

## **Privacy policy for the recruitment process to Dom Maklerski TMS Brokers S.A.**

*This "Privacy Policy for the recruitment process to 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 directed to candidates for employees and associated of TMS Brokers.*

*Based on Article. 13 section 1 and 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 of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Regulation on Data Protection) (hereinafter the "GDPR") below the TMS Brokers provide you with information on the rules for the processing and protection of your personal data with the Data controller.*

### **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](mailto:odo@tms.pl).

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

Your data will be processed in order to recruit for the post of the Data controller.

As part of recruitment processes, the Data controller expects the transfer of personal data (e.g. in curriculum vitae) only to the extent specified in the provisions of the labor law. Consequently, the

broader scope of information should not be provided. In the event that the submitted applications contain additional data, exceeding the scope indicated by the provisions of labor law, their processing will be based on the candidate's consent (Article 6 para. 1 letter a of the GDPR), expressed through an unequivocal confirming action, which is sent by the candidate application documents. If the submitted applications contain information inadequate for the purpose of recruitment, they will not be used or taken into account in the recruitment process.

If voluntary and optional consent is given (Article 6 para. 1 letter a of the GDPR), the data will also be processed for the purposes of future recruitments conducted by the Data controller, in particular in order to present you with new job offers, invite you to take part in recruitments and check the possibilities of your participation in future recruitments carried out by the Data controller.

If the preferred form of employment is an employment agreement - in order to perform obligations resulting from legal provisions related to the employment process, including in particular the Labor Code - the legal basis for processing is the legal obligation incumbent on the Data controller (Article 6 para. 1 letter c of the GDPR in connection with the provisions of the labor law).

If the preferred form of employment is a civil law contract - in order to conduct the recruitment process - the legal basis for the processing of data contained in the application documents is taking action before concluding the contract at the request of the data subject (Article 6 para. 1 letter b of the GDPR).

In order to verify the qualifications and skills of the candidate and to establish the terms of cooperation - the legal basis for data processing is the legitimate interest of the Data controller (Article 6 para. 1 letter f of the GDPR). The legitimate interest of the Data controller is the verification of job candidates and determining the conditions of possible cooperation.

In order to establish or pursue possible claims by the TMS Brokers or to defend against claims made against the Data controller - the legal basis for data processing is the Data controller's legitimate interest (Article 6 para. 1 letter f of the GDPR).

If additional information is included in the documents provided by you - personal data referred to in art. 9 para. 1 of the GDPR, they will be processed with your consent (article 9 para. 2 letter a of the GDPR), which can be revoked at any time.

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).

To the extent that personal data are processed based on the consent given, it can be withdrawn at any time, without affecting the lawfulness of the processing carried out before its withdrawal. If consent is given for the purposes of future recruitment processes, personal data will be deleted no later than after two years - unless the consent has been withdrawn earlier.

Providing data in the scope specified in art. 22 (1) of the Labor Code is required - if the candidate prefers employment based on a agreement of employment - by law, including in particular the Labor Code, and in the case of preferring employment based on a civil law contract - by the Data controller.

The consequence of not providing this data is the inability to consider a given candidacy in the recruitment process. Providing other data is voluntary.

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

You have the right to access data, correct them, request their removal, as well as the right to limit processing, data transfer, object to the processing of personal data and the right to lodge a complaint to the supervisory body if the data is processed in breach of legal requirements.

For reasons related to your particular situation, you have the right to object to the processing of personal data if the Data controller processes personal data on the basis of legitimate interests.

#### **5. Providing personal data**

Providing your personal data to the extent resulting from generally applicable law, in particular art. 22<sup>1</sup> of the Labor Code is necessary to participate in the recruitment procedure. Providing other data by you is voluntary.

#### **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 it.

#### **7. Data recipients**

The Data controller may transfer your data to the following recipients, if it is necessary to carry out the process: companies from the capital group to which TMS Brokers belongs, advisors or associates, entities providing the server and data storage, suppliers of software used to support the recruitment process.

#### **8. Transfer of personal data outside the EEA**

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?**

Personal data will be processed until the recruitment process is completed. In the case of expressing a separate consent to the processing of data for the purposes of future recruitments, the data will be processed until the end of these recruitments, but no longer than until the consent for data processing is withdrawn.

## **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