

Appendix to the Regulations of AB Online

Rules of commissioning by "AB" S.A. of personal data processing by Dealers

In view of the fact that:

- i. The parties are bound by commercial cooperation, based in particular on the Terms of Cooperation and other agreements and regulations accepted by the Parties ("Commercial cooperation"), under which the Controller (Dealer) commissions the Processor ("AB" S.A.) with the processing of personal data, if it is necessary for the implementation of this Commercial Cooperation, including in particular when the Dealer orders shipment directly to the address of the end recipient or the Distributor provides the Dealer with a platform / tool for managing orders and end recipients of the Dealer.
- ii. The objective of the Rules is to set forth terms and conditions subject to which the Processor performs data processing on behalf of the Controller;
- iii. The Parties wish to regulate the rules of personal data processing that it is fully compliant with the provisions of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27/04/2016 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) (OJ EU L 119, p. 1) – hereinafter "**GDPR**".

Article 1

Subject of the Rules

1. Subject to the terms and conditions set forth herein the basic ones resulting from the regulations on which the Trade Cooperation is based, the Controller commissions the Processor with personal data processing if it is necessary for the implementation of this Commercial Cooperation.
2. Such processing shall be performed for the term of the Commercial Cooperation.
3. The Processor shall process personal data as the entity whose nature is specified in the Commercial Cooperation and to perform such Commercial Cooperation.
4. The processing shall cover the following categories of personal data ("**Personal Data**"):
 - Ordinary data:
 - a) first and last name;
 - b) company name;
 - c) e-mail address;
 - d) phone number;
 - e) business address and/or place of residence or delivery;
 - f) other data that may be required to perform the Commercial Cooperation..

5. Personal data processing shall apply to the following categories of persons:

customers and recipients of the Controller's services/products specified in the regulations on which the commercial cooperation is based. as well as persons acting on their behalf.

Article 2

Sub-processing

1. The Processor may commission certain personal data processing operations ("**sub-commissioning**") under a written sub-commissioning contract ("**Sub-commissioning Contract**") to other processors ("**Sub-processor**"), subject to prior approval of the Sub-processor by the Controller or no objection thereto. The Controller agrees herewith to further commissioning of data processing to the following sub-processors: (*list available [here](#)*).
2. **Objection.** The commissioning of personal data processing to Sub-processor not specified in the above list requires prior notification to the Controller of the intention to sub-commission to offer an opportunity to object thereto. For justified reasons, the Controller may object to disclosing data to a specific Sub-processor. If an objection is made, the processing is entitled to terminate the Commercial Cooperation with the Controller with immediate effect.
3. Making such sub-commissioning, the Processor shall oblige the Sub-processor to comply with all duties of the Processor as specified in the hereby rules except those that do not apply due to the specific nature of such sub-commissioning.

Article 3

Duties of the Processor

1. The Processor shall process personal data in order to perform the Commercial Cooperation, in line with documented instructions from the Controller.
2. The Processor shall obtain - from persons that are authorised to process personal data - their written confidentiality obligations unless such persons are subject to statutory confidentiality obligations.
3. The Processor shall ensure the protection of personal data and shall apply data protection measures as referred to in Art. 32 of GDPR, in line with further provisions of the Rules.
4. The Processor shall comply with the terms and conditions of using the services of another processor (Sub-processor).
5. Taking into account the nature of the processing, as far as possible, the c shall support the Controller, by using appropriate technical and organisational measures, to comply with the requests of data subjects in exercising their rights set out in Chapter III of GDPR ("**Individual Rights**").

6. Considering the nature of processing and the available information, the Processor supports the Controller with complying with the latter's obligations set forth in Art. 32-36 of GDPR (data protection, reporting of breaches to the supervisory authority, notification of people affected by breaches of data protection, assessment of effects for data protection and prior consultation with the supervisory authority).
7. If the Processor has doubts as to legal compliance of the instructions provided by the Controller, the Processor shall notify the Controller of such doubts immediately (in writing and with justification).
8. The Processor shall restrict access to personal data solely to persons whose access to data is required to comply with the Rules and who are duly authorised.
9. The Processor shall keep documentation with details of personal data processing, including a register of data processing categories. The Processor shall provide the Controller with its register of data processing categories by the Processor, excluding the information that constitutes trade secrets of the Processor's other customers.
10. The Processor provides the Controller with all information necessary to demonstrate compliance with the obligations set out in art. 28 of the GDPR and allows the Controller or an auditor authorized by the Controller to carry out audits, including inspections in the field of processing Personal Data by the processor and contribute to them. Audits and inspections may not violate the normal course of work of the Processor.

Article 4

Duties of the Controller

The Controller shall cooperate with the Processor in complying with the Rules, provide the Processor with clarification in case of doubts as to the legality of the Controller's instructions so that it can comply with its duties on time.

Article 5

Notification of Personal Data Breaches

1. The Processor shall notify the Controller immediately of each breach of Personal Data protection found.
2. Such notification of a breach shall be delivered to the Controller along with the underlying documentation in order to support the Controller in complying with its duty to notify the supervisory authority.

Article 6

Representations of the Parties

1. The Controller represents that it is the Personal Data controller or that it processes Personal Data as entrusted and that it is entitled to process the data to the extent as commissioned to the Processor.

2. The Processor represents that within its business operations it is involved in the processing of personal data covered with the Rules and the Commercial Cooperation., it holds the required know-how, adequate technical and organisational measures and gives an assurance of complying with the Rules.

Article 7

Term of Commissioning Contracts

1. This hereby Rules are binding up until the Coomercial Cooperation.t.
2. Termination, withdrawal from or expiry

Article 8

Data control by the Processor

1. Independently from the Personal Data processing, on the basis of commissioning of the processing, in accordance with the provisions of the Rules, the Processor becomes a separate controller of the Personal Data and shall process such data in order to comply with the legal duties (Art. 6.1.c of GDPR) and in order to conclude and perform the Commercial Cooperation with the Dealer as well as to protect the Company's interests, in particular documenting cooperation or pursuing claims (Controller's legitimate interests - Art. 6.1.f of GDPR).
2. The Controller shall notify the data subjects on behalf of the Processor that the Processor also acts as their Personal Data controller. Template of such notification can be found [here](#).

Article 9

Final Provisions

1. In case of any inconsistency between the Rules and the regulations on which the Trade Cooperation is based, the provisions of these Rules shall prevail.
2. Any correspondence related to the performance of the hereby Rules to "AB" S.A. shall be sent to: rodo@ab.pl.

These Rules apply to the fundamental elements of the Trade Cooperation - both the regulations on which the Trade Cooperation is based, currently in force as well as the future ones