

## PRIVACY POLICY

This document ("**Privacy Policy**"), prepared by ENTER AIR sp. z o.o. with its registered office in Warsaw (code: 02-146) at ul. Komitet Obrony Robotników 74 (hereinafter referred to as the "**Controller**" or "**we**" or "**ENTER AIR**");

The purpose of this Privacy Policy is to provide information on the terms, conditions and rules applicable to the processing of **passengers' personal data**, regardless of how the contract of carriage is concluded.

### 1. Personal data controller

The Controller of your personal data is **ENTER AIR sp. z o.o.** with its registered office in Warsaw (02-146) at ul. Komitet Obrony Robotników 74, KRS: 339408.

The Company has appointed a Data Protection Officer in the person of Iлона Machajska-Glińska to ensure that the security of your personal data is respected and that it is processed in accordance with the law.

For matters relating to the processing of your personal data, including the exercise of your rights, by the Controller, you are welcome to contact the Officer by email to [dataprivacy@enterair.pl](mailto:dataprivacy@enterair.pl) or [daneosobowe@enterair.pl](mailto:daneosobowe@enterair.pl) or in writing to the Controller.

### 2. How we collect your data

The Company may obtain your personal data through various channels, depending on whether you have purchased a ticket directly from the Company (via our website), through a flight charterer (e.g. a travel agency) or using an external platform that allows you to book a flight with our airlines.

When a ticket is purchased through a charterer (e.g. from a travel agency), the Company receives from the charterer the personal data necessary for the execution of the passenger check-in process, boarding and other flight-related activities (e.g. execution of in-flight sales or catering).

The Company may receive personal data from state authorities and public institutions in connection with their tasks.

The Company may also obtain your personal data, directly from you if you use our dedicated applications, communicate with us via social media (e.g. Facebook) or subscribe to our newsletter. We may also receive personal data from our group companies, partners or other service providers.

### 3. What categories of data we process

#### a. Data necessary for the execution of the contract of carriage by air

We may process your personal data to the extent that it is necessary for the conclusion and performance of the contract of carriage.

When a ticket is purchased through a charterer (e.g. from a travel agency), the Company receives personal data from the charterer to the extent necessary for the passenger's check-in and boarding process, including: (1) name, (2) surname, (3) gender and (4) information on the age of the passenger as well other necessary data, including: PESEL if justified by the circumstances of a given case (if provided).

In the instance of contracts concluded directly with the Company, the scope of data is broader and includes additional data necessary for proper identification of the person, conclusion and settlement of the contract, information on persons accompanying the person on the journey, including: name, surname, date of birth, telephone number, e-mail address, address of residence. In addition, we may process information relating to any additional services you have purchased, as indicated in the General Conditions of Carriage.

The provision of the above data is necessary for the establishment, formation and execution of the contract of carriage.

#### b. Data on travel arrangements

We process information relating to your trip, including an indication of the date and itinerary of your trip, the entity chartering your cruise (e.g. travel agency). We also process any necessary information voluntarily provided by passengers relating to their specific needs, including health information (e.g. information relating to reduced mobility), medical needs (special categories of data) or dietary needs (including information on the passenger's allergies, in the case of special catering).

c. **Data on incidents involving passengers**

In order to ensure the safety of air transport and for the comfort of our passengers, all incidents involving passengers that occur on board an aircraft or during boarding or disembarking are recorded. Where appropriate, reports are produced which include personal details of the direct passenger involved in the incident, as well as other participants such as witnesses to the incident. We have the right to record information and personal data concerning a disruptive passenger who fails to comply with the crew's instructions relating to order on board or safety instructions.

d. **Information concerning passengers on board the aircraft (API)**

Many countries require airlines to provide data on passengers arriving in or departing from a particular country (so-called API data - *Advance Passenger Information*). The personal data contained on the passenger's travel documents (and other flight and baggage details) are in this instance collected prior to departure and immediately after check-in. The data shall be transmitted electronically to the border control authorities in the country of destination.

Due to the necessity of transmitting data that is acquired immediately prior to departure (e.g. travel document data, seat on board), the transmission of data is sometimes undertaken directly by the handling agent who collects and transmits the data on behalf of our airlines.

The obligation to transmit API data for flights outside the Schengen area is also provided for in national legislation. In such an instance, API data shall be transmitted at the request of the commanding officer of the Border Guard post having jurisdiction over the place where the state border of the Republic of Poland was crossed. API information under national law includes: 1) first name or names and surname in full; 2) date of birth; 3) number and type of travel document; 4) nationality; 5) name of the border crossing point at which the state border of the Republic of Poland will be crossed; 6) flight number; 7) date and time of take-off and landing of the aircraft; 8) number of passengers on the aircraft; 9) airport of embarkation of the passenger for the flight.

e. **Passenger Name Record (PNR) data**

We are obliged to transmit your flight data to the competent authorities of the member states. The obligation to transfer data is grounded in Directive (EU) 2016/681 of 27 April 2016 on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime).

The Directive is implemented individually by each Member State and the specific rules concerning the transmission of these data to the competent authority (e.g. Border Guard)

and the processing of these data by such an authority may differ from one EU country to another. We transfer those PNR data that we hold, we do not acquire any additional data in addition to what we already collect in the course of our business. In our case, the scope of PNR data transferred may include: first name, last name, date of booking, date of travel, contact details (if purchased directly from the carrier), name of travel agent, check-in status information, data on minors and their guardians, seat number on the aircraft, baggage information and collected API data.

In the case of Poland, PNR data are transferred to the Border Guard and processed on the basis of national legislation (see chapter: [Passenger Name Record data](#)).

f. **Data processed in connection with the handling of complaints**

In the event of a complaint, we process your personal data provided by you in order to confirm your entitlement to make a complaint and to process the complaint.

g. **Data collected via the website ("cookies")**

When you use our website, we collect information using cookies and similar technologies. For more information, please see our cookie policy posted on the website.

h. **Special categories of data**

We may process your health data to the extent that it is necessary for the organisation of air transport, including information relating to limited mobility, disability, pregnancy or special medical needs. Information about your health or, indirectly, religious beliefs may arise from special needs reported for catering. The provision of such data is voluntary, but without this information we are unable to provide you with additional services related to your specific situation.

## 4. Passenger Name Record (PNR) data – Polish legislation

Each flight during which the state border is crossed and the aircraft takes off or lands on the territory of the Republic of Poland, including an intra-Community flight, is covered by the obligation under Polish regulations to transmit your flight data to the **National Passenger Information Unit** (hereinafter: "**JIP**"), which is an organisational unit of the Border Guard.

a. **Purpose, scope, manner and duration of the processing of PNR data by JIP**

PNR data shall be transferred to the Border Guard Cell exclusively for the purpose of preventing, detecting,

combating and prosecuting the perpetrators of terrorist offences or serious crimes or fiscal offences - the maximum legal risk of which is at least three years' imprisonment. In the context of our airlines, the scope of PNR data transferred may include: first name, last name, date of booking, date of travel, contact details (if purchased directly from the carrier), designation of travel agent or travel agency, information on check-in status, data on minors and their guardians, seat number on the aircraft, baggage information and collected API data (hereinafter: "PNR data").

Relevant national legislation obliges the Border Guard to ensure an adequate level of security for the processing of PNR data. A Passenger Data Protection Officer has been appointed to monitor the processing of PNR data by the Border Guard (JIP).

**b. PNR Data Controller**

The Controller of your PNR data is:

**Commander-in-Chief of the Border Guard:**

E-mail address: [gabinet.kg@strazgraniczna.pl](mailto:gabinet.kg@strazgraniczna.pl)

Telephone number (switchboard): +48 22 500 40 00

Address: al. Niepodległości 100, 02-514 Warsaw

**c. Rights of PNR data subjects**

You have the right to access your personal data processed by the Commander-in-Chief of the Border Guard and to request that it be completed, updated, rectified or erased if it is incomplete, outdated, untrue or has been collected in breach of the law. In the event of a breach of the processing of their personal data, you have the right to compensation and to assert your rights through the courts.

You also have the right to request information on your rights or to lodge a complaint with the Inspector General for Personal Data Protection regarding the processing of your personal data in connection with the processing of PNR data.

**d. Passenger Data Protection Officer**

You have the right to contact the **Passenger Data Protection Officer**. The Officer's contact details are as follows:

Lt Col SG Grzegorz Rawski

e-mail: [inspektor-PNR@strazgraniczna.pl](mailto:inspektor-PNR@strazgraniczna.pl)

phone: 22 513 54 87

address: al. Niepodległości 100, 02-514 Warsaw

## 5. Legal basis, purposes of processing and duration of storage

**a. Processing of personal data for the performance of the contract of carriage**

Your personal data is processed for the purpose of concluding and executing the contract of carriage by air. Personal data are then processed to the extent that this is necessary for the performance of contract of carriage by air (Article 6(1)(b) of the GDPR), including its settlement and the handling of any complaints and claims. We retain the data obtained for the period of the statute of limitations for claims to which passengers are entitled.

**b. Processing of personal data in connection with the implementation of specific legal obligations imposed on the air carrier**

The need to process your personal data may arise from the fulfilment of other obligations imposed on the air carrier by applicable national law, EU law or foreign (aviation) law (Article 6(1)(c) of the GDPR), including:

- the implementation of Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;
- the implementation of the obligations arising from Regulation No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 on the rights of disabled persons and persons with reduced mobility when travelling by air - with regard to special categories of personal data involving mobility data; Personal data are processed for the time necessary to comply with the obligations incumbent on us, as well as for the entire period indicated in the legislation requiring the retention of the data for a certain period of time (legal obligation) or the period during which we could suffer the legal consequences of not complying with the obligation incumbent on us (legitimate interest - Article 6(1)(f) of the GDPR).

**c. Consent of the data subject**

The basis for the processing of data with regard to information on your health status, other than with regard to mobility, as well as data related to special catering, is your express consent (Article 9(2)(a) of the GDPR). Data is processed to meet your specific needs such as medical needs

or catering requirements for the period of time necessary for the performance of such an obligation and possible billing of additional services, as well as for the duration of the risk of legal consequences for non-compliance with the rights granted to disabled persons and persons with reduced mobility.

#### d. Other purposes and grounds for processing personal data:

Your personal data may be processed:

- for the purpose of on-board sales on the basis of Article 6(1)(b) of the GDPR (necessity for the performance of the contract). We keep the acquired data for the period of the statute of limitations for claims;
- for the purpose of keeping records of passengers not admitted or deported, on the basis of the provisions of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on an EU Code on the rules governing the movement of persons across borders (Schengen Borders Code) (Article 6(1)(c) of the GDPR). Data on refused or deported persons is retained for as long as there is a risk of the carrier being fined or otherwise charged to us by the competent public authority (domestic or foreign) of the country of refusal or deportation;
- in order to comply with the requirements associated with the crossing of the border by the passenger, including immigration and customs requirements, for as long as is necessary to fulfil such obligations;
- on the basis of Article 6(1)(f) of the GDPR, in order to pursue the legitimate interests of the Controller consisting in particular of the establishment, investigation or defence of claims. We retain the data obtained for the period of the statute of limitations for claims to which passengers are entitled;
- for the prevention of terrorism and other serious crimes, including by providing information on persons on board (API) and Passenger Name Record (PNR) data to the competent border control authorities. Passenger name record data provided to the Border Guard of the destination country (PNR, API data) shall be deleted by the air carrier as soon as they are transmitted to the competent authority;
- on the basis of Article 6(1)(f) of the GDPR in order to ensure the safety of air transport and the comfort of your journey,

## 6. Recipients and categories of recipients of personal data

Your personal data may be handed over to:

a) **Enter Air's contractors** with whom we cooperate to the extent necessary for the performance of the air transport service, including: travel agents, payment intermediaries, air transport;

b) **Enter Air's subcontractors**, including ground handling agents, companies handling claims and baggage handling, companies servicing and operating EnterAir's technical infrastructure;

c) **Enter Air's affiliates**, in particular the companies: Enter Air Services sp. z o.o., Enter Air S.A.;

d) to the extent permitted by applicable law – **to state authorities and other entities** for which the obligation to disclose your personal data to them arises from the generally applicable law in the country of destination.

## 7. Data Transferring to Third Countries

Your personal data may be shared with entities outside the European Economic Area ("EEA"). In this case, transfers outside the EEA will be carried out in accordance with the requirements of the of the GDPR and may rely on the standard contractual clauses developed by the European Commission to guarantee an adequate level of data protection. You can obtain further information on the measures taken by contacting the Officer.

## 8. Your rights

a) Access to personal data. At any time you shall be entitled to benefit from the right to access your data.

b) Rectification and supplementation of your data. You have the right to request the immediate rectification of personal data concerning you that is inaccurate, as well as to request the completion of incomplete personal data.

c) Right to delete your data. You have the right to request the immediate erasure of personal data concerning you when the personal data is no longer necessary for the purposes for which it was collected, when it is processed unlawfully and when the personal data should be erased in accordance with applicable legislation.

d) Right to withdraw your consent. To the extent that the processing of your data is based on your consent, you have the right to withdraw your consent at any time. The withdrawal of consent shall not affect the compatibility of the processing carried out on the basis of consent before its withdrawal with the applicable law.

e) Right to the restriction of data processing. You have the right to request the restriction of processing if you question the correctness of the personal data, you consider the processing to be unlawful and you object to its erasure or if

the data is no longer necessary for the purposes of the processing.

- f) Right to object. You have the right to object to the processing of your personal data where we process the data for legitimate interests, including direct marketing purposes.
- g) Right to data portability. You have the right to receive from Enter Air in a structured, commonly used machine-readable format the personal data you have provided to us. You also have the right to request that the data be sent directly to another entity.
- h) Right to complain. You have the right to lodge a complaint against the processing of your personal data to the President of the Data Protection Office.

The rights referred to in points a) to h) above can be exercised by contacting the Controller.

## 9. Automated decision-making

Your data will be processed by automated means in the process of verifying the feasibility of the transport service. Decisions taken in this way influence the decision to provide a transport service. You shall in any event have the right to obtain human intervention on the part of the Controller, to express your position on the contested decision.