

Information on Data Processing for visitors, representatives (employees) of contractors entering the workplace (the “Memorandum “)

Introduction

Dears,

this Memorandum is to inform you as **data subjects** on the principles and procedures applicable to the processing of your personal data and on your rights related to the processing of this data, in accordance with 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/ES (General Data Protection Regulation; hereinafter the “**GDPR**”) and in accordance with Act No. 110/2019 Coll., on Processing of Personal Data, as amended (hereinafter the “**PDPA**”).

We respect transparent and fair processing of your personal data and its appropriate protection according to the applicable legislation to ensure correct and fair processing. We protect your personal data with the highest security to prevent any unauthorized or accidental access to, destruction, loss, unauthorized transmissions, or unauthorized processing of your personal data. For this purpose, we comply with the relevant technical and organisational measures to ensure an appropriate level of security with respect to all possible risks. Persons who handle personal data are obliged to maintain confidentiality of the information obtained in connection with the processing of this data.

As personal data protection terms and abbreviations are used in this Memorandum, we have included an explanation of these terms and abbreviations in section ‘**List of selected terms and abbreviations**’ in order to make the content of this Memorandum as clear and comprehensible as possible.

Please note that where this Memorandum refers to “our company”, “we”, “us” and similar words, a company included in the list of joint Controllers (see below in this Memorandum) is hereby meant.

For the purposes of this Memorandum, the offices at the following addresses are considered to be the workplaces:

- Pařížská 130/26, Prague 1 (2nd to 6th floor)
- Ungelt 1, Týn 1049/3, Prague 1 2
- Ungelt 2, Týn 640/2, Prague 1
- Maiselova 15, Prague 1.

The Controller informs about the processing of personal data in connection with the measures taken to prevent the spread of COVID-19 and to improve the safety of the working environment, it has taken with a view to preventing the spread of COVID-19 caused by the new SARS-CoV-2 coronavirus into its workplaces. The above means entering the workplace only for persons who provide proof of infection-free status and respiratory protection¹. If the parties agree to meet at the workplace, or if the subject matter of the contract is to be implemented at the workplace, and at the same time the parties agree with the Controller’s measures in accordance with the previous sentence of this Memorandum, the Controller hereby kindly asks you to give your consent to the processing of personal data by proving of infection-free status by submitting:

- a) certificate of Vaccination
- b) certificate of having survived a Covid-19 infection in the past (available 14 to 180 days after the first positive PCR test), or
- c) a negative PCR test result certificate (PCR test is valid 5 days).

The processing of personal data will **only take place if consent is given to the Controller**.

¹ FFP2 face masks or similar equipment (always without exhalation valve) meeting at least all technical conditions and requirements (for the product), including a filtration efficiency of at least 94% according to the relevant standards

Controller

The Controller of your personal data is the respective company listed below, with which you negotiate a contract or performing contractual obligations at the workplace (hereinafter the “**Controller**”) who is responsible for discharging the obligations under the applicable data protection laws. Company:

- Energetický a průmyslový holding, a.s., company reg. No. 28356250, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 21747/MSPH, data box ID: z5gi95g
- Boldore a.s., company reg. No. 08796556, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 25007/MSPH, data box ID: zhaj6sn
- EP Auto, s.r.o., company reg. No. 03271994, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No C 229565/MSPH, data box ID: fy8ncig
- EP Energy, a.s., company reg. No. 29259428, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 21733/MSPH, data box ID: pfwq8
- EP Fleet, k.s., company reg. No. 03478874, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No A 76826/MSPH, data box ID: jp2urib
- EP Infrastructure, a.s., company reg. No. 02413507, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 21608/MSPH, data box ID: cb37a2z
- EP Investment Advisors, s.r.o., company reg. No. 26687259, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No C 87354/MSPH, data box ID: 89pegn
- EP Power Europe, a.s., company reg. No. 27858685, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 21599/MSPH, data box ID: naef3qt
- EPH Financing CZ, a.s., company reg. No. 04302575, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 20854/MSPH, data box ID: sdk7jdy
- EPIF Investments a.s., company reg. No. 05711452, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 22159/MSPH, data box ID: aqubg23
- EPPE Germany, a.s., company reg. No. 28612124, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 21600/MSPH, data box ID: wfdjeg7
- LEAG Holding, a.s., company reg. No. 28621417, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 21579/MSPH, data box ID: v2dn76m
- MR TRUST s.r.o., company reg. No. 25619098, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No C 55313/MSPH, data box ID: f95nxsv

- Patamon a.s., company reg. No. 08417253, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 11158/MSPH, data box ID: ft7bbhk
- POWERSUN a.s., company reg. No. 27606554, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 11158/MSPH, data box ID: nykfrg2
- VTE Moldava II, a.s., company reg. No. 27567320, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 10854/MSPH, data box ID: 3bidji8
- VTE Pchery, s.r.o., company reg. No. 27365433, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No C 108670/MSPH, data box ID: vsxbd4f
- EPHCEI HoldCo a.s., company reg. No. 11854995, having its registered office at Pařížská 130/26, Prague 1 – Josefov, postcode 110 00, registered in the Commercial Register under file No B 26634/MSPH, data box ID: 9u4hgz9.

List of selected terms and abbreviations

TERM/ABBREVIATION	DEFINITION
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/ES (General Data Protection Regulation)
PDPA	Act No. 110/2019 Sb., on Processing of Personal Data, as amended
Personal data	Any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly , in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Special categories of personal data	Personal data revealing racial or ethnic origin, political opinions, religion or philosophical beliefs or trade union membership, and processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, and data concerning health or data concerning a natural person's sex life or sexual orientation.
Data subject	The natural person to which the personal data relates. A data subject is deemed to be identified or identifiable if, based on one or several personal data, the data subject's identity can be directly or indirectly determined.
Controller	The natural or legal person, public authority, agency or another body, which, alone or jointly with others, determines the purposes and means of processing of personal data.
Processing	Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
Purpose of processing	The objection and purpose of the Controller's activity.
Means of processing	The tools and processes selected for specific processing of personal data.
Legal ground	The condition without which the processing of personal data is not in any case possible .
Processor	A natural or legal person, public authority, agency or another body which processes personal data on behalf of the Controller.

Recipient	A natural or legal person, public authority, agency or another body to which the personal data is disclosed, whether a third party or not. The Recipient has the legal, contractual or other authority to process personal data. These are other controllers or processors, such as tax, administrative or regulatory authorities. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with the Member State law shall not be regarded as recipients; the processing of that personal data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.
Third party	A natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorized to process personal data.
OPDP	The Office for Personal Data Protection is the supervisory authority under the PDPA. The competences of the central administrative authority related to personal data protection to the extent provided for in the PDPA and other competences laid down in a special law are assigned to the OPDP.
COOKIES	Small text files that help the website remember important information, making your use of the site more convenient. The Controller informs you that it uses cookies. For more information, please visit our website.

Controller's contact details

Should you have any questions regarding the processing of your personal data, please feel free to contact us. You can use the address, email and telephone of the relevant company referred to in sections '**Controller**' and '**Exercise of the rights of data subjects**'.

Purpose of processing personal data for consent

The Controller processes your personal data for the following purposes:

- preventing the further spread of COVID-19,
- improving the safety of the working environment.

Legal ground for the processing of personal data

Consent

The legal ground for the above purpose is consent (pursuant to Article 9(2)(a) of the GDPR). The personal data of data subjects will be processed only **if the Controller receives the consent**.

As the processing of personal data for the above purpose is based on **consent**, data shall have the right to withdraw the given consent at any time and free of charge.

Please note that the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Duration of the processing of personal data

The Controller will no process personal data after proving of infection-free status.

Personal data processed

The Controller and the processor who processes personal data for the Controller process the following personal data in accordance with the relevant legal ground and purpose of processing:

name, surname, information about the vaccination, the covid disease, testing.

Source of the personal data being processed

Controller obtains your personal data **from you**.

Manner and means of processing

The Controller and the processor who processes personal data for the Controller process your personal data **manually** (looking inside the certificate). The Controller will no process personal data after proving of infection-free status.

Your personal data are not processed automatically.

Processor

Controller processes your personal data through its employees who need access to the personal data in order to perform their duties and who are obliged to maintain confidentiality of all facts and information of which they become aware in the course of their employment.

In addition, the **processors'** employees have access to your personal data, only to the extent necessary to carry out their work for the controller. We enter into a written **Data Processing Agreement** with all our processors, establishing appropriate safeguards for the security of your personal data. This includes company providing administration services for the Controller.

Recipients of personal data

Your personal data are not transferred.

Transfer of personal data to third countries

The Controller and the processors acting on the Controller's behalf process your personal data in the Czech Republic.

Data subject rights

You **have the following rights** in relation to the processing of your personal data:

Right to information	Data subjects have the right to be informed of the processing of their personal data.
Right of access to information	Data subjects have the right to know whether or not their data is processed and the right to obtain the following information: <ul style="list-style-type: none">• the purposes of the processing• the categories of personal data concerned• the recipients or categories of recipients to which the personal data has been or will be disclosed• the envisaged period for which the personal data will be stored• the existence of the right to request from the controller rectification or erasure of personal data or to object to such processing• the right to lodge a complaint with a supervisory authority,• where the personal data is not collected from the data subject, any available information as to their source• the existence of automated decision-making, including profiling
Right to rectification	Data subjects have the right to request the rectification of inaccurate or incomplete personal data.
Right to erasure	Data subjects have the right to request the erasure of personal data where the controller no longer has a legal ground for further processing
Right to restriction of processing	Data subjects have the right to obtain from the controller restriction of processing of personal data concerning them where at least one of the following conditions is met: <ul style="list-style-type: none">• the accuracy of the personal data is contested by the data subject• the processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of their use instead

	<ul style="list-style-type: none"> • the controller no longer needs the personal data for the purposes of the processing, but the data is required by the data subject for the establishment, exercise or defence of legal claims • the data subject has objected to processing pursuant to Article 21 (1) GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject
Right to data portability	Data subjects have the right to receive the personal data concerning them in a commonly used and machine-readable format allowing the transfer of the data to another controller if the controller obtained the data on the basis of consent or in connection with the conclusion and performance of a contract, and the data is processed by automated means.
Right to object	<p>Data subjects have the right to object, on grounds relating to their particular situations, at any time to the processing of personal data on the basis of legal grounds:</p> <ul style="list-style-type: none"> • processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller • processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party <p>The controller shall no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.</p> <p>You can also object to processing of personal data for the purposes of direct marketing or profiling. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.</p>
Right not to be subject to automated individual decision-making, including profiling	Data subjects have the right not to be subject to a decision based solely on automated processing, including profiling , which produces legal effects concerning them or similarly significantly affects them.
Right to withdraw consent	Data subjects have the right to withdraw their consent at any time . Please be informed that the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.
The right to lodge a complaint with the OPDP	Data subjects have the right to lodge a complaint with the OPDP or seek judicial remedy if they consider that there is an infringement of data protection legislation.

Exercise of data subject rights

If you exercise your right pursuant to section '**Data subject rights**' by presenting a **request**, each controller is **always obliged** to handle such requests from data subjects and shall provide the information without undue delay after receipt of the request and in any event **within one month of receipt of the request**. **In exceptional circumstances**, this period may be extended by two months, of which the data subject must be informed by the controller, including the reasons for the extension.

If you have any questions or requests regarding the processing of your personal data, please feel free to contact us. You may contact any of the companies included in the list of **Controllers**, or you can use the **common contact email** cpo@epholding.cz to send your request or inquiries.

In order to facilitate the exercise of your rights, you can use the sample **Data Subject Request Form**.

If you have **reasonable suspicion** that there is an infringement of data protection legislation, **you have the right to lodge a complaint with the Office for Personal Data Protection: Úřad pro ochranu osobních údajů, Pplk. Sochora 727/27, 170 00 Praha 7- Holešovice, email: posta@uoou.cz**.

I HEREBY GRANT TO CONTROLLER

- (i.) **consent to the processing of my personal data:**
name, surname, information about the vaccination, the covid disease, testing,
- (ii.) for the **purpose:**
 - preventing the further spread of COVID-19,
 - improving the safety of the working environment.
- (iii.) This consent to the processing of personal data is granted at the moment of submitting certificate according to the conditions of the Memorandum.
- (iv.) More detailed information regarding the processing of personal data based on this consent is available in the *Information on Data Processing for visitors, representatives (employees) of contractors entering the workplace (the "Memorandum")*.
- (v.) **I understand that I can withdraw this consent at any time and that the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.**