

## PRIVACY NOTICE

### for clients

#### 1. Personal Data Protection under the General Data Protection Regulation (GDPR)

This notice concerns personal data collected by Frito Lay Poland Sp. z o.o. (the “**Company**” or “**we**”) as the personal data controller, the means by which the data are used, as well as the rights that natural persons have in connection with the collection and use of such data. If you have any questions or comments, please contact us at [obslugaklienta@pepsico.com](mailto:obslugaklienta@pepsico.com).

In order to run its business operations, the Company collects and uses information identifying natural persons (also referred to as “**personal data**”), including information on the Company clients.

As part of our commitment to protect personal data, we would like to give you transparent information as to:

- why and how the Company collects, uses and stores your personal data;
- the legal grounds on which personal data are being processed, and
- your rights and our obligations in connection with that processing.

#### 2. Scope of Information

In this notice, the Company provides information on all forms in which personal data are being used (“**processing**”) in Poland in respect of natural persons who are:

- a) existing and prospective clients of the Company,
- b) partners, employees, statutory representatives, proxies or representatives of those clients, and
- c) other persons whose data we process in order to issue or pay for invoices as part of our cooperation with the clients

(jointly “**You**” or the “**Clients**”).

#### 3. Types of Personal Data

##### 3.1. Data Provided by the Clients

We may process certain personal data You provided in connection with the cooperation between You and the Company, which may include the following in particular: provision of the Company’s products to the Clients or entities cooperating with the Clients, cooperation during the sale and marketing of those products, as well as cooperation via intermediaries; those data may include the following:

- a) first name and last name, business name, the registered address and mailing addresses,
- b) numbers in the relevant registers (e.g. NIP [the tax identification number] or REGON [the business statistical number]),
- c) PESEL (the national identification number),

- d) contact details, such as the e-mail address, phone number or fax number,
- e) Your job title within Your organisation, and
- f) bank account number.

Where an agreement is concluded between You and the Company directly, the data specified above are given voluntarily but they are necessary to conclude the agreement and service the cooperation between the Client and the Company. If You do not enter into the agreement directly with the Company, it may be Your job duty to give personal data.

If You fail to give data, the Company will be unable to perform the above actions (for example, failure to give data may lead to inability to pay for an invoice).

### **3.2. Data Collected from Other Sources**

We may obtain Your personal data from publicly accessible sources, such as the business registers in the Central Registry and Information about Business Activities (CEIDG) or National Court Register (KRS), in order to verify the information provided by the Clients. The scope of data subject to processing will in that case be limited to the data accessible publicly in the relevant registers.

We may also source Your personal data from entities in which You are employed or which You represent. In such a case, the scope of the data subject to processing will include information necessary to implement the agreement between the Company and such an entity, for example: the information on the termination of Your employment with a given entity, a change in contact details or change of job title.

We may also obtain Your personal data from the internal databases maintained by PEPSICO Group. This applies to data that enable us to contact a specific Client who has already been an off-taker of products of a PEPSICO Group company.

If You place Your orders by phone (via the Tele Sell system), we may obtain the data referred to in item 3.1 from entities that provide the service involving the receipt of orders by phone.

If You contact us via the call centre, also to make a complaint, we may obtain the data referred to in item 3.1 from the entities that provide the call centre service.

### **3.3. Recording Calls**

The phone calls of Clients who contact the call centre are recorded to enable verification of the Clients' identity and also to review complaints, if any.

## **4. Legal Grounds, Purposes and Data Processing Periods**

### **4.1. Legal Grounds for Data Processing**

We must not process personal data, unless we have valid legal grounds. That is why we only process personal data if:

- a) processing is necessary for compliance with contractual obligations towards You, if You are a party to an agreement made with the Company or if You place an order concerning the Company's products;
- b) processing is necessary in order for us to comply with legal obligations to which we are subject, such as the duty to issue an invoice or any other document required by regulations or if we are directly required to do so by law (applicable to cases where Client data are made available at the request of competent authorities or courts);
- c) processing is necessary for the Company's or a third party's legitimate interests and does not override Your interests, basic rights or freedoms. It should be kept in mind that we are always striving to balance our legitimate interest against Your privacy while processing personal data on that ground.

Such "legitimate interests" include:

- i. entering into and performing agreements with Clients who are organisational units without any legal status or legal persons;
- ii. the Company's determining or asserting claims under civil law as part of its business, as well as defence against such claims;
- iii. verification of Clients in public registers;
- iv. contact with the Clients, including the maintenance of internal registers of Clients to enable the Company to contact the Clients;
- v. basic exchange of Client data via the global IT systems used in PEPSICO Group.

#### 4.2. Purposes and Data Processing Periods

Personal data are processed only for a specific purpose and to the extent necessary to achieve that purpose for as long as necessary. The purposes the Company wishes to achieve by processing personal data and the periods for which the Company processes those data are set out below.

Purpose of Processing	Period of Processing
Performance of contractual obligations	The term of the agreement between the Client and the Company
Exchange of Client data within PEPSICO Group	The period during which the Client data are being processed for other purposes
Archiving data pursuant to generally applicable laws, such as the Accounting Act or the Tax Code	The period set out in relevant regulations; as a rule, 5 years from the end of the calendar year in which an event, such as the invoice issue or agreement termination, took place.

Regardless of the above periods, Your data may be processed by the Company for the purpose of determining or asserting claims under civil law as part of its business, as well

as for the purpose of defence against such claims – for the duration of the relevant statutes of limitations, i.e. as a rule, not longer than 6 years from the event which triggered the claim.

## **5. Measures to Secure Personal Data**

All employees who get access to personal data must adhere to internal rules and processes relating to personal data processing in order to ensure data protection and confidentiality. They are also required to comply with all technical and organisational security measures implemented in order to protect personal data.

We have implemented appropriate technical and organisational measures in order to protect personal data against unauthorised, accidental or unlawful destruction, loss, modification, improper use, disclosure or access and against any other illegal forms of processing. Those security measures have been implemented while taking into account of the latest technology, implementation costs, threats relating to the processing and the nature of personal data, with special focus on sensitive data.

## **6. Transfer of Personal Data**

### **6.1. Transfer of Personal Data within PEPSICO Group**

We may transfer personal data to our employees, including in particular sales representatives, as well as any other entities related to PEPSICO Group. This applies to the following situations:

- a) providing and servicing IT systems and solutions used for the processing of Client data by entities related to PEPSICO Group;
- b) providing Client contact details to member companies of PEPSICO Group via global IT systems used in PEPSICO Group;
- c) providing Client data to PepsiCo Logistyka Sp. z o.o., and PepsiCo Consulting Poland sp. z o.o., as part of the provision of services for the Company by those companies, such as transportation services, warehousing services, legal services or accounting services;
- d) providing Client data to Pepsi-Cola General Bottlers Poland sp. z o.o. as part of mutual services under the agreement concerning the distribution/ sale of beverages in Poland between that company and the Company;
- e) providing Client data to Frito Lay sp. z o.o. and Frito Lay Trading Company Poland GmbH as part of provision of services under the agreement concerning distribution/ sale of snacks in Poland.

### **6.2. Transfer of Personal Data outside PEPSICO Group**

The data may be transferred to off-takers and other third parties in order to implement the purposes listed in item 4.2 insofar as they are necessary for the performance of tasks commissioned by the Company, if required by legal regulations or when the Company has

other legal grounds. The following parties may be considered to be off-takers or other third parties:

- a) entities processing personal data at the Company's order, such as IT system providers, the entity offering the call centre service, the entity providing the Tele Sell service or the entities that provide the document archiving services.

Those entities do not determine how to process Your personal data at their own discretion. They process personal data only insofar as necessary for the Company to run its business. The Company has control over the activities of such entities under the appropriate contractual provisions that protect Your privacy.

- b) any and all domestic public administration authorities (e.g. the Police), the authorities of other EU Member States (e.g. authorities established to protect personal data in other Member States) or courts, if required under the applicable domestic or EU law or upon their request;
- c) providers of courier or postal services;
- d) transport companies and forwarding companies;
- e) other persons within the organisation of a given Client.

### **6.3. Transfer of Data outside the European Economic Area**

Personal data transferred within or outside PEPSICOGROUP may also be processed in a country that is outside the European Economic Area (“**EEA**”) which includes the EU Member States, Iceland, Liechtenstein and Norway. Countries outside the EEA may not offer the same level of personal data protection as the level offered by the EEA countries.

Currently, the Company transfers Your personal data to PepsiCo, Inc.; 5600 Headquarters Drive, Plano, Texas 75024, the United States and Wilke Global Inc.; 545 Metro Place South, Suite 200, Dublin, Ohio 43017, the United States. Furthermore, the Company transfers Your personal data to entities outside the EEA that provide IT systems and hosting services.

In those cases, Your personal data are protected by means of the standard data protection clauses which, according to Article 46.2 of GDPR, provide appropriate safeguards when transferring data to countries such as the US.

Whenever Your data are transferred outside EEA, the Company will implement appropriate safeguards in order to ensure that processing takes place in compliance with the applicable data protection rules. In order to ensure adequate level of personal data protection, the Company may, for example, use an agreement on outsourcing data processing with a third party off-taker pursuant to the standard data protection clauses approved by the European Commission or ensure that processing takes place in a jurisdiction which is the subject

matter of the European Commission's decision regarding adequate protection of personal data.

You may also ask for additional information regarding the transfer of data outside EEA and receive a copy of the relevant safeguard while exercising your rights set out in item 7.

## **7. Clients' Rights and How to Use Them**

### **7.1. Available Rights**

Each person has the right to access their personal data processed by the Company. If you believe that any of Your information is incorrect or incomplete, please file a request for its rectification according to the procedure set out in item 7.2 below. The Company will rectify such information without undue delay.

Furthermore, You have the right to:

- a) to withdraw Your consent if the Company received such consent to process Your personal data (with the reservation that the withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal);
- b) request the erasure of Your personal data in cases defined by the GDPR;
- c) request the restriction of processing of Your personal data in cases defined by the GDPR;
- d) object, on grounds relating to Your particular situation, to processing of personal data concerning You (including profiling), if such processing is performed in order to implement public interest or legitimate interests of the Company or a third party;
- e) data portability, i.e. to receive the personal data, which You have provided to the Company, in a structured, commonly used and machine-readable format and the right to demand transmission of those data to another controller without hindrance from the Company, and subject to your own confidentiality obligations.

The Company will verify Your requests, demands or objections in accordance with the applicable personal data protection laws. You should keep in mind, however, that those rights are not absolute ones; the regulations envisage certain exceptions to them.

In response to your request, the Company may ask for verification of Your identity or for giving information that will help the Company better understand the situation. The Company will take all efforts to explain its decisions to You should Your requests not be fulfilled.

### **7.2. Exercising Your Rights**

To exercise the above rights, please send us an e-mail at [obslugaklienta@pepsico.com](mailto:obslugaklienta@pepsico.com), call us at 801 102 060 or 801 392 900 or write us at ul. Zamoyskiego 24/26, 03-801 Warsaw with the annotation "Personal Data Protection".

If You are not satisfied with the manner in which the Company processes Your personal data, please let us know of the issue and we will look into any irregularities. Please report Your concerns using the contact details specified above.

If You have any reservations regarding the Company's response, You may also make a complaint to the competent authority for personal data protection. In Poland, You may complaint with the President of the Office for Personal Data Protection.

In order to ensure that Your personal data remain up-to-date and accurate, we may from time to time ask You to check and confirm Your personal data that we hold or notify us of any changes to those personal data (such as the change of e-mail address, for example). We encourage You to check, on a regular basis, whether Your personal data subject to processing are correct, up-to-date and complete.

## **8. Updating This Privacy Notice**

This privacy notice was updated on 9 May 2018 and may be subject to further revisions. If required by law, all information concerning future modifications or supplements to personal data processing described herein, which may apply to You, will be communicated to You using the relevant form of communication typically used by the Company during interactions with the Clients.