

## **INFORMATION CLAUSE**

### **for persons entering into accommodation agreements**

This information clause is intended for natural persons who intend to conclude or have concluded an accommodation agreement with Lakina Sp. z o.o.

In accordance with art. 13 and 14 of the Regulation of the European Parliament and of the Council (UE) 2016/679 of 27 April 2016 r. 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 Data Protection Regulation) („**GDPR**”), we inform you that:

**1** The controller of your personal data is:

Lakina Sp. z o.o. with registered seat in Warsaw, Plac Marszałka Józefa Piłsudskiego 2, 00-073 Warsaw, entered into the Register of Entrepreneurs of the National Court Register kept by the District Court for the Capital City of Warsaw, 12th Commercial Division of the National Court Register under KRS number 0000727938, tax identification number (NIP) 7010818326, REGON 369989628 („**Controller**”).

**2** We process your personal data:

(a) in order to fulfill contractual obligations (art. 6 (1) lit. b GDPR);

The processing of your personal data takes place in order to perform a contract concluded with you or to undertake steps prior to the conclusion of a contract. For further information on the purpose of data processing, please refer to the relevant contractual documentation and contractual terms.

(b) to fulfill legal obligations imposed on the Controller (art. 6 (1) lit. c GDPR);

Data processing may often be necessary for compliance with a legal obligation to which the Controller is subject or such data processing may be explicitly prescribed by law. The most significant regulations on the basis of which the Controller processes your personal data include:

- the Polish Tax Code (art. 86; 88);
- the Polish Accounting Act (art. 71-76);
- provisions regarding the prevention of illegal activities;
- provisions imposing legal obligations, recommendations or recommendations issued by authorized state authorities or institutions.

(c) for the purposes of the Controller's legitimate interests (art. 6 (1) lit. f GDPR);

Data processing may be considered necessary for the purposes of the legitimate interests of the Controller or a third party, where the Controller's or third party's interests are not overridden by your interests or fundamental rights and freedoms. When processing personal data on this legal ground, we always try to balance our legitimate interest and your privacy. In the case of processing based on this legal ground, the Controller analyzes the risks of violating your rights or freedoms as well as measures adopted to protect your personal data.

For example, we will rely on our legitimate interest:

- in order to establish, pursue or defend against claims;
  - in order to ensure information security;
  - in order to conduct direct marketing by the Controller in a traditional form (this does not apply to telephone or electronic marketing which is conducted based on your consents);
  - for our internal administrative purposes, including statistical purposes;
  - in order to secure the property and persons staying in the dormitories owned by the Controller;
  - in order to perform the Controller's duties under agreements concluded with third parties, the subject of which are the receivables to which the Controller is entitled under accommodation agreements, including transfer of rights;
- (d) based on your consent (art. 6 (1) lit. a GDPR).

Where explicit consent has been given to us to process your personal data for specific purposes (e.g. data processing for direct marketing purposes in electronic form), the lawfulness of such processing is based on your consent. Any consent to data processing may be withdrawn at any time. Please note that the withdrawal of consent is effective only for the future and does not affect the lawfulness of the processing that was carried out on the basis of consent before its withdrawal.

**3** The Controller collects your personal data directly from you in the process of concluding an accommodation agreement with the Controller or when the Controller undertakes steps aimed at concluding an accommodation agreement.

**4** The Controller processes the following categories of your personal data:

- (a) name and surname, date of birth, gender, address, e-mail address, telephone number, country of origin, name of the university, year of study, preferences regarding the room or apartment and ID number – in order to conclude and perform the accommodation agreement;
- (b) name and surname, address of residence, ID number, number and address of the used room or apartment, information on the amount of monthly remuneration and the agreement period - to identify the receivables in the event of their transfer to a third party;
- (c) e-mail address and telephone number – for the purposes of direct marketing conducted by the Controller;
- (d) image captured by video surveillance placed around buildings (dormitories) – in order to ensure the safety and security of buildings, assets, staff and visitors;
- (e) other personal data provided by you in the connection to performance of the accommodation agreement.

**5** The transmission of your personal data or outsourcing data processing may be necessary to achieve the purposes set out in point 2 above. Your personal data may be shared with or entrusted to the following entities:

- (a) IT (including RealPage UK Ltd.) and hosting services providers and other third parties, including entities performing activities on behalf of the Administrator related to the accommodation agreement concluded with you, including entities performing financial operations;

- (b) accounting services providers;
- (c) providers of building security services;
- (d) providers of property management services;
- (e) state authorities, if such an obligation results from mandatory provisions of law;
- (f) buyers of receivables due to the Controller resulting from concluded accommodation agreements, including to Bank Polska Kasa Opieki S.A.;
- (g) entities providing data verification services to the Administrator.

**6** The Controller only processes your personal data for the Controller's specific purposes. If your personal data are no longer necessary to achieve the purposes (e.g. performance of contractual and statutory obligations) for which they were lawfully collected, they are erased.

We process your personal data for the purposes indicated below for the following period:

The purpose of processing	The description of the purpose of processing	Legal basis	Storage period
Contractual obligations	The conclusion and performance of an accommodation agreement or undertaking steps at your request prior to entering into a contract	Fulfilling contractual obligations (art. 6 (1) lit. b GDPR)	For the duration of the contract
Pursuit or defense of claims	Establishment and pursuit of or defense against claims of a civil law character by the Controller within its business operation	Controller's legitimate interest (art. 6 (1) lit. f GDPR)	6 years <sup>1</sup> or 3 years <sup>2</sup>
Accounting and tax documentation storage	Data storage based on generally applicable law	Controller's legal obligation (art. 6 (1) lit. c GDPR)	5 years <sup>3</sup>
Direct marketing in traditional form	Conduct of direct marketing in traditional form	Controller's legitimate interests (art. 6 (1) lit. f GDPR)	For the period in which the Controller processes your personal data for other purposes or until you object to the processing of personal data
Electronic and telephone marketing	Conduct of direct marketing in electronic form and by phone and SMS / e-mail (e.g. receiving newsletters)	Voluntary consent (art. 6 (1) lit. a GDPR)	Until the withdrawal of consent
Controller's internal administrative purposes, including statistical purposes	Compiling statistics based on collected personal data	Controller's legitimate interests (art. 6 (1) lit. f GDPR)	For the period in which the Controller processes your personal data for other purposes
Security and safety of persons and property	Security and safety of persons and property carried out with the help of video surveillance (refers to persons entering the Controller's dormitories)	Controller's legitimate interest (art. 6 (1) lit. f GDPR)	One week, unless there is a justified need to store your data for a longer period in order to pursue claims or defend against claims

<sup>1</sup> The limitation period for claims of civil law character calculated from the date on which the claim became enforceable – art. 118 of the Polish Civil Code.

<sup>2</sup> The limitation period for claims of civil law character related to the Controller's business activity calculated from the date on which the claim became enforceable – art. 118 of the Polish Civil Code.

<sup>3</sup> The period calculated:

- a) from the beginning of the year following the financial year to which data relate – art. 74 of the Polish Accounting Act (ustawa o rachunkowości);
- b) from the end of the calendar year in which the tax payment deadline expires to the date of expiry of tax liability period – art. 86 and 88 in relation to art. 70 of the Polish Tax Code (ustawa – Ordynacja podatkowa).

- 7** Your personal data may be processed in a country outside the European Economic Area ('EEA'). At present the Controller, for purposes necessary to perform its business, may transfer your personal data to the United Kingdom, United States or Philippines, as a result of the cooperation of the Controller with RealPage UK Ltd., supplier of the PEX platform which enables real estate management.

With regard to transfers of personal data to the United Kingdom, on June 28, 2021, the European Commission adopted an implementing decision under the GDPR on the adequate protection of personal data by the United Kingdom. This means that transfers of personal data to the United Kingdom do not require the implementation of additional safeguards provided for in Chapter V of the GDPR.

With regard to transfers of personal data to the United States and the Philippines, an adequate level of protection of personal data has not yet been established by the European Commission. However, we assure you that your personal data is properly secured using standard contractual clauses for the transfer of personal data to third countries on the basis of the GDPR, adopted pursuant to the Commission Implementing Decision (EU) 2021/914 of 4 June 2021. Pursuant to art. 46 sec. 2 GDPR, standard contractual clauses provide appropriate safeguards in the event of transfer of personal data to third countries.

- 8** You have the right to:
- (a) request access to your personal data,
  - (b) request the rectification of your personal data,
  - (c) request the erasure of your personal data,
  - (d) request the restriction of data processing,
  - (e) request data portability,
  - (f) to object to the processing of your personal data,
  - (g) withdraw your consent to data processing at any time, however, the withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal,
  - (h) obtain a copy of applied safeguards – this applies to cases of transfer of personal data outside the EEA.

You can exercise the above rights by sending your request to the address: Lakina Sp. z o.o., Plac Marszałka Józefa Piłsudskiego 2, 00-073 Warsaw, or by sending an e-mail to: [iod@studentdepot.pl](mailto:iod@studentdepot.pl)

- 9** You have the right to lodge a complaint with the competent supervisory authority (the competent authority in Poland is the President of the Office for Personal Data Protection), if you consider that the processing of your personal data violates the provisions of the GDPR.

- 10** Providing your personal data collected by the Controller is voluntary, but failure to do so may lead to (depending on the purpose for which your personal data are collected):

- the inability of the Controller to conduct direct marketing for you,

- inability to conclude an accommodation agreement and/or to exercise the accommodation agreement by the Controller,
- inability to enter the Controller's buildings (dormitories).

**11** This information clause may be subject to further changes. If required by law, any information regarding future changes or additions to the processing of personal data described in this clause, which may apply to you, will be provided to you by means of communication usually used by the Controller to contact you.