



# PERSONAL DATA PROCESSING STATEMENT

## Opening Provisions

This Personal Data Processing Statement (the “**Statement**”) is issued by BRAWA, a.s., ID No.: 247 57 926, with its registered office at Na Hřebenech II 1718/8, 140 21 Prague 4 – Nusle, registered in the Commercial Register administered by the Municipal Court in Prague, Ref. No. B 16622 (the “**Company**”).

This Statement is addressed to all customers and contractors of the Company (and their representatives), owners or lessees of relevant (special-interest) land plots, persons requesting a statement or demarcation, other business or industry partners and their representatives, parties (if any) involved in insured events, and recipients or senders (if any) of consignments, as well as any users of the Company's websites [www.brawa.cz](http://www.brawa.cz) (the “**Information Recipients**”). This Statement has been issued in compliance with the transparency principle pursuant to Articles 13 and 14 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 (the “**GDPR**”), and its purpose is to inform the above-mentioned individuals (data subjects) of the scope and the methods whereby their personal data will be processed, as well as their rights in connection with such processing.

This Statement will be regularly updated.

## 1. Basic Definitions

For the purposes of this Statement:

- (a) “**Personal data**” means any information relating to an identified or identifiable natural person (the “**data subject**”); 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;
- (b) “**Controller**” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data, and assumes primary liability for compliance with the applicable personal data protection laws and regulations (especially the GDPR);
- (c) “**OPDP**” means Office for Personal Data Protection which is an independent supervisory authority in the Czech Republic in terms of the GDPR, authorized to supervise compliance with the applicable personal data protection laws and regulations;
- (d) “**Processing**” means any operation or set of operations which is performed on personal data or on sets of 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;
- (e) “**Processor**” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller on the basis of a written personal data processing agreement entered into in compliance with the GDPR;



- (f) “**Special categories of personal data**” mean personal data revealing 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 natural person's sex life or sexual orientation;
- (g) “**Cookies**” mean electronic data created by a web server and stored on the Websites user's device through the user's browser which are sent back to the web server whenever the user subsequently visits the Websites.

## 2. Rules for Web Use, Copyright

The Company is the owner and operator of the [www.brawa.cz](http://www.brawa.cz) websites (the “**Websites**”). The Company is the holder of any and all copyright under Act No. 121/2000 Coll., on Copyright, Rights Relating to Copyright, and Amending Selected Legislation (Copyright Act), as amended, with respect to any and all content uploaded by the Company to the Websites.

The Websites may contain links to websites beyond the Company's control. Consequently, this Statement does not apply to any links which redirect the user from the Websites and refer to information and services of external entities. The Company assumes no liability for any expressions and procedures of the operators of such websites.

## 3. Personal Data Processing

The Company is the personal data controller in relation to the recipients of this Statement and independently determines the below-mentioned purposes and means of the processing of personal data and sets measures relating to personal data processing, primarily the security thereof. The Company as a personal data controller must make sure that any and all personal data are processed in compliance with the requirements of any applicable laws and regulations (primarily the GDPR).

Processing of personal data by the Company does not involve any decision-making regarding the data subjects based solely on automated personal data processing (including profiling) which has any legal effects or any similar significant consequences for the data subject.

### **Sources of personal data:**

Personal data of the Information Recipients are collected directly from these data subjects, especially within the framework of: (i) negotiations preceding the entering into of a contract and subsequent performance of an already existing contract, (ii) providing an opinion or securing demarcation, (iii) securing sectoral and other cooperation aimed at the protection of common interests, (iv) securing promotion materials and events, (v) securing internal and external communications, (vi) settlement of insured events, and (vii) fulfilment of legal obligations binding on the Company. If the data subjects refuse or fail to provide certain personal data, the Company may fail to accomplish one or more of the purposes of personal data processing set forth in this Statement below.

The Company may also collect the data subjects' personal data from publicly available sources, such as public lists and databases, registers and other records, from public administration authorities and courts, or on the basis of special laws and regulations.

Cookies are the source of Websites users' personal data. For more information, please refer to the “Personal data subject to processing” subchapter.



### **Creation of personal data:**

The Company may also create personal data which concern the Information Recipients, for instance a system ID assigned by the Company, records of any communication with the Company and details regarding a contractual or similar relationship. Such personal data help the Company to conduct and manage its business.

### **Personal data subject to processing:**

#### *Customers and contractors of the Company*

The Company processes especially, without limitation, the following categories of personal data regarding the Company's customers and contractors (and their representatives):

- (a) Basic data: name and surname; academic degree; date of birth (if relevant); citizenship (if relevant); title of the person's post or position (if relevant); identity card number (if relevant); passport number (if relevant); visa number (if relevant); work permit (if relevant); ID No. and VAT No. (in the case of customers and contractors who are natural persons); signature;
- (b) Contact details: telephone number (land line and cell phone); e-mail address; data mailbox ID (in the case of customers and contractors who are natural persons); permanent residence address and place of residence (if relevant);
- (c) Data necessary for performance of the contract (contractual relationship) entered into with the customer/contractor (only in the case of customers and contractors who are natural persons): bank account details; references and data regarding previous orders of the customer/contractor; amount and due dates of payments; place of commencement and termination of work (if relevant); plan and statement of work (if relevant); and
- (d) Compliance with laws and regulations and contractual obligations: reports on any breaches by a contractor's employee of any duties set forth in any laws and regulations or of any contractual obligations relating to the employee's job;

#### *Owners and lessees of relevant (special-interest) land plots*

The Company processes especially, without limitation, the following categories of personal data regarding the owners and lessees (and their representatives) of the Company's relevant (special-interest) land plots:

- (a) Basic data: name and surname; academic degree; birth registration number; date of birth; signature;
- (b) Contact details: telephone number (land line and cell phone); e-mail address; permanent residence address and place of residence (if relevant); and
- (c) Data necessary for performance of the contract (contractual relationship): amount and due dates of payments; bank account details; ownership share / leased land plot; Certificate of Title number; easements on the land plot.

#### *Persons requesting a statement/demarcation*

The Company processes especially, without limitation, the following categories of personal data regarding persons requesting a statement/demarcation (and their representatives):

- (a) Basic data: name and surname; academic degree;



- (b) Contact details: telephone number (land line and cell phone); e-mail address; permanent residence address and place of residence (if relevant); and
- (c) Data necessary for fulfilment of the relationship: Certificate of Title number.

#### *Industry partners*

The Company processes especially, without limitation, the following categories of personal data regarding business/industry partners (and their representatives):

- (a) Basic data: name and surname; academic degree; signature; ID No. and VAT No.;
- (b) Contact details: telephone number (land line and cell phone); e-mail address; system ID assigned by the Company;
- (c) Data necessary for fulfilment of the relationship (only with respect to representatives who are natural persons): bank account details; references and data regarding previous orders of the customer/contractor; amount and due dates of payments; place of commencement and termination of work (if relevant); plan and statement of work (if relevant);

#### *Parties involved in insured events*

The Company processes especially, without limitation, the following categories of personal data regarding parties involved in insured events:

- (a) Basic data: name and surname; academic degree; photograph; signature;
- (b) Contact details: telephone number (land line and cell phone); permanent residence address and place of residence (if relevant); and
- (c) Data necessary for settlement of the relationship: amount and due dates of payments; bank account details; vehicle registration number; data concerning any damaged property; internal investigation records.

#### *Recipients/senders of consignments*

The Company processes the following categories of personal data regarding recipients/senders of consignments:

- (a) Basic data: name and surname; academic degree; and
- (b) Contact details: telephone number (land line and cell phone); permanent residence address and place of residence (if relevant); correspondence address; business (company) e-mail address.

#### *Websites users*

The Company processes information about Websites users consisting in the cookies stored on the device of the Websites user which automatically recognize the user when they next visit the Website. Cookies used by the Company contain no personal data of the Websites users except for the time they spent browsing the Websites, detected from the "Session ID" generated whenever the user visits the Websites.



The general rule is that the web browser allows the storing of cookies on the user's device by default. The user may block cookies in their browser settings; in such case, however, the contents of the Websites may not be displayed correctly when the user views the Websites.

Whenever the user visits the Websites, he or she is notified by a cookie banner of the use of cookies and requested to grant their consent with the use and processing of cookies through the Websites.

#### **Processing of special categories of personal data:**

The Company does not collect or otherwise process any special categories of the data subjects' personal data unless:

- (a) Such processing is required or permitted by the applicable laws and regulations;
- (b) Such processing is necessary to detect or prevent crime;
- (c) Such processing is necessary for the establishment, exercise or defence of legal (statutory) rights;
- (d) Such processing is necessary to protect the fundamental interests of any natural person; or
- (e) In compliance with the applicable laws and regulations, the Company obtains the data subject's explicit prior consent with the processing of any special categories of personal data (as mentioned above, this legal basis is applied only in relation to a fully voluntary processing and is not applied to any processing which is necessary or mandatory in any regard).

#### **Purposes of personal data processing:**

Information Recipients' personal data are processed for the following purposes:

- (a) Performance of contracts and settlement of relationships: negotiations preceding the entering into of a contractual relationship; exercise of rights and performance of obligations under an already existing contractual relationship; enhancing the quality of services provided by the Company;
- (b) Business and financial management: management and operation of the Company's activities; management of the Company's business activities; sales revenues; audit; arranging meetings; marketing; procurement, internal communication; external communication;
- (c) Securing sectoral and other cooperation aimed at the protection of common interests: external communication;
- (d) Management of the Company's systems and activities: economic, financial and administrative management; planning; accounts and reporting;
- (e) Communications and operation of IT: communications management; administration of the Company's websites;
- (f) Settlement of insured events: records and investigation of insured events and parties involved in insured events; handling and settlement of insured events;



- (g) Performance of legal obligations binding on the Company or the relevant processors of personal data: compliance with obligations arising from laws and regulations relating to the work performed, including the Company's internal regulations and legal/regulatory obligations.

#### *Websites users*

The primary purpose of processing the personal data of Websites users collected through cookies is to determine the visit rate on the Websites and compile anonymous statistics which reveal how the users use the Websites.

#### **Legal basis for personal data processing:**

When processing the above-mentioned personal data of Information Recipients in connection with the purposes set forth in this Statement, the Company relies on one or more of the following legal bases:

- (a) Explicit prior consent with the processing; this legal basis is applied only in relation to a fully voluntary processing and is not applied to any processing which is necessary or mandatory in any regard;
- (b) The processing is necessary in connection with negotiations preceding the entering into and subsequent performance of a contract with a customer or contractor;
- (c) The processing is necessary in order to fulfil the Company's legal obligations under the applicable laws and regulations (especially the Public Procurement Act); or
- (d) The processing is necessary for legitimate interests of the Company which are not overridden by the interests or fundamental rights or freedoms of the data subjects; such legitimate interests of the Company include:
  - (i) internal and external communications; management and operation of and support for the Company's activities;
  - (ii) Defence of and asserting the Company's legal claims;
  - (iii) Maintaining the security of the Company's activities; protection of the gas transmission system; and
  - (iv) High-quality provision of services and conduct of the Company's business.

#### **4. Disclosure of Personal Data to Third Parties**

The Company primarily administers personal data alone or jointly (in cooperation) with other entities from the group of companies to which the Company belongs. The Company provides personal data to other persons only if it is required by the law, if the data subject grants their consent to the Company which authorizes the Company to do so, or if such provision of personal data is necessary to accomplish any of the purposes listed above, especially if the external entity is endowed with the necessary expertise and professionalism. In doing so, the Company always cares to maintain high-level protection of personal data.

The Company sometimes hires contractors, authorized by the Company to perform certain activities, to secure the processing of personal data for the Company. Such contractors may, depending on the nature of their activities performed for the Company, become processors of personal data. The processing of personal data is then always limited to the necessary extent, i.e. the individual processors may only access personal data on



a need-to-know basis. Processing of personal data by the processors is always based on a written personal data processing agreement which the Company must enter into with each processor. In their agreement, each processor primarily undertakes to (i) process personal data only in compliance with the Company's prior instructions; and (ii) employ any and all measures to protect the confidentiality and security of personal data.

#### *Categories of existing processors and other recipients of personal data*

The Company may disclose the data subjects' personal data to the following categories of processors and other recipients of personal data:

- (a) Service providers of facility management, procurement and logistics;
- (b) Providers of services in management and securing of gas transmission system documentation;
- (c) Providers of information systems and services and any associated support: providers and operators of IT services and support concerning the operation, administration, maintenance, safety of IT applications, systems, technologies, infrastructure, data saving and backup, and similar services in the area of information technologies;
- (d) Service providers and partners in the area of PR and communications – e.g. administrators of websites;
- (e) Partners and sectoral groups in the gas industry within the framework of sectoral cooperation;
- (f) Other partners processing only contact details.

#### *Other potential recipients of personal data*

The Company is also entitled to disclose personal data to:

- (a) Public administration authorities, courts or Police of the Czech Republic, on request, or for the purpose of reporting any actual or suspected breaches of any applicable laws or regulations;
- (b) Experts, accountants, tax advisors, auditors, legal counsels and other external expert advisors and suppliers of the Company providing they are bound by a professional or contractual duty to maintain confidentiality and secrecy of information;
- (c) Any relevant person, administrative authority or law enforcement (criminal proceedings) authority or court, to the extent necessary to prove, assert or defend any legal (statutory) rights;
- (d) Any relevant person in order to prevent, investigate, detect or prosecute criminal offences, including security measures to prevent any danger or threats to public safety.



## 5. Transfer of Personal Data Abroad

Considering the international nature of its business activities, the Company may need to transfer personal data to other entities within the group of companies to which the Company belongs, as well as other controllers or processors listed in Article 4 above, in connection with the purposes set forth in this Statement. The Company and/or the controllers or processors listed in Article 4 above may therefore transfer personal data to other countries which may have laws, regulations and requirements for the protection of personal data different from the Czech Republic and the EEA states. The Company may primarily share basic information regarding its customers and contractors, using the Company's internal address books, with other companies in the group of companies to which the Company belongs. Other processing of personal data performed by the Company is generally limited to the Company's employees who have a legitimate work-related need to have access to personal data for one or more of the reasons provided herein.

The transfer of personal data to countries outside the EEA for the purposes listed in this Statement will be principally necessary to perform the contract entered into by and between the customer/contractor and the Company, or it will be performed with the explicit prior consent of the customer/contractor. If the personal data are transferred to other companies within the group of companies to which the Company belongs, established outside the EEA, the transfer takes place only on the basis of standard data protection clauses in compliance with Article 46(2)(c) and (d) of the GDPR. Data subjects may request a copy of the standard clauses from the Company, using the contact details provided in Article 11 below.

## 6. Data Security

The Company has adopted appropriate technical and organisational measures to protect the personal data of data subjects against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, as well as any other unlawful or unauthorized forms of processing, in compliance with the applicable laws and regulations (primarily the GDPR).

## 7. Data Accuracy

The Company takes all reasonable steps to ensure:

- (a) Accuracy and, if necessary, updating of any personal data processed by the Company; and
- (b) Immediate deletion or correction of any inaccurate (in view of the purpose of processing) personal data processed by the Company.

The Company may request the individual data subjects to confirm the accuracy of or update their personal data.

## 8. Data Minimisation

The Company takes all reasonable steps to ensure that the personal data of data subjects processed by the Company are limited to personal data legitimately required in connection with the purposes set forth in this Statement.

## 9. Data Retention

The Company takes all reasonable steps to ensure that the personal data are only processed for a minimum period of time which is necessary to fulfil the purposes set forth in this Statement.





The period of retention of the Information Recipients' personal data is governed by the following criteria:

- (a) The Company shall retain copies of personal data in a form which allows for their identification only as long as:
  - (i) Their contractual or any similar relationship exists; or
  - (ii) The personal data are necessary in connection with any legal (statutory) purposes specified in this Statement for which the Company has a valid legal basis (for instance, if the Company has a legal obligation to retain personal data); and
- (b) To the necessary extent until the expiration of:
  - (i) Any (extinctive) prescription period or period of limitation under any applicable laws and regulations should any legal claims be made by the customer/contractor or by the Company in connection with any personal data or if any personal data could be relevant therefor; and
  - (ii) Twelve (12) more months after the expiration of the (extinctive) prescription period or period of limitation (so that the Company has at its disposal a reasonable period to identify any personal data which the claim concerns if any claim is made at or near the end of the period of limitation).

If any relevant legal claims are made, the Company will be entitled to continue processing personal data for such an additional necessary period (i.e. until the termination of the relevant proceedings concerning the claims made), but only to the necessary extent.

After the above-mentioned periods for retention of personal data expire (each to the specified extent), the Company shall either (i) permanently delete or otherwise destroy the personal data, or (ii) anonymize any relevant personal data.

#### *Websites users*

Personal data of any Websites users are deleted immediately after the user leaves the Websites.

## 10. Rights of the Data Subjects in Connection with the Processing

In compliance with the GDPR, data subjects have especially, without limitation, the following rights in connection with the processing of their personal data by the Company:

- (a) Right to revoke anytime their consent with the processing of personal data if the Company processes the personal data only on the basis of their consent; however, the revocation of their consent shall not prejudice the lawfulness of any processing based on a consent which was granted to the Company before the revocation thereof;
- (b) Right to request a confirmation of whether or not the Company processes their personal data and, in the former case, right to have access to the processed personal data or right to request their copies (extract), together with any information regarding the nature of the personal data processing;
- (c) Right to request a correction of any inaccurate personal data;



- (d) Right to request, based on legitimate reasons (and subject to fulfilment of the statutory requirements), (i) deletion of any processed personal data, or (ii) restriction of any personal data processing, as applicable;
- (e) Right to personal data portability (if the statutory requirements are fulfilled for the exercise thereof);
- (f) Right to object to any processing of personal data based on legitimate reasons (and if the statutory requirements are fulfilled); and
- (g) Right to lodge a complaint regarding the personal data processing with the Office for Personal Data Protection.

The authority supervising the protection of privacy and personal data:

**Úřad pro ochranu osobních údajů [Office for Personal Data Protection]**

**Pplk. Sochora 27, 170 00 Prague 7**

**Tel.: 234 665 111**

**Web: [www.uoou.cz](http://www.uoou.cz)**

## 11. Contact Details

Data subjects are free to contact the Company at [osobni.udaje@brawa.cz](mailto:osobni.udaje@brawa.cz) or in the registered office of the Company (see below) in order to exercise any rights under Article 10 of this Statement and make any comments, inquiries or raise concerns, if any, regarding the information provided in this Statement, or ask any other questions concerning personal data processing by the Company: BRAWA, a.s. Na Hřebenech II 1718/8, 140 21, Prague 4 – Nusle.