

Klauzula informacyjna dotycząca osób poddanych kontroli legalności wykonywania pracy przez cudzoziemców, prowadzenia działalności gospodarczej przez cudzoziemców oraz powierzania wykonywania pracy cudzoziemcom

Information for persons subject to a control of legality of work performed by foreigners, legality of business activities carried out by foreigners, and legality of entrusting work to foreigners.

Dear Madam/Sir

in connection with the entry into force 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 Data Protection Regulation), hereinafter referred to as “RODO”, we would like to inform you that in terms of the processing of personal data in connection with a control of legality of work performed by foreigners, legality of business activities carried out by foreigners, and legality of entrusting work to foreigners on the territory of Republic of Poland:

1. The controller of personal data is the Commander in Chief of the Border Guard (*Komendant Główny Straży Granicznej*):

- address: Al. Niepodległości 100, 02-514 Warsaw
- phone: +48 22 500 40 00
- e-mail: gabinet.kg@strazgraniczna.pl

2. The supervision over the proper processing of personal data in the Border Guard is exercised by the Data Protection Inspector (*Inspektor Ochrony Danych*):

- Director of the Information Protection Bureau of the Border Guard Headquarters (*Dyrektor Biura Ochrony Informacji Komendy Głównej Straży Granicznej*)
- address: Al. Niepodległości 100, 02-514 Warsaw
- e-mail: boi.kg@strazgraniczna.pl
- phone: + 48 22 500 40 35

3. The purpose and legal basis for processing personal data.

The purpose of data processing is to carry out the control of legality of work performed by foreigners, legality of business activities carried out by foreigners, and legality of entrusting work to foreigners on the territory of Republic of Poland.

The data shall be processed on the basis of:

- article 1 section 2 point 3a of the Act of 12 October 1990 on Border Guard (Journal of Laws of 2019, item 147 with further amendments),

4. The recipients of personal data.

Your personal data may be transferred to public authorities and entities performing public tasks or acting on behalf of public authorities, to the extent and for the purposes that result from the provisions of generally applicable law.

5. Transfer of personal data to a third country or international organizations.

Personal data may be transferred to third countries or to international organizations under provisions of the law or with your consent.

6. Time for which personal data will be stored in the Border Guard.

Data in the Visa Information System (VIS) shall be stored for a maximum period of 5 years in accordance with the Article 23 section 1 of Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS)

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and the exchange of data between Member States on short-stay visas (VIS Regulation). In other systems information shall be stored for the period of time necessary to achieve the purpose of the processing, not longer than 10 years, counting from the time the information is entered in the filing system and, where an information entry is modified, from the last modification of that entry.

7. Rights of natural persons whose personal data are processed by the Border Guard.

In connection with the processing of personal data by the Border Guard, you have the following rights:

- a) the right of access to personal data, including the right to obtain a copy of such data when the data subject shows a legal interest;
- b) the right to request the rectification (correction) of personal data;
- c) the right to request the deletion of personal data (so-called 'right to be forgotten'), when:
 - the data is no longer necessary for the purposes for which it was collected or otherwise processed,
 - personal data is processed unlawfully,
 - personal data must be deleted in order to comply with the legal obligation.

8. Right to lodge a complaint with the supervisory authority.

In case of obtaining information about unlawful processing of personal data in the Border Guard, you have the right to lodge a complaint with the supervisory body competent in matters of personal data protection (President of the Office for Personal Data Protection *Prezes Urzędu Ochrony Danych Osobowych*, 2 Stawki Street, 00-193 Warsaw).

9. Profiling.

Your personal data are not profiled and decisions are not made automatically.

10. Obtaining personal data from other entities.

In terms of the processing of personal data due to the control the legality of foreigners' employment on the territory of the Republic of Poland, the data may be obtained from the Ministry of Finance, the Ministry of Entrepreneurship and Technology, the Ministry of Justice.