

VENDOR, PAYER & COMMERCIAL ENGAGEMENT 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**").

Whenever this privacy notice refers to a business partner or a potential business partner, this means vendors or potential vendors and payers.

1. *What Personal Information do We process?*

We may process the following categories of Personal Information in connection with our relationship with you or with the organization in the name of or on behalf of which you are acting or for whom you are working or providing services to. This information may vary depending on your role towards DaVita.

- a) **If you are individual business partner, or potential business partner of DaVita**, We process the following categories of your Personal Information data:

Master data: identification data, contact details, business related data, national identification, signature;

Contract details: all personal data related to conclusion and performance of the contract and our business relationship with you.

Compliance data: data disclosed as a result of compliance with internal policies and procedure of DaVita.

- b) **If you are employee of business partner or potential business partner of DaVita, or individual contractor providing services to business partner or potential business partner of DaVita or a person acting in the name of or on behalf of DaVita's business partner, or potential business partner**, We process the following categories of your Personal Information:

Master data: identification data and work contact details.

Compliance data: data disclosed as a result of compliance with internal policies and procedure of DaVita.

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

In case your personal data has not been obtained directly from you, it has been obtained by DaVita from DaVita's business partner, in the name of or on behalf of which you are acting or for whom you are working or providing services to. Your personal data could have been also obtained from the Internet websites of such company or from publicly available registers; the data may have been collected directly by DaVita or shared with DaVita by third parties whose services DaVita uses.

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

We process your Personal Information for the purposes listed below and based on the following legal bases:

3.1. If you are individual business partner, or potential business partner of DaVita, We will process your personal data:

- a) **Necessity to conclude and perform the agreement (Article 6 Section 1 (b) of GDPR)** to which you are a party.

DaVita processes your Personal Information, in particular your master data and contract details as well as other data provided by you, in connection with activities aimed at concluding a 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) - to fulfill the legal obligations of DaVita**

DaVita processes your Personal Information in particular your master data and contractual details in particular to keep records for tax purposes, to issue and store invoices, as well as to provide information to public administration or law enforcement authorities.

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

- **To ensure physical security** at DaVita's office and premises, DaVita may process your master data.
- **For the purposes of establishing, exercising and defending legal claims** DaVita will process in particular your master data, contract details, compliance data and other data provided by you.
- **To maintain information technology ("IT") systems claims** DaVita may process your master data and contract details.
- **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, DaVita may process in particular your master data, contract details and compliance data.
- **Where applicable to monitor and detect irregularities** in the field of accounting, internal accounting controls, auditing matters, potential conflict of interest, ethical violations or accepting property benefits and combating bribery and banking and financial crimes (whistleblowing), DaVita may process your master data, contract details and compliance data.
- **Conducting BI analysis** for internal monitoring of the quality of treatment and reporting in the case of external monitoring, DaVita may process in particular your master data and contract details.
- **For purposes related to business development**, DaVita may process in particular your master data, contract details and compliance data.
- **For the purpose of verification of vendors** in connection with our process for conducting vendor legal, regulatory, risk and compliance evaluation checks (including against international sanctions, exposed persons or export controls registers) before

entering into a contract in order to detect risks and fulfil obligations resulting from belonging to a capital group, , DaVita may process in particular your master data, contract details and compliance data.

3.2. If you are employee of business partner or potential business partner of DaVita, or individual contractor providing services to business partner or potential business partner of DaVita or a person acting in the name of or on behalf of DaVita's business partner, or potential business partner:

3

a) Necessity for compliance with a legal obligation (Article 6 Section 1 (c) of GDPR) - to fulfill the legal obligations of DaVita

DaVita processes your Personal Information in particular your master data in particular to keep records for tax purposes, to issue and store invoices, as well as to provide information to public administration or law enforcement authorities.

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

- **To conclude and perform the agreement** with our contractor or supplier, or potential contractor or supplier, DaVita may process your master data.
- **To handle inquiries or other types of messages** related to our contractual relationship with our contractor or supplier, or potential contractor or supplier, DaVita may process your master data.
- **To ensure physical security at DaVita's office and premises**, DaVita may process your master data.
- **For the purposes of establishing, exercising and defending legal claims**, DaVita will process in particular your master data, compliance data and other data provided by you.
- **To maintain information technology ("IT") systems**, DaVita may process 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, DaVita may process your master data and compliance data.

Where applicable to monitor and detect irregularities in the field of accounting, internal accounting controls, auditing matters, potential conflict of interest, ethical violations or accepting property benefits and combating bribery and banking and financial crimes (whistleblowing), DaVita may process your master data and compliance data.

- **Conducting BI analysis** for internal monitoring of the quality of treatment and reporting in the case of external monitoring, DaVita may process your master data.
- **For purposes related to business development**, DaVita may process your master data.
- **For the purpose of verification of contractors** in connection with our process for conducting vendor legal, regulatory, risk and compliance evaluation checks

(including against international sanctions, exposed persons or export controls registers) in order to detect risks and fulfil obligations resulting from belonging to a capital group, DaVita may process in particular your master data and compliance data.

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

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

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

- **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.
- **Regulators, authorities, and other third parties.** As necessary for purposes described above in Section 3, Personal Information may be transferred to regulators, courts, and other authorities (e.g. tax and law enforcement agencies), independent external advisors (e.g., auditors), including entities in the jurisdictions where DaVita or DaVita Inc. is located.
- **Other Third parties.** If permitted by applicable law and as necessary for purposes described in Section 3 above, 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).

We may use third parties (processors) to process personal data for purposes listed in point 3. If We use third parties outside of the EEA or permit third parties to use sub-processors to process personal data outside of the EEA except if in an Adequate Country, We shall in advance of any such transfer ensure that a legal mechanism to achieve adequacy in respect of that processing and which is approved in writing by us before the non-EEA processing is in place, such as the execution Model Clauses approved by the European Commission; or certification under the EU-U.S. Privacy Shield Framework; or the existence of any other specifically approved safeguard for data transfers (as recognized under applicable laws) and/or a European Commission finding of adequacy.

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 Contractor Privacy Notice (civil law contracts).

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?

The retention of your Personal Information takes place in accordance with legal retention requirements. Your Personal Information will be processed for the period necessary for purposes indicated in Section 3. We will retain your Personal Information for the period defined in our retention schedule unless we agree with you otherwise or we are required 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 3.1 letter c) and Section 3.2 letter b) above. (Article 6 Section 1 (f) of GDPR).

10. Am I obliged to provide my Personal Information?

- a) **if you are individual business partner, or individual potential business partner of DaVita,** providing your Personal Information is a condition for entering into and performance of the agreement between DaVita and you, as a person conducting business activity. Providing your personal data may also be necessary to fulfill a legal obligation of DaVita. In such case, if you do not provide all the necessary information, it will be an obstacle to enter into and perform the agreement.

- b) **if you are employee of business partner or potential contractor or business partner of DaVita, or individual contractor providing services to business partner or potential business partner of DaVita or a person acting in the name of or on behalf of DaVita’s business partner, or potential business partner,** and you provided your Personal Information directly to DaVita, providing your Personal Information may be necessary to pursue legitimate interests by DaVita, including entering into and performance of the agreement between DaVita and that person. In such case, if you do not provide all the necessary information it may, depending on the circumstances, constitute either a difficulty or an obstacle in entering into and performance of the agreement.

- c) **provision of other Personal Information is voluntary** however, if you do not provide such data, it may have an impact on provision of services to DaVita.

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 Vendors Privacy Notice version 3.

NAME _____

DATE _____

SIGNATURE _____