

JOB CANDIDATE PRIVACY NOTICE

EFFECTIVE: JULY 1ST, 2020

DaVita spółka z ograniczoną odpowiedzialnością, with its registered seat in Wrocław, ul. Legnicka 48 bud. F, 54-202 Wrocław, entered into the register of entrepreneurs of the National Court Register maintained by the District Court for Wrocław-Fabryczna in Wrocław, VI Commercial Division of the National Court Register, under KRS number 0000402438, NIP number 5252521356, REGON number 145884498 ("We" or "DaVita") acts as the data controller regarding the collection, use, transfer, and processing (together referred to as "processing") of certain personally identifiable information about you ("Personal Information").

1. *What Personal Information do We process?*

We may process the following categories of Personal Information in connection with your recruitment:

- **Master data:** identification data and contact details provided by you;
- **Qualifications and Licenses:** data related to your professional qualifications, prior employment and education history, information concerning the right to exercise the profession and validity of such right (if you apply for the position of a nurse or a medical doctor);
- **Compliance data:** data disclosed as a result of compliance with internal policies and procedure of DaVita;
- **Other data provided by you:** Personal Information, other than the above, provided by you in the recruitment process, in particular in your application documents, including CV, recommendation letters etc.

2. *What is source of my Personal Information?*

If your Personal Information has not been collected directly from you, your Personal Information has been obtained from a recruitment agency supporting our recruitment processes.

3. *For what purposes do We use and process Personal Information and what is the legal basis of the Processing?*

DaVita will process your Personal Information for the specific purpose outlined in this section ("**Recruitment Purposes**"). In order to carry out the recruitment process, We process your Personal Information for the purposes and based on legal bases listed below:

a) **Necessity to conclude and perform the agreement (Article 6 Section 1 (b) of GDPR)**

We process your Personal Information, in particular your master data, qualifications and licenses, as well as other data provided by you, in connection with activities aimed at concluding a labour contract or other civil law contract with you, including taking all necessary steps at your request prior to concluding the contract.

b) **Necessity for compliance with a legal obligation (Article 6 Section 1 (c) of GDPR)**

In some cases, We process your Personal Information to comply with applicable provisions of law, such as labour laws or laws on medical professions, i.e.:

- **To carry out the recruitment process** aimed at concluding a labour law contract, We are obliged to process your Personal Information in the scope indicated in art. 22¹ of the Labour Code (master data, qualifications and licenses).
- **To prevent discrimination in recruitment process**, We process in particular your master data, qualifications and licenses, as well as other Personal Data provided by you.
- **To meet specific law requirements in recruitment for selected positions**, in particular for the position of nurse or medical doctor, We are obliged to process information on your qualifications and licenses, in particular information concerning the right to exercise the profession and validity of such right.
- **To respond to any inquiries from public authorities**, including inquiries to inspect the DaVita's documentation, in particular the recruitment documentation, as well as to share such documentation with public authorities, We process in particular your master data, qualifications and licenses, as well as other Personal Data provided by you.

c) Necessity for the purposes of our legitimate interests (Article 6 Section 1 (f) of GDPR)

- **To ensure physical security** at the DaVita's office and premises, We will process in particular your master data.
- **Where applicable for internal reporting**, within DaVita or to DaVita's parent company DaVita, including management reporting and reporting of information on irregularities in the field of accounting, internal accounting controls, auditing matters, combating bribery and banking and financial crimes or in order to verify whether you have applied for the position at DaVita within previous 12 months, DaVita may process your master data and compliance data.
- **Where applicable for the purposes of establishing, exercising and defending legal claims**, DaVita will process in particular your master data, qualifications and licenses data, compliance data and other data provided by you.

d) Your consent (Article 6 Section 1 (a) of GDPR)

With regard to other data provided by you, exceeding the scope of data:

- indicated in art. 22(1) of the Labour Code (master data, qualifications and licenses) - when recruitment is aimed at conclusion of labour law contract;
- necessary for taking all necessary steps at your request prior to concluding the contract, as well as to conclude the contract - when recruitment is aimed at conclusion of other civil law contract;

these data are processed in order to carry out the recruitment process based on your consent, expressed by providing these data to Us, in particular by sending your application documents, including CV, recommendation letters etc.

In other situations, if We wish to process your Personal Information and We cannot rely on other legal basis, We may ask you to provide your consent to process your personal data for a specific purpose. In such case, your Personal Information will be processed to the extent and for the purpose specified in the consent. In particular, We may ask you to provide your consent for the processing of your Personal Information for the purposes of future recruitments, for the period of time indicated in the consent.

Whenever your Personal Information is or will be processed based on your consent, you can withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

DaVita will not process Personal Information for any other purpose incompatible with the purposes outlined in this section, unless it is required or authorized by law, or as authorized by you.

4. Under what conditions is Personal Information transferred to third parties?

DaVita may transfer Personal Information to third parties for Recruitment Purposes as described in Section 3 as follows:

- a) **DaVita International Limited** hosts its central global management functions in London and is the headquarters of global operations. It utilises data centres in Frankfurt and London and may also transfer your Personal Information to DaVita Inc which is headquartered in Denver, Colorado (USA) and utilises data centres in the USA.
- b) **Regulators, authorities, and other third parties:** If required or permitted by applicable law, Personal Information may be transferred to regulators, courts, and other authorities (e.g. tax, social security and law enforcement agencies), independent external advisors (e.g. auditors) in the jurisdictions where DaVita or DaVita Inc. is located.
- c) **Other Third parties.** If permitted by applicable law and as necessary for Recruitment Purposes, Personal Information may be shared with one or more third parties to process Personal Information on behalf of DaVita and will be subject to contractual obligations to implement appropriate technical and organizational security measures to safeguard the Personal Information, and to process the Personal Information only as instructed.

5. Under what conditions is Personal Information transferred to third countries?

In order to provide adequate protection for data transfers, DaVita has implemented the appropriate safeguards as required by applicable laws. We transfer your Personal Information to USA based on standard contractual clauses approved by the European Commission (standard contractual clauses for data controllers 2004/915/EC and standard contractual clauses for Processors 2010/87/EU)

Details on the transfer of your Personal Information to third countries, the safeguards applied to such transfer, as well as a copy of such safeguards can be obtained by contacting Us using the contact details provided in this Job Candidate Privacy Notice.

6. What security measures does DaVita implement?

DaVita implemented appropriate technical and organizational security measures to safeguard Personal Information following industry best practice. We ensure the confidentiality and protection of all data is preserved through compliance with legal requirements and data protection legislation.

7. How long your Personal Information will be stored?

We will process your Personal Information in accordance with our retention schedule for the period of recruitment for a given position, and after its completion, for as long as needed to assess the correctness of the recruitment carried out and to verify the repeatability of candidates' applications, but not longer than for the period of 12 months after you made an application, unless we are required differently due to legal requirements.

8. What are your rights?

Under the applicable laws, you have the following rights, among others, concerning your Personal Information:

- **a right to information about your Personal Information** stored by DaVita i.e. the right to access your Personal Information and the right to obtain a copy of this data;
- **a right to the rectification (amendment) of your Personal Information** – if the data is inaccurate or incomplete;
- **a right to request erasure of your Personal Information (the so-called "right to be forgotten")** - in particular if the data is stored unlawfully or the reason or purpose for its collection and storage ceased to exist;
- **a right to obtain restriction of processing of your Personal Information** – in particular if the data is inaccurate, processed unlawfully or when We no longer need to process your Personal Information, and you oppose to the deletion of such data;
- **a right of data portability of your Personal Information** – if (i) the processing takes place on the basis of an agreement concluded with you or on the basis of your consent and (ii) the processing is carried out by automated means; and
- **a right to lodge a complaint with a supervisory authority** – i.e the President of the Personal Data Protection Office.

If We have requested your consent for specific processing activities, you have the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

If you wish to ask DaVita a question or would like to exercise any of your rights, you may please contact Us at [\[provide URL link to OneTrust tool/form\]](#).

9. Can I object to the processing of my Personal Information?

You have the right to object to the processing of your Personal Information, including profiling, when: (i) there are grounds relating to your particular situation and (ii) data processing is based on the necessity for purposes of the legitimate interest pursued by DaVita, referred to in Section 3 letter c) above (Article 6 Section 1 (f) of GDPR).

10. Am I obliged to provide my Personal Information?

- a) provision of your Personal Information is necessary**, to the extent of your master data and qualifications and licenses, in order for Us to conduct activities aimed at concluding a labour contract with you, including taking all necessary steps at your request prior to concluding the contract. If you do not provide all the required personal data, depending on the circumstances, it may be an obstacle or impediment, when considering your application as part of the recruitment process;
- b) provision of other Personal Information is voluntary** however, if you do not provide such data, it may have an impact on your application.

11. How can I contact DaVita?

If you wish to contact us in regard to processing of your Personal Information, below you can find our contact details:

- **DaVita's contact details:** DaVita sp. z o.o., ul. Legnicka 48 bud. F, 54-202 Wrocław, phone no. 71 342 98 50
- **Data Protection Officer :** PL_IOD@davita.com.



12. Declaration

I confirm that I have received and read this Job Candidate Privacy Notice version 2.

NAME _____

DATE _____

SIGNATURE _____