

## **PRIVACY POLICY**

### **I. Definitions**

Data controller: The Independent Foundation, located at 3/5 Alfonsa Górnika St., 40-133 Katowice, entered into the register of associations, other types of voluntary and professional organizations, foundations and public institutions of social service under KRS number 0000299949.

Personal data: Any information relating to a natural person that is identified or identifiable by one or more factors specific to their physical, physiological, genetic, mental, economic, cultural or social identity, including the IP address of their device, location data, an online identifier and information collected through the use of cookies and other technology, hereinafter "data."

Privacy policy: This privacy policy notice.

GDPR: 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) (OJ L 119, 04.05.2016, p. 1), hereinafter "GDPR."

Site: The website run by the Data controller [www.off-festival.pl](http://www.off-festival.pl).

User: Every natural person who visits the Site, including users who use one or more functions described in this Privacy policy.

### **III. Data processing for the purpose of using the Site**

- a. Data will be processed for the following purposes and on the following legal bases:
  - b. in order for the Data controller to send a newsletter, i.e., information about the Foundation's statutory operations, particularly with regard to the OFF Festival Katowice, as well as marketing material; the legal basis is the consent of the User (Article 6(1)(a) of the GDPR),
  - ii. in order to conclude and perform, using the completed application form provided on the Site, agreements for volunteer work at the OFF Festival Katowice, which includes issuing ID badges for use during the festival, insuring the volunteers, and issuing volunteer certificates; the legal basis for the processing of data is that it is necessary for the performance of the agreement and within the scope of the additional permission granted by the User (Article 6(1)(b),a) of the GDPR),
  - iii. in order to conclude and perform, using the completed application form provided on the Site, agreements for media work for the OFF Festival Katowice; the legal basis for the processing of data is that it is necessary for the

performance of the agreement and within the scope of the additional permission granted by the User (Article 6(1)(b,a) of the GDPR),

- iv. in order to respond to e-mail from the user; the legal basis for the processing of personal data is that the user has given consent or that it necessary for purposes which result from the legitimate interests pursued by the Administrator (Article 6(1)(a,f) of the GDPR),
  - v. for the purposes of analysis and statistics; the legal basis for data processing is the legitimate interest of the Data controller, which involves the analysis of User activity and preferences in order to improve service quality and the functionality of the Site for the Data controller's statutory goals (Article 6(1)(f) of the GDPR),
  - vi. in order to establish and pursue or defend against claims, if necessary; the legal basis for processing is the Data controller's legitimate interest involving the protection of their rights (Article 6(1)(f) of the GDPR),
- b. The provision of data marked as required by the Store is a condition for the conclusion and performance of the agreement or the provision of certain functions. Failure to provide these data precludes the conclusion and performance of the agreement or the use of this functionality (the issuance of a press pass or the delivery of a newsletter, for example). In other instances, data are provided on a voluntary basis.
2. Categories of data recipients
    - a. The data may be disclosed to the following categories of recipients:
      - b. employees and partners of the Foundation, provided that they receive individual authorization and instructions to receive the data, and only to the extent necessary for them to pursue the purposes listed above, particularly to send newsletters and to conclude volunteer agreements and agreements for media services,
      - ii. bodies which perform, on behalf of the Data controller, services necessary to send the newsletter, perform volunteer agreements and agreements for media services, particularly bodies which provide services such as: IT system administration, hosting, data security, and other IT services (including the distribution of information through electronic means), accounting services, legal services, PR and marketing services.
    - b. The Data controller reserves the right to disclose selected information regarding the User to the relevant authorities or third parties that request such information in compliance with applicable law and provide the appropriate legal basis.
  3. Period of data processing
    - a. Data will be processed for the duration:
      - b. of the performance of the agreement or the period in which functionality is provided,

- ii. of the period of prescription of claims arising from the agreement or offered functionality and defense thereagainst,
  - iii. of the statutory period.
  - b. Data collected by the Data controller with consent from the User will be processed for the duration the Data controller's operations, but not after the provision of the relevant functionality has ended, and not after the User has withdrawn consent to the processing of their data, or not after the User has granted the Data controller different permissions which require the latter to limit or cease data processing.
  - c. After the data processing period has ended, the data will be irretrievably deleted or rendered anonymous.
4. Withdrawal of consent to data processing

The User reserves the right to withdraw consent to data processing in one of the following ways:

- a. in the case of the newsletter, the User must click on the appropriate link in the message received from the Data controller,
- b. in the case of a volunteer agreement, an agreement for media services for the OFF Festival Katowice, and in other instances of consent-based processing, the User must send a statement by e-mail to: [wolontariat@off-festival.pl](mailto:wolontariat@off-festival.pl), [media@off-festival.pl](mailto:media@off-festival.pl), [info@off-festival.pl](mailto:info@off-festival.pl), respectively.

#### IV. Location of personal data storage

The personal data are stored within the European Economic Area.

#### V. Legal instructions

1. The User has the right, at all times, to obtain information about the personal data being processed by the Data controller.
2. Furthermore, the User has the right, at all times, to rectify (correct) his or her data.
3. The User has the right, at all times, to object to the processing of his or her data.
4. The User has the right, at all times, to demand the erasure or cessation of the processing of his or her data, unless there exists a lawful basis for the Data controller's continued processing of this data, due, for example, to an unresolved claim, incomplete order, outstanding payment, or due to accounting or tax requirements (e.g., invoice retention), or due to the existence of legal claims.
5. The above rights can be exercised, in cases involving the Site, by sending an e-mail to [wolontariat@off-festival.pl](mailto:wolontariat@off-festival.pl), [media@off-festival.pl](mailto:media@off-festival.pl), or [info@off-festival.pl](mailto:info@off-festival.pl), respectively.

6. In the event of a legal violation, the User has the right, at all times, to lodge a complaint with the Chairman of the Office for Personal Data Protection.
  7. Whenever personal data processing occurs solely based on the consent of the User, the User has the right to withdraw his or her consent at any time without affecting the legality of the processing that occurred prior to the withdrawal of consent.
- VI. Automated decision-making, profiling, cookies
1. Cookies are small text files saved on the User's device (computer, telephone, tablet) that contain information and are retrieved upon subsequent visits to a given website; they may record, for example, the User's previous visits and actions at the Site.
  2. The use of personal data collected by the Site, using cookies, for the purpose of providing the User service through electronic means and to improve the quality of these services, and for the purposes of statistics, analysis, and marketing, particularly the promotion of third-party goods and services, occurs on the bases of the consent granted by the User (Article 6(1)(a) of the GDPR). This consent may be withdrawn at any time, specifically by clearing the cookie history and disabling cookies in the browser.
  3. Information regarding cookies provided in the Privacy policy is also applicable to other similar technology used in the Site.
  4. The Data controller makes automated decisions, including profiling, using data contained in cookies. The Data controller uses cookies for purposes that include directing advertisements, including behavioral advertisements, to the User on sites such as Facebook. The cookie files used for these purposes include:
    - a. user-input cookies (the session identifier), which contain data entered by the User for the duration of a session,
    - b. authentication cookies, which are used for services that require authentication for the duration of a session,
    - c. user-centric security cookies, which are used to detect authentication abuses,
    - d. multimedia player session cookies, used by media players for the duration of a session (e.g., flash player cookies),
    - e. user interface customization cookies, used to personalize the user interface for the duration of a session or slightly longer,
    - f. shopping cart cookies, used to save the contents of a shopping cart for the duration of a session,
    - g. cookie files used to track traffic on a website, i.e., data analysis, including Google Analytics cookies (files used by Google to analyze the way in which the User uses the Site, and to generate statistics and reports on the operations of the Site), and cookies used by Facebook. Google does not use the collected data

to identify the User, nor does it cross-reference this data in order to enable identification. Detailed information on the scope and terms under which data is collected by this service can be found at <https://www.google.com/intl/pl/policies/privacy/partners> and on the Facebook website.

5. Cookies can be either persistent or session cookies: persistent cookies are saved in the browser until they are deleted by the User or until an expiration date set in the cookies, while session cookies remain in the browser until it is exited or the user logs out.

#### VII. Privacy policy amendments

The Data controller reserves the right to amend the Privacy policy in order to improve privacy protection and to implement the requirements of the law.