Dear User! Thank you for downloading the e-TOLL PL application. Please read these regulations before you start using the Application. The regulations explain how and under what terms and conditions the Application works, and also contain important information about your personal data and security.

The e-TOLL PL application enables the Head of the National Revenue Administration (Polish: *Krajowa Administracja Skarbowa* – KAS) to process your data, including geolocation data, to fulfil the obligations set out in the Act on Public Roads. The data is stored in encrypted form on your mobile device.

The Application enables you to pay the electronic toll in accordance with the requirements set out in the Act on Public Roads. The Application also enables the monitoring of transport in the SENT (System for Electronic Supervision of Transport). The Application is an alternative to other forms of the fulfilment of the above-mentioned statutory obligations.

Due to making the data transfer function available in the Application, which covers also geolocation data, the Head of the KAS shall process the data of Application Users to enable the fulfilment of the obligation to pay the electronic toll as well as the monitoring of transport in the SENT system. The data is sent from the device of the travelling User, which requires the User to select the appropriate function of the Application.

In order to use the Application to pay the electronic toll, it is necessary to accept the regulations and to register the vehicle and the Application business number in the Internet Customer Account (Polish: *Internetowe Konto Klienta* – IKK) in the SPOE KAS system (mojekonto.etoll.gov.pl). The Application is free of charge. The Application and related services are provided by the Head of the KAS.

Regulations and Privacy Policy of the e-TOLL PL Application ("Regulations")

Article 1. Glossary

1. **"Application"** means the Provider's software called "e-TOLL PL", intended for installation on the User's mobile device, the use of which is subject to the terms and conditions set out in these Regulations.

2. **"Provider"** means the Head of the National Revenue Administration with its registered office in Warsaw (00-916) at 12 Świętokrzyska Street.

3. **"Internet Customer Account"** or **"IKK"** means a self-service SPOE KAS service dedicated to handle the User. You can use the IKK to get registered in

the SPOE KAS system and set key service parameters to adapt them to your needs, e.g.:

• open settlement accounts for which you will specify the method of trip financing,

• register vehicles and match them with the preferred device (the Application, OBU, ZSL),

• manage your finances, top up your balance or pay a debit note,

• add other users who, in accordance with permissions granted to them, will help handle the account in the SPOE KAS system,

• check the trips made in the SPOE KAS system and verify the electronic Tolls made.

4. **"Electronic toll"** means the payment referred to in Article 13ha(1) of the Act of 21 March 1985 on Public Roads.

5. **"SENT"** means the System for Electronic Supervision of Transport (Polish: *System Elektronicznego Nadzoru Transportu*) used to monitor the transport of goods pursuant to the Act of 9 March 2017 on the System for Monitoring Road and Rail Transport of Goods and Trade in Heating Fuels.

6. "**SPOE KAS**" means the Electronic Toll Collection System of the National Revenue Administration (Polish: *System Poboru Opłaty Elektronicznej Krajowej Administracji Skarbowej*) used to collect the electronic Toll.

7. **"Application User"** means:

    1.1. an entity registered in the IKK driving vehicles or combinations of vehicles:
        (a)   with a permissible gross vehicle weight of more than 3.5 tons,
        (b)   buses, regardless of their permissible gross vehicle weight,

    1.2. an entity transporting goods in the SENT system.

Article 2. Application

1. The Application is used for positioning and settling trips made by the Application User's vehicle based on geolocation data provided via the Application, enabling the localisation of the vehicle subject to electronic Toll collection or required to transfer data to the SENT system.

2. The Application enables the transfer of the Application User's location data to the SPOE KAS system or the SENT system as well as its storage in encrypted form on the Application User's mobile device.

3. Downloading and using the Application is free of charge.

4. In the case of mobile devices with Android, the Application can be downloaded from Google Play store, and in the case of mobile devices with iOS – from App Store.

5. The telecommunications operator providing telecommunications services to the Application User may charge fees for using data transmission services or voice calls by the Application User in connection with downloading or using the Application.

Article 3. Application Users

1. In order to download and use the Application, Application Users must have mobile devices that enable the transfer of geolocation data.

2. In the case of registering in the IKK an account that enables the electronic Toll prepayment, it is required to first ensure the necessary amount of funds on the account assigned to the vehicle with which the trip is made.

3. The Application may be used only by entities that meet the conditions set out in Article 1(7) of these Regulations. In particular, the Application may not be used by entities that use vehicles not registered in the SPOE KAS system or do not transport goods in the SENT system.

Article 4. Application Activation

1. When using the Application for the first time, it is necessary to activate the Application in the IKK.

2. Activation of the Application consists in assigning the Application business number generated in the course of the Application installation to a specific account in the IKK.

Article 5. Application Functions

1. The data registered in the Application is the basis for the settlement of trips made by the Application User with the use of the Application.

2. The correctly activated Application enables the Application User to use the following functions:

   2.1. "*Konfiguruj przejazd*" (Set the trip) and "*Rozpocznij przejazd*" (Start the trip) – enable the Application User to launch the trip and start the transfer of geolocation data for the purposes of paying the electronic Toll or monitoring the transport of goods in the SENT system.

   2.2. "Account balance" – enables the Application User to top up the account used to prepay the electronic Toll,

2.3. "*Zakończ przejazd*" (End the trip) – enables the Application User to end the trip and cease the transfer of geolocation data; a trip summary contains information on the trip duration, location report, and the vehicle used (appears on the screen automatically after the trip ends).

2.4. "*Historia przejazdów*" (Trip record) enables the Application User to read the record of:

    (a)   trips subject to the electronic Toll made by the Application User within the last three months (time of the trip start and end, change of the monitoring method);

    (b)   trailer configuration changes.

3. Notifications sent by the Application inform its User of the mobile device status (battery state of charge, GPS signal strength, and Internet connection status).

Article 6. Technical Requirements

1. The Application is intended for mobile devices with an Android operating system version not lower than 8.0 (the latest version available on the market is recommended) and an iOS version not lower than 14 and access to App Store.

2. Downloading and activating the Application require an Internet connection.

3. For the Application to work properly, the mobile device on which it is installed:

3.1. must have at least 200MB free memory,

3.2. may not have operating system modifications installed, in particular modifications consisting in removing the restrictions of the manufacturer of the mobile device or the manufacturer of the operating system (jailbreaking or rooting),

3.3. must enable connection to the Internet,

3.4. must have a GPS module.

4. The Provider informs that for its proper operation the Application uses:

4.1. the Internet,

4.2. mobile device ID and connection information,

4.3. geolocation data.

5. The Provider informs that the installation of the Application updates provided by the Provider may be necessary for the proper operation of the Application and the proper protection of the data it contains. The Provider recommends installing such updates immediately after they have been made available via Google Play or App Store in the case of iOS devices.

6. The Application User should install operating system updates in accordance with the recommendations of the manufacturer of the mobile device and the

Android and iOS systems. Failure to update the operating system or the Application may lead to reduced security of using the Application, and even to data leakage from the Application.

7. Manufacturers of mobile devices may use various mechanisms to optimise the operation of the battery installed in the device. In some cases, too long running of the Application in the background may interfere with the correct transfer of geolocation data to the SPOE KAS system or the SENT system. In order to ensure the continuity of geolocation data transfer, the Application User should make sure that the Application is displayed on the mobile device screen during the trip.

Article 7. Privacy and Security

1. Geolocation data transfer is obligatory and necessary to fulfil the Application User's obligations related to the payment of the electronic Toll or the transport of goods in the SENT system.

2. The current location is taken to determine the amount of the electronic Toll and to monitor the transport of goods in the SENT system. Geolocation data is collected continuously, even if the Application is running in the background during the trip.

3. Where the obligatory electronic Toll is paid using the Application, geolocation data is collected to detect whether the road section being covered by the Application User is a toll section – in this case, the collected data is used only to calculate the amount of the due electronic Toll. In the case of the Application function related to the monitoring of the transport of goods in the SENT system, data is transferred on a continuous basis to control the transport of goods. Geolocation data is neither stored or used for other purposes. The data transfer frequency is configurable and ranges from 5 to 60 seconds.

4. The Provider recommends that in the case of discontinuation of using a given mobile device by the Application User, the Application User resets the data in the system of the mobile device or deletes the Application before transferring the device to a third party.

5. The Application stores the following Application User's data:

    5.1. geolocation data provided by the Application User during a trip subject to the electronic Toll or related to the monitoring of the transport of goods in the SENT system,
    5.2. registration numbers of the vehicles,
    5.3. Application User's business ID,
    5.4. ID of the account registered in the SPOE KAS system,
    5.5. record of trips subject to the electronic Toll (up to 3 months back),
    5.6. lists of SENT trips (for trips carried out in the SENT system).

6. The Provider receives from the Application geolocation data from the territory of Poland, but it collects only that location data that is used to calculate the electronic Toll or to monitor the transport of goods in the SENT system.

7. Apart from electronic data transfer to the SPOE KAS system or the SENT system, the Application does not enable data export or import.

8. The Provider does not enable the recovery of the PIN or password to the Application. In case of loss of the password to the Application, it is necessary to remove the Application from the mobile device along with all data and then install and activate the Application again.

9. The Provider informs that it takes the utmost care to ensure a high level of IT security of the Application and Application User data. The Provider indicates, however, that due to the specific characteristics of information technology, the Application's vulnerability to certain threats may be found in the future. For this reason, the Provider recommends updating the Application in accordance with Article 6(5) of these Regulations and indicates that it may make publicly available recommendations regarding security rules related to the use of the Application.

Article 8. Application Use

1. Upon installation of the Application, the Provider shall grant the Application User a licence to use the Application on the terms and conditions set out in paragraphs 2-4. The granted licence is non-exclusive, non-transferable, and does not entitle to grant further licences (sub-licences).

2. The licence shall be granted for an indefinite time and with no territorial restrictions.

3. Under the licence, the Application User is entitled to reproduce the Application to the extent necessary to install and use it on the Application User's mobile devices, as long as these activities are carried out in order to use the Application in accordance with these Regulations.

4. Subject to paragraph 3 and exceptions resulting from mandatory legal provisions, the Application User is not entitled to reproduce the Application in any other way, nor is it entitled to its translation, adaptation, changing its layout or making any other changes to the Application.

Article 9. Technical Support and User's Notifications

1. The Provider offers support in terms of the Application operation at the following telephone number: +48 22 24 337 77 – a paid number dedicated to users from Poland and abroad – the call charge according to the operator's price list.

2. Any Application Users' questions, comments or suggestions regarding the Application and its functions can be sent to by e-mail to: kontakt@etoll.gov.pl.

Article 10. Liability

1. The Provider informs that the Application User bears full liability for violation of the law or damage caused by the Application User's actions related to their use of the Application, in particular the authenticity of data related to the Application User's trips subject to the electronic Toll or SENT trips.

2. The Provider informs that it is not liable for:

    2.1. damage resulting from the Application User's failure to update the Application,
    2.2. damage resulting from the use of the Application by the Application User contrary to the law or these Regulations,
    2.3. the quality and availability of telecommunications services necessary to use the Application, provided by the telecommunications operator whose services are used by the Application User,
    2.4. malfunctions of the Application operation resulting from malfunctions of the operating system or mobile device used by the Application User.

Article 11. Personal Data Processing

1. The Application User's personal data in the Application is controlled by the Provider to be contacted at the following address: 00-916 Warszawa, ul. Świętokrzyska 12, or by e-mail sent to kancelaria@mf.gov.pl.

2. In matters that concern exercising by the Application User the rights related to the processing of their personal data in the Application, the Application User can also contact the Data Protection Officer by e-mail sent to iod@mf.gov.pl.

3. The Application User's personal data shall be processed in order to:fulfil the obligation to pay the electronic Toll pursuant to the provisions of the Act on Public Roads, in connection with Article 6(1)(c) of GDPR[1],

    3.2. monitor transport in the SENT system pursuant to the provisions on the system for monitoring road and rail transport of goods and trade in heating fuels, in connection with Article 6(1)(c) of GDPR,
    3.3. support the Application User and the Application development in so far as necessary to perform a task as part of exercising public authority, i.e.

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[1] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 04.05.2016, p. 1, as amended).

electronic Toll collection and transport monitoring, in connection with Article 6(1)(e) of GDPR.

4. The Application User's personal data may be received by entities authorised to process this data under legal regulations; a separate category of recipients to whom data may be disclosed includes entities processing personal data at the request of the Provider, in particular those with which contracts for the provision of maintenance services for the IT systems and applications used have been concluded.

5. The Application User's personal data shall be processed for the period necessary to accomplish the purposes of processing referred to in paragraph 3, as well as for the period provided for in legal regulations.

6. The Application User shall have the right to:

6.1. access their personal data, in accordance with Article 15 of GDPR,

6.2. rectify their personal data, in accordance with Article 16 of GDPR,

6.3. request the Provider to restrict the processing of personal data, in accordance with Article 18 of GDPR,

6.4. object, in accordance with Article 21 of GDPR,

6.5. lodge a complaint with the President of the Office for Personal Data Protection.

7. The processing of the Application User's personal data in the Application is necessary to fulfil the obligation to collect tolls and monitor transport via the Application; an Application User that fails to provide their data may not use the Application.

Article 12. Final Provisions

1. The Application User has the right to terminate the use of the Application at any time by uninstalling it from their mobile device.

2. These Regulations may change with subsequent releases of the Application. The change shall be binding on Application Users who will install such release of the Application and accept the amended wording of these Regulations.

3. These Regulations are available free of charge in the Application, as well as via etoll.gov.pl and puesc.gov.pl, in the PDF format that allows for their downloading, saving and printing.