

## Poland – Data Privacy

The Constitution of Poland provides traditional privacy rights for all individuals and protects the personal data of individuals. The Law on the Protection of Personal Data Protection (the "Law") was enacted in October 1997 and took effect in April 1998. Poland joined the European Union ("EU") in May 2004. In August 2001, the Law was amended to bring it into compliance with the EU Data Protection Directive 95/46/EC. The Bureau of Inspector General for Personal Data Protection (the "Bureau") enforces the Law.

Collection and Processing of Personal Data	
<i>Compliance Alternatives</i>	<p>Generally, the processing of personal data is permitted only if: 1) the employee has given his or her consent; 2) processing is necessary in order to exercise rights and duties under a legal provision; 3) processing is necessary (a) for the performance of a contract to which the employee is a party (N.B. an employment relationship is a de facto contract) or (b) to take steps at the employee's request prior to entering into a contract; 4) processing is necessary for the performance of a task provided for by law and carried out in the public interest; or 5) processing is necessary for the purpose of the legitimate interests pursued by the employer or data recipients, provided that the processing does not violate the rights and freedoms of the employee.</p> <p>Generally, the processing of sensitive data (e.g., racial or ethnic origin, political opinions, party affiliation, and religion) is prohibited. Exemptions to such prohibition include where: 1) the employee gives his or her written consent, and 2) the processing is necessary for the purpose of carrying out the obligations of the employer with regard to employment of its employees and other persons, and is otherwise legally permitted.</p>
<i>Disclosure/ Registration</i>	<p>Generally, an employer must notify the Bureau of data processing activities for registration in a public register. An exemption from the notification requirement exists for personal data processed in connection with employment or providing services to the employer.</p>
<i>Other Requirements</i>	<p>An employer must provide the employee with information including: 1) the purpose of data processing, 2) data recipients, and 3) the existence of the employee's rights of access and correction of the data.</p> <p>An employer must implement appropriate organizational and technical measures to secure personal data and protect it against accidental or unlawful destruction, accidental loss, alteration, unauthorized disclosure or access, as well as any other form of unlawful processing.</p>
Transfer of Personal Data	
<i>Compliance Alternatives</i>	<p>Generally, personal data can only be transferred to a third country that ensures at least the same level of data protection as Poland.</p> <p>However, personal data may be transferred to a third country that does not ensure at least the same level of data protection as Poland if: 1) the employee has given his or her written consent; 2) the transfer is necessary for the performance of a contract between the employee and the employer or takes place in response to the employee's request, 3) the transfer is necessary for the performance of a contract concluded in the interests of the employee between the employer and third party; 4) the transfer is necessary or required by reasons of public interests or for the establishment of legal claims; 5) the transfer is necessary in order to protect the vital interests of the employee; or 6) the transfer relates to data which is publicly available.</p> <p>Alternatively, the transfer of personal data to a third country which does not ensure at least the same level of personal data protection as Poland may be permitted with the Bureau's prior approval, provided that the employer ensures adequate safeguards (e.g., standard contractual clauses) with respect to the protection of privacy, rights, and freedoms of the employee.</p>
<i>Other Requirements</i>	None applicable.

This summary is intended to reflect local law and practice as at 1 May 2013. Please note, however, that recent amendments and legal interpretations of the local law may not be included in these summaries. In addition, corporate governance, administration, and option plan design facts that are specific to your company may impact how the local laws affect the company's equity based compensation plans. With these matters in mind, companies should not rely on the information provided in this summary when implementing their stock plans.