data processing is carried out in an automated manner - you have the right to receive from the Data controller in a structured, commonly used machine-readable format your personal data, which provided to the Data controller. You also have the right to send this personal data to another administrator.

h) **Right to complain.**

You have the right to lodge a complaint about the processing of personal data by the Data controller to the supervisory body, which in Poland is the President of the Office for Personal Data Protection.

The rights referred to in point a) - h) above, can be done by contacting the Data controller in the manner specified in point 2 of this Privacy Policy.

5. Providing personal data

Providing by the Contractor directly personal data for the purpose of cooperation or performance of the agreement with TMS Brokers is voluntary, however, the consequence of not agreeing will be the inability to cooperate or conclude the agreement.

Personal data of natural persons processed by TMS Brokers are obtained directly from the Contractor.

6. Automated decision-making

You will not be subject to a decision that is based solely on automated decision-making, including profiling, and has legal effects on you or similarly significantly affects.

7. Data recipients

The Data controller may share your personal data with the following recipients or categories of data recipients:

- a) service providers providing services on TMS Brokers behalf. In agreements concluded with such service providers, the Data controller require compliance with applicable laws on the protection of personal data,
- b) if such an obligation arises from the mandatory provisions of law, the Data controller may also share your personal data with third parties, in particular authorized state bodies.

8. Transfer of personal data outside the EEA

The Data controller does not plan to transfer your personal data to recipients outside the EEA, i.e. to third countries.

In the case of transferring personal data to third countries, i.e. to recipients based outside the European Economic Area or Switzerland, in countries that according to the European Commission do not provide sufficient data protection (third countries that do not provide an adequate level of protection), the Data controller transfers them using mechanisms consistent with applicable law, which includes, among others

- a) EU "Standard Contractual Clauses",
- b) when the data is transferred to a third country against which the European Commission has determined on the basis of a decision that the third country in question meets an adequate level of protection.

9. How long is your personal data stored?

The Data controller makes every effort to ensure that your personal data is processed in an adequate manner and as long as it is necessary for the purposes for which it was collected. With this in mind, the Data controller stores your personal data for no longer than necessary to achieve the purposes for which the data was collected or, if necessary, to comply with applicable law, in particular the period of cooperation, agreement implementation and the limitation period for claims.

10. Change in the Privacy Policy

This Privacy Policy may change, in particular if the need or obligation to introduce such changes results from changes in applicable law, including changes in the recipients of the data.

The amendment to this Privacy Policy is made by way of a resolution of the Management Board of TMS Brokers.

Date of last modification: 26/07/2021