

# Information duty for Orange Wholesale business partners



**What is the GDPR/RODO?**  
This is a commonly used abbreviation of the Regulation on the protection of personal data



**What is the purpose of the GDPR/RODO?**  
The purpose of the regulation is to harmonize the rules for the processing of personal data within the EU



**Since when are the changes in force?**  
The regulation comes into force on 25/05/2018.



**What is in the attached document?**  
Information on how we protect and process your personal data



**Should you contact Orange due to the GDPR/RODO?**  
No, just read the attached document.

As of 25 May 2018 the General Data Protection Regulation (GDPR) i.e. Regulation (EU) 2016/679 of the European Parliament and of the Council (EU) 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 is applied in the European Union.

The implementation of the GDPR provisions provides an opportunity to inform you how we protect and process your personal data and what rights you have on this account.

The changes implemented under GDPR do not require any contact with Orange. Please read the following information.

## How do we process your personal data?

From the standpoint of the regulation, Orange Polska S.A. is the controller of your personal data, as you are our business partner. It means that we are liable for using these personal data in a manner that is safe, consistent with the agreement between us and with current regulations.

### 1. For what purpose and on what grounds do we use your personal data?

We use the personal data obtained from you for the purpose of:

1) conclusion and performance of the agreement between us, including to ensure the right service quality (e.g. by repairing failures and monitoring correct service operation) - throughout the term of the agreement, while replying to complaints and performing settlements after agreement expiry (legal

basis: article 6(1)(b) of GDPR, we will refer to this basis as the "agreement performance");

2) performing the legal obligations to which we are subject, e.g.:

- a) issuing and storing invoices and accounting documents,
- b) ensuring network security in accordance with the Telecommunications Law.

We will use the data necessary to perform legal obligations:

- i) throughout the performance of such duties, e.g. invoice issuance (legal basis: article 6(1)(c) of GDPR, we will refer to this basis as the "legal obligation");
- ii) for the period in which regulations require us to store the data, e.g. tax regulations (legal basis: legal obligation),  
or
- iii) for the period in which we may suffer the legal consequences of failing to perform the duty, e.g. be subject to a financial fine by state administration (legal basis: article 6(1)(f) of GDPR, we will refer to this basis as "our legally justified interest").

3) detecting and preventing abuse - throughout the term of the agreement (legal basis: our legally justified interest), and subsequently until the claims arising out of the agreement between us prescribe, and if we exercise claims or notify the relevant bodies - for the duration of such proceedings (legal basis: our legally justified interest),

4) determining, defending and exercising claims, which includes, among others, sale of our receivables under the agreement to another entity - until the claims arising out of the agreement

between us prescribe (legal basis: our legally justified interest),

5) direct marketing - throughout the term of the agreement between us (legal basis: our legally justified interest),

6) preparing summaries, analyses and statistics for our internal needs, this includes in particular reporting, marketing studies, planning of service or network expansion, development works in IT systems, creating statistical models (e.g. concerning revenue protection), throughout the term of the agreement (legal basis: our legally justified interest),

7) verifying creditworthiness - for the period necessary to perform such an assessment when concluding, prolonging or extending the scope of this or subsequent agreement, and to handle related complaints (legal basis: agreement performance); this also applies to data we obtain from other sources, and if you enter into a subsequent agreement with us - your data that we possess before it is concluded,

8) support of the service, including notifications about failures, and service customisation based on, among others, data about the offer you use or complaints you have submitted - throughout the term of the agreement between us (legal basis: our legally justified interest).

For the purposes indicated above (except for the "conclusion and performance of the agreement" and "performance of legal obligations" purposes), we will perform profiling, i.e. automated analysis of your data and preparation of predictions regarding your preferences or future behaviours (e.g. for marketing profiling, we will determine what offers you may be the most interested in).

If you express your consent for the use of the data, the contents of the consent will specify what purpose the data will be used for.

## 2. Which data do you need to provide to us?

We require to provide data on the agreement form, in particular such data as full names, company name, registered seat address, tax identification number. Additionally, we may request optional data – which do not affect agreement conclusion (if we do not receive them, we will not be able, for example, to call the contact phone number).

Providing data on agreement conclusion is not a statutory obligation. However, according to tax

regulation, issuing an invoice requires full names or company names of the goods or service purchasers, as well as their addresses, and if the purchaser is a VAT payer, also their tax identification number. To fulfil this obligation, we will use the data provided on the agreement form.

Throughout the performance of the agreement, by rendering our services, we may obtain other data of yours, including data on the use of our telecommunication network, services or website. Their obtaining is a consequence of the technical operation of our services.

## 3. Additional information on personal data

When concluding an agreement and during its duration, you may, for example, order additional services or use features not previously covered by the agreement. If this requires using your data in a manner different than described in this document, as far as possible we will supplement and provide the missing information before obtaining the data. In the remaining scope the information on data processing provided in this document shall remain valid.

## 4. To whom data can be transferred?

- a) to entities processing data on our behalf, participating in conducting our acts:
- a. advertisement agencies that have signed framework agreements with Orange Polska for potential execution of marketing actions and promoting wholesale services,
  - b. operating our ICT systems or providing us with their ICT tools,
  - c. subcontractors supporting us, for example, in rendering telecommunication or other services you order, in equipment installation, handling correspondence or in the customer support process,
  - d. entities operating and maintaining our telecommunication network, entities providing us with advisory, consulting, and audit services, legal, tax-related, and accounting assistance, research agencies acting on our commission.

5. other data controllers processing your data on their own behalf:
  - a. entities conducting postal or courier business,
  - b. entities conducting payment business (banks, payment institutions) for the purpose of performing refunds to you or ensuring the functioning of the Direct Debit service,
  - c. entities purchasing receivables - in the event of your delay in payment of our invoices,
  - d. when concluding, prolonging or extending the scope of an agreement, we provide your data to business information offices and receive from them information on your indebtedness available in such offices,
  - e. entities working with us on handling accounting, tax, and legal matters - to the extent that they become data controller.

#### 5. Data from other sources

- a. When concluding, prolonging or extending the scope of an agreement, for the duration of such procedures, we will use data related to you, originating from a register of entrepreneurs (currently: Central Registry and Information about Business Activities), Central Statistical Office's database to the extent they are published there, Register of Telecommunication Entrepreneurs kept by the President of the Office of Electronic Communications, and from entities professionally collecting and analysing information on the business condition of entrepreneurs within the extent they publish such information, in order to verify your data and your creditworthiness (basis: *agreement performance*), and subsequently to determine, exercise and defend claims until the claims arising out of the agreement between us prescribe (basis: *our legally justified interest*).
- b. During the term of the agreement, we can obtain data from public registers (register of entrepreneurs, Central Statistical Office's database, register of the Office of Electronic Communications) and from private entities collecting or analysing entrepreneurs data for

marketing purposes and for the purposes of preparing summaries and analyses (basis: *our legally justified interest*), throughout the term of the agreement and until the claims arising out of the agreement between us prescribe.

- c. If you perform payment through, for example, a bank or a payment institution, we will obtain data on from what account and in which institution you made the payment. We will process these data to verify whether you made a correct payment, and if necessary, also to make refunds (basis: agreement performance), to determine, exercise and defend claims and for the purpose of preparing statistics and analyses (basis: our legally justified interest).

#### 6. Will your data be transferred outside the European Economic Area (EEA)?

We have no plans to transfer your data outside the EEA (which includes the European Union, Norway, Liechtenstein and Iceland) or to international organizations.

#### 7. Automated decision-making

We make automated decisions that have significant consequences for you in the following situations: under our contractual provisions, we may determine that reaching or exceeding thresholds or limits that we specify (e.g. messages sent, calls, data transfer) may result in specific consequences (e.g. suspending a service or its operation under different rules). If the IT systems detect that thresholds or limits have been reached, we will automatically apply the solution described in given agreement.

#### 8. Transmission data, location data, and access to data from active devices

If the scope of services you use includes Orange Polska telecommunication services, then we process transmission data (related to connections) and location data (related to device location).

We process transmission data for the purpose of:

- a) performance of the agreement, including performance of connections,

ensuring their quality in line with the agreement, billing charges for the services provided, as well as for the purpose of handling complaints,

- b) traffic management in the telecommunication network and settlements with other operators,
- c) detection and prevention of abuse and ensuring network and service security,
- d) determination, defence and execution of claims,
- e) storing it for the purpose of future proceedings by authorised bodies (for a period of 12 months from the date the connection was made or unsuccessfully attempted),
- f) conducting direct marketing (provided you give consent for it).

Transmission data that we use for these purposes is data (all or some) on in what way, how often and when you use the telecommunication services and network, in particular:

- voice calls and text messages, including numbers of outgoing and incoming calls and messages, their type (local, international, roaming), call durations and numbers you communicated with,
- access to the Internet, including Internet session durations and amounts of data transferred, addresses of the websites you visit and your activities on such websites, type of technology used (e.g. 3G, 4G) or terminal devices (e.g. phone or modem model, operating system used), Internet access via telephone (Internet tethering).

We can use or store the transmission data throughout the term of the agreement, and after its termination - during exercising of claims or performing other tasks imposed by the provisions of law.

To detect and prevent abuse, ensure network and service security, and – if we receive consent – for marketing purposes, we will use transmission data

to profile our Clients, assessing for example, whether their behaviour can endanger the integrity of our network.

We process location data (which means data indicating the locations of your telecommunication devices, originating from the telecommunication network):

- g) to perform obligations imposed by the provisions of law;
- h) for direct marketing, which also includes profiling, i.e. customisation of received offer to suit the locations where you used our services (provided you give consent for it),
- i) provide additional services if the data are necessary to provide them (provided you give consent for it).

After complete anonymisation (meaning without information on which subscriber they concern), we can process transmission and location data for the purposes of statistics and analyses of the effectiveness and expansion of our network, traffic management or studies concerning the movements of population between specific points of our network.

We obtain data from active devices, concerning the operation and functioning of our network to verify the technical quality of our services and to be able to handle complaints. We can use this data, after their complete anonymisation, for analyses of the operation of our network and the attractiveness of our offer. With your consent, we can also process this data for other purposes.

## 9. Your rights

You can submit a request to us for:

- rectification (modification of inaccurate data),
- erasure of data processed unjustifiably or placed on our Internet websites,
- restriction of processing (stopping operations on data or prevention of data

deletion - as per submitted request),

- access to data (for information about the data we process and a copy of such data),
- data transmission to another controller or to you (within the extent specified in article 20 of GDPR).

You can exercise these rights by submitting a request through a Customer Account or by sending a written request to the following address:

**Orange Polska S.A.**

34 Jagiellońska Street  
96-100 Skierniewice  
Poland

To ensure that we are indeed acting on your request, we may ask you to provide additional information enabling us to authenticate the party making the request.

The extent of each of these rights and situations where they can be exercised arise out of the law. Which right you can exercise will depend, for example, on the legal basis for our use of your data and on the purpose of their processing.

**10. The right to object**

Notwithstanding the rights listed above, you can at any time object to processing of your data (including profiling) for the purposes of direct marketing. After receiving a request on this matter, we are obligated to discontinue processing your data for this purpose.

In special situations, you can at any time object to processing of your data by us (including profiling) based on our legally justified interest or based on public interest.

In such situations, after reviewing your request, we will no longer be able to process the personal data subject to the objection on this basis, unless we prove that there is:

- valid legally justified basis for data processing, overriding your interests, rights and freedoms, or
- basis for determining, exercising

or defending claims.

**11. The right to object**

If our use of your data is not necessary to perform the agreement, perform a legal obligation or is not within our legally justified interest, we may request your consent to use your data in a specific manner. Such consent can enable, for example, making your data available to other entities for the purposes of their promotional actions or automated decision-making based on your data and on your request. The consent you give can be at any time withdrawn (this will not affect the legality of the use of your data prior to the withdrawal of such consent).

**12. The right to object**

You have the right to lodge a complaint with the President of the Office of Personal Data Protection if you believe that the processing of your personal data violates the law.

**13. Contact and information**

The address of our registered seat:  
**Our correspondence address (this is the address where you should send requests in order to exercise of your laws):**

**Orange Polska S.A.**  
Al. Jerozolimskie 160  
02-326 Warsaw  
Poland

**Orange Polska S.A.**  
34 Jagiellońska Street  
96-100 Skierniewice  
Poland

Contact details of the Data Protection Officer in Orange Polska S.A.:  
[inspektorochronydanych@orange.com](mailto:inspektorochronydanych@orange.com)

More information

If you wish to learn more about how we use and protect your data, or about your rights, please visit:  
<http://www.hurt-orange.pl/rodo/>