

Policy for the implementation of data subjects' rights

PxP Shape sp. z o.o.

I. Definitions

The terms used in this Policy have the following meanings:

- a) **Data Controller** - PxP Shape Spółka z ograniczoną odpowiedzialnością (Limited Liability Company) with its registered office in Cracow (KRS: 0001011625),
- b) **GDPR** - Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of individuals with regard to the processing of personal data on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation),
- c) **Personal data** - means information about an identified or identifiable physical person;
- d) **Policy** - this policy for the implementation of the rights of data subjects
- e) **Data subject** - a person to whom personal data relates;
- f) **Request** - a request to the Data Controller for the exercise of Data Subject rights under the GDPR,
- g) **Data Subject Right** - the rights of Data Subjects under the GDPR as indicated in this Procedure,
- h) **Recipient of data** - a natural or legal person, public authority, entity or other entity to whom the data is disclosed, regardless of whether it is a third party,
- i) **Employees of the Data Controller** - persons employed by the Data Controller, regardless of the legal basis of their employment, who process Personal Data in the Data Controller's enterprise,
- j) **DPO** - Data Protection Officer appointed by the Data Controller.
- k) **Supervisory Authority** - a state authority established to supervise compliance with personal data protection regulations; in Poland, this authority is the President of the Personal Data Protection Office.

II. General Issues: the basis and purpose of the procedure.

This Policy is introduced to ensure the efficient and effective execution of Data Subjects' Rights in the Data Controller's enterprise.

III. General characteristics of Data Subjects' Rights under the GDPR

1. General issues

- 1) The GDPR grants Data Subjects rights related to the processing of their personal data by the Data Controller (article 12–23 GDPR),
- 2) The Data Controller is obliged to exercise the Data Subject's Rights by implementing technical and organizational measures in the enterprise to enable the exercise of the Data Subject's Rights,
- 3) Under the GDPR, Data Subjects have the following rights:
 - a) The right to access and update data,
 - b) The right to erasure (right to be forgotten),
 - c) Right to restrict processing,
 - d) Right to data portability,

- e) Right to object to data processing,
 - f) The right not to be subject to a decision based solely on automated processing, including profiling.
- 4) The following section of the Procedure will outline the characteristics of each right, with emphasis on their scope and how they are exercised.

2. RIGHT OF ACCESS TO DATA

- a) The right of access is regulated by Article 15 of the GDPR, which stipulates that a Data Subject is entitled to obtain confirmation from the Data Controller as to whether personal data concerning him or her is being processed, and if it is, he or she is entitled to access it and obtain the following information:
- Processing purposes,
 - Categories of relevant personal data,
 - Information about recipients or categories of recipients to whom personal data have been or will be disclosed, in particular recipients in third countries,
 - If possible, the planned period of storage of personal data, and when this is not possible, the criteria for determining this period,
 - Information on the right to request from the Data Controller the rectification, erasure or restriction of the processing of personal data concerning the data subject and the right to object to such processing,
 - Information about the right to file a complaint with the supervisory authority,
 - If the personal data was not collected from the Data Subject - any information about its source,
 - Information on automated decision-making, including profiling, and - at least in these cases - relevant information on the principles of decision-making, as well as on the significance and anticipated consequences of such data processing.
- b) In exercising this right, the Data Subject shall be entitled to receive a copy of the Personal Data processed by the Data Controller, in the commonly used format. If the inquiry was made electronically, the response and transmission of data in the same format,
- c) **Exercise of the right to obtain a copy of the data, shall not adversely affect the rights and freedoms of others, including trade secrets or intellectual property, in particular copyright protecting software.**

3. The right to request updates

Data Subjects may request that the Data Controller rectify or update their personal data if it is inaccurate or outdated.

4. Right to erasure of data (right to be forgotten)

- a) **The Data Subject has the right to erasure under the terms of the GDPR,**
- b) Pursuant to Article 17(1) of the GDPR, the right to erasure of Personal Data is granted to the Data Subject in the following cases:
- Personal data are no longer necessary for the purposes for which they were collected or otherwise processed,

- The data subject has withdrawn the consent on which the processing is based and there is no other legal basis for the processing,
- The Data Subject has objected to the processing and there are no overriding legitimate grounds for the processing, or the Personal Data was processed for marketing purposes,
- Personal data was processed illegally,
- Personal data must be deleted to comply with a legal obligation under European Union or Member State law to which the Data Controller is subject,
- Personal data was collected in connection with offering information society services to children.

c) The right to request deletion of Personal Data does not apply if:

- Data processing is necessary to exercise the right to freedom of expression and information,
- Processing is necessary to comply with a legal obligation requiring processing under European Union or Member State law,
- To establish, assert or defend claims.

5. Right to request restriction of data processing

- 1) **"Restriction of processing"** - means storing Personal Data to limit its future processing.
- 2) The Data Subject has the right to request the Data Controller to restrict processing in the following cases:
 - The Data Subject questions the accuracy of personal data - for a period that allows the Data Controller to verify the accuracy of the data,
 - The Data Controller no longer needs the Personal Data for the purposes of processing, but it is needed by the Data Subject to establish, assert or defend claims,
 - The Data Subject has objected to the processing - until it is determined whether the Data Controller's legitimate grounds override the Data Subject's grounds for objection,
- 3) If processing has been restricted, Personal Data may be processed, except for storage, only with the consent of the Data Subject or for the purpose of establishing, pursuing or defending claims or protecting the rights of another natural or legal person or for compelling reasons of public interest of the European Union or a Member State,
- 4) Before lifting the restriction on processing, the Data Controller shall inform the Data Subject of this circumstance.

6. Right to portability

- 1) The Data Subject has the right to receive in a commonly used machine-readable format the Personal data relating to him/her that he/she has provided to the Data Controller and has the right to send such data to another Data Controller if:
 - a) The basis for processing is the Data Subject's consent or the performance of the contract between the Data Controller and the Data Subject,
 - b) The processing of Personal Data is carried out by automated means.

- 2) The right to data portability applies only to:
 - a) Personal data that a person has provided to the Data Controller, i.e.:
 - (i) Data actively and knowingly provided by the data subject (e.g. postal address, username, age, etc.),
 - (ii) Observed data provided by the data subject in connection with the use of the device service - may, for example, include the person's search history, website traffic data, location data,
- 3) Data subject right to the portability will not include data inferred by the Data Controller from data provided by the subject, such as the result of profiling for the delivery of personalized marketing communications,
- 4) In exercising this right, a person has the right to:
 - Receive data in a commonly used, machine-readable format,
 - Requests to send the above data to another Data Controller.
- 5) **Method of data transfer:** secure messaging, SFTP server, secure WebAPI communication interface or web portal,
Data transfer format: data should be transferred in one of several commonly used formats.

7. Right to object to the processing of Personal Data

- 1) The Data Subject has the right to object to the processing of his or her Personal Data - on grounds relating to his or her situation - if the processing is based on (i) the Data Controller's legitimate interests or (ii) if the processing is necessary for the performance of a task carried out in the public interest,
- 2) If the Personal Data is processed for the purposes of direct marketing, the Data Subject has the right to object at any time to the processing of his/her Personal Data for such marketing, including profiling to the extent that such processing is related to such marketing - an absolute prohibition on the processing of Personal Data for such purposes in the event of an objection.

8. The right not to be subject to a decision based solely on automated processing, including profiling.

- 1) The Data Subject has the right not to be subject to a decision that is based solely on automated processing, including profiling, and that produces legal effects on the person or similarly significantly affects the person,
- 2) The rule indicated in (1) above does not apply if the above decision:
 - is necessary for the conclusion or performance of a contract between the Data Subject and the Data Controller;
 - is permitted by Union law or the law of a Member State to which the Data Controller is subject and which provides for appropriate measures to protect the rights, freedoms and legitimate interests of the Data Subject;
 - is based on the express consent of the Data Subject.

9. Informing data recipients about the exercise of rights

The Data Controller shall inform of **the rectification or erasure of** personal data, or **restriction of processing**, any Recipient to whom personal data has been disclosed, unless this proves **impossible** or will **require a disproportionate effort**. The Data Controller shall inform the Data Subject of these Recipients if the Data Subject so requests.

IV. Execution of the Data Subject's Request regarding their rights

1. General Information:

- 1) The following part of the Procedure contains rules for handling the Data Subject Request, including, in particular, on:
 - recognition and classification of the Request;
 - Issues related to the identification of the Data Subject who makes the Request;
 - the designation of persons responsible in the Data Controller's enterprise for the implementation of the law in question,
 - principles of law implementation,
 - implementation of the principle of accountability in the implementation of the right in question.

2. Requests - characteristics

- 1) The company indicates a single channel of communication with data subjects, where Requests are accepted,
- 2) Requests are accepted at e-mail address: dataprotection@pxpshape.com or in written form via letter send to the address of the seat of Data Controller ,
- 3) The Request may relate to any of the rights described in Section III above, so it is important that the person receiving the Request make an initial identification of the right to which the Request relates,
- 4) Requests of Data Subjects shall be processed by DPO.

3. DPO informs the Data Subject about the deadline for processing the Request, e.g. with the following message: *"Thank you for the request sent regarding the exercise of rights related to the processing of personal data. We will respond to the notification promptly, but no later than 30 days from the date of receipt of the notification."*

4. The DPO shall take the following actions:

- a) It shall make a binding identification of the Right of the Data Subject covered by the Request, based on the description of the various rights contained in Section III of the Procedure, and, in case of doubt, carry out appropriate consultations,
- b) Performs the identification of the Data Subject and the legitimacy of exercising the Right of the Data Subject covered by the Request,
- c) If there is any doubt about the identity of the Data Subject, DPO shall take the following actions:

- Using the contact information provided by the Data Subject, DPO establishes contact with the Data Subject to verify his identity and entitlement to exercise the Right covered by the Request,
 - Verifies the identity of the Data Subject making the Request by formulating control questions to the Data Subject making the Request based on the initial identification of its Personal Data processed by the Data Controller, without disclosing such data.
- d) In the event that the procedure for identifying the Data Subject above does not lead to confirmation of eligibility to make a Request, DPO may ask the applicant to provide identification data, but only to the extent necessary to verify eligibility to make a Request,
 - e) If it is not possible to confirm the entitlement of the applicant to make the Request, the Data Subject must be informed of the refusal of the Request.
5. After confirming the identity of the Data Subject and his/her authorization to make a Request and exercise the right covered by the Request, DPO shall prepare an order for the exercise of the right covered by the Request and forward it to the head of the relevant Data Controller's organizational unit for execution.
 6. If necessary, before giving the order to execute the Request, consult the manner of execution of the Request with:
 - a) Member of the Controller's Board of Directors
 - b) Data Controller's Legal Advisor.
 7. Each Employee is obliged to cooperate in the execution of the Request, providing DPO with the necessary explanations, answers to the questions asked, carrying out the instructions for the implementation of the Data Subject's Request.
 8. DPO shall immediately inform the Data Controller's Board of Directors of any obstacles related to the execution of the Application.

V. Cooperation with recipients of Personal Data

1. If it is necessary for the proper execution of the Request, the Recipients of Personal Data should be requested to provide support for the execution of the Request in question.
2. The Controller's Board of Directors or its designees shall provide the DPO with the necessary assistance to enforce the Data Controller's support of the Data Recipients in the execution of the Requests.

VI. Confirmation of the execution of the Requests

1. The Board maintains a register of Requests in electronic form.
2. The Requests Register shall contain, at a minimum, information on: (i) the Submitter's ID assigned by the Data Controller; (ii) the date of receipt of the Request by the Data

Controller; (iii) the type of right to which the Request relates; (iv) a description of the actions taken to implement the Request; (v) how the Request was implemented; (vi) the date of execution of the Request.

3. The execution of the Request shall be recorded in the Requests Register by DPO to handle the Request, who shall notify the Data Subject of the execution of the right covered by the Request, if necessary.

VII. Deadline for service Request and fees, if any.

1. Deadline

- a) The exercise of this right should be carried out without undue delay, but no later than 30 days from the date of receipt of the Request,
- b) This deadline may be extended in exceptional situations, but not for more than another 30 days. If such, the Data Subject must be informed of the delay in the processing of the Request, providing the reasons for the delay.

2. Fee for the execution of the Requests

- a) In exceptional cases, the Data Controller may establish a filing fee in a particular case if the Data Subject's requests are manifestly unreasonable or excessive, due to their continuing nature,
- b) In the cases described in (a) above, the Data Controller may:
 - Charge a reasonable fee, considering the administrative costs of providing information, conducting communications - it is Data Controller's obligation to demonstrate this circumstance,
 - Refuse to execute the Request.
- c) The amount of the fee referred to in b) above shall be determined considering the estimated time required to process the Request and the labor cost of the Employee handling the Request. The fee shall not lead to the generation of revenue for the Data Controller from the processing of the Request and is intended solely to cover the costs associated with the processing of Requests that are unreasonable or excessive, particularly due to their continuing nature.

VIII. Implementation and Execution of the Policy

1. The Data Controller's Board of Directors implements the Procedure by adopting it through an appropriate resolution.
2. If necessary, the Data Controller's Board of Directors conducts training on the handling of Requests that were not made through the designated communication channel.
3. An Appendix to the Procedure is a template for the Register of Requests.

IX. Document Control

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Appendix

Register of Data Subject's Requests

ID Submitter	Date of receipt of Request	Type of right to which the Requests relates	Description of the Data Controller's activities	Description of how to complete the Request	Date of execution of the Requests