

Dear user, Thank you for downloading our e-TOLL PL app. Before you start using the app, please read these Terms & Conditions, where you will find the details of the use and functioning of the application, as well as important notices about your personal data and security.

e-TOLL PL lets the Provider access your geolocation data (GNSS) for the purpose of performing the obligations prescribed by the law. All data will be stored on your mobile device in encrypted form.

You can use the App to pay electronic toll and motorway toll in accordance with the requirements stipulated in the Public Roads Act and the Act on Toll Motorways and the National Road Fund. The App also supports monitoring SENT cargo transports.

Because the App offers transmission of geolocation data, the Provider processes app users' data to enable them to pay the mandatory electronic toll/motorway toll and to monitor their transport in SENT. Data is transmitted from the user-driver's device. In order to start driving on a particular route, you need to start a particular function in the App.

Each data subject has the right to access their data, right of rectification, and other rights prescribed in Article 32(1)(7) and (8) of the Personal Data Protection Act of 29 August 1997, including the right to present a justified demand in writing to discontinue processing of their data due to specific circumstances. Data will not be processed for marketing purposes.

In order to use the App for paying electronic toll/motorway toll, you have to accept these Terms & Conditions and register your vehicle and the Application business number on your SPOE KAS Online Customer Account (OCA) ([mojekonto.etoll.gov.pl](https://mojekonto.etoll.gov.pl)). The App is free of charge. The App and the related services are delivered by the Head of the National Revenue Administration.

## **Terms, Conditions and Privacy Policy of e-TOLL PL app**

### **§ 1. The App**

1. The provider of the Application (hereafter the “**Provider**”) is the Head of the National Revenue Administration, with its registered seat in Warsaw, Poland (post code: 00-916), street address: ul. Świętokrzyska 12.
2. “**App**” or Application means the Provider's software called “e-TOLL PL”, to be installed on a User's mobile device and used on the terms stipulated herein.

3. The function of the App is the positioning (GNSS) and accounting for routes covered by the User's vehicle, on the basis of geolocation data transmitted through the App, to determine the location of a vehicle for which payment is required for driving on toll sections of roads in Poland, or for which data has to be transmitted to SENT.
4. The App enables transmission of the User's location data to the National Revenue Administration's Electronic Toll Collection System (hereafter "**SPOE KAS**") and/or from the Electronic Transport Monitoring System (hereafter "**SENT**") and storage of such data in encrypted form on the User's mobile device.
5. The controller of the personal data processed by the app is the Head of the National Revenue Administration, and the joint controller is the Minister of Finance, address: ul. Świętokrzyska 12, 00-916 Warszawa.
6. Processing of personal data in the Application is necessitated by the exercise of the controller's public authority to collect toll from users for driving on toll sections of roads.
7. Payments for driving on toll sections of roads are charged and collected on the basis of the following legislation:
  - 7.1. Electronic toll - collected pursuant to the Public Roads Act of 21 March 1985 (consolidated text: Journal of Laws of 2020, items 470, 471, 1087, 2338; of 2021, item 54, as amended – hereafter the **Public Roads Act**).
  - 7.2. Motorway toll - collected pursuant to the Act of 27 October 1994 on Toll Motorways and the National Road Fund (consolidated text: Journal of Laws of 2020, item 2268, as amended – hereafter the **Toll Motorways Act**).
8. Monitoring of cargo transport in SENT takes place pursuant to:
  - 8.1. The Act of 9 March 2017 on the Road and Rail Transport of Cargo and Heating Fuels Trade Monitoring System (consolidated text: Journal of Laws of 2020, item 859; of 2021, item 255, as amended – hereafter the **Monitoring System Act**).
9. You can download the App from Google Play for Android mobile devices, or from App Store for iOS mobile devices.
10. The App is available for download or use free of charge. Use of data transmission or voice call services by the User for downloading or using the App may be charged by the User's telecommunication service operator.

## § 2. Users

1. In these Terms & Conditions, the Users of the App are:

- 1.1. Road users registered in SPOE KAS OCA, driving vehicles or combinations of vehicles:
  - a) with a maximum authorized mass >3.5 tonnes;
  - b) with a maximum authorized mass up to 3.5 tonnes;
  - c) buses with any maximum authorized mass.
- 1.2. Road users transporting cargo in the SENT system.
2. To use the App for payment of electronic toll and motorway toll, or for transmission of data to SENT, the User must have a mobile device with geolocation data transmission feature.
3. If a prepaid account is registered on OCA, driving on toll roads and paying toll with the App is enabled, as soon as sufficient cash is available in the account allocated to the vehicle on route.
4. Only individuals meeting the criteria specified in sections 1-3 above can be Users of the App. Specifically, users of vehicles not registered with SPOE KAS or drivers not transporting cargo within SENT cannot be App Users.

### **§ 3. Activating the App**

1. You should register and activate the App on your SPOE KAS OCA during first use.
2. Activation of the App means the allocation of the Application business ID to a specific OCA account during installation.

### **§ 4. App functions**

1. When the App is activated successfully, you can use the following functionalities:
  - 1.1. Starting a route and transmission of geolocation data for toll route and/or SENT GEO route purposes (according to the route type) - "Set up your route" and "Start route" functions.
  - 1.2. Device status indication (battery, GPS signal, Internet connection status) - application alerts.
  - 1.3. Account top-up option for prepayments - "Account balance" function.
  - 1.4. Ending a route and discontinuing transmission of GNSS data - "Close route" function.
  - 1.5. Route summary, including details of route duration, location report, vehicle used (displayed on screen automatically on closing the route).
2. The data registered in the App will be used as a basis for payments for the routes covered with the App.

3. “History” function presents the history of:
  - 3.1. Completed routes, including paid routes (route start and end time, monitoring mode change);
  - 3.2. Trailer setup modifications.
4. With the “History” function, App users may view the history of all their routes covered during the last three months.

## **§ 5. Technical requirements**

1. The App is designed for mobile devices with Android min. 8.0 (latest available Android version is recommended) or iOS min. 14, and access to App Store.
2. You need to connect to the Internet to download and activate the App.
3. The following requirements must be fulfilled by the mobile device where the App is installed:
  - 3.1. Min. 200 MB free memory.
  - 3.2. No operating system modifications installed, particularly any jailbreaking or rooting mods.
  - 3.3. Internet connectivity.
  - 3.4. GPS module.
4. The Provider hereby informs that the App has to use the following for proper functioning:
  - 4.1. The Internet;
  - 4.2. Mobile device ID and call details;
  - 4.3. Geolocation (GNSS) data.
5. Please be informed that you may have to install updates from the Provider to ensure that the App works properly and the application data are duly secured. The Provider recommends to install such updates as soon as they are available via Google Play or App Store (for iOS devices).
6. You should install operating system updates as recommended by the manufacturer of your mobile device and Android. Without OS or App updates, the level of App security may be affected, and data leakage may occur.
7. Mobile device manufacturers may use various battery optimization features. In some cases, prolonged background use of the App may interrupt proper transmission of GNSS data to SPOE KAS and/or SENT. To ensure continuous transmission of GNSS data, the mobile device User should make sure that the App is displayed on the device screen while driving.

## **§ 6. Privacy and Security**

1. GNSS data is transmitted voluntarily, within the framework of performance of the User's obligations to pay electronic toll and to pay for SENT routes or transports.
2. Your present location is registered for the purpose of determining the amount of electronic toll or payment for route, and for the purpose of monitoring SENT transport of cargo. Location data are collected on a continuous basis, even if the application is moved to the background while driving.
3. If the App is used for compliance with the obligation to pay electronic toll or route toll, location data collection is intended to detect whether your present route section is a toll section, and in that case the transmitted data will only be used to determine the due amount of electronic toll payable on the basis of the Public Roads Act, or to determine the due amount of motorway toll payable on the basis of the Toll Motorways Act. For the SENT transport monitoring functionality of the App, data is transmitted continuously for the purpose of verification of cargo transport pursuant to the Monitoring System Act. Your locations will not be stored or used for any other purpose. Data transmission intervals are configurable within the range of 5 to 60 seconds.
4. It is the Provider's recommendation that you reset your system data or delete the App if you no longer intend to use a specific mobile device, before you hand it over to a third party.
5. The App will store the following User data:
  - 5.1. GNSS data transmitted by the User on a toll route and/or SENT route;
  - 5.2. Vehicle registration data;
  - 5.3. User's business ID;
  - 5.4. SPOE KAS account ID;
  - 5.5. History of toll routes (3 months backwards);
  - 5.6. Lists of SENT routes (for driving under the SENT system).
6. The Provider receives geolocation details from the territory of Poland from the Application, but stores only such data which will be used for charging electronic toll/motorway toll, or for monitoring SENT transports.
7. The collection of data mentioned above is necessary for technical reasons, temporary and time limited.
8. No data export or import functions are available in the Application, other than electronic data transmission functionality.
9. The Provider does not offer PIN or password recovery. If you lose your password for accessing the App, you will need to remove the App from your mobile device, together with all data, and reinstall/reactivate the App.

10. The Provider warrants and assures that they are proceeding with all due diligence to ensure a high level of telecommunication/IT security of the App and User data. However, considering the characteristics of information technologies, the Provider makes a reservation that a vulnerability to certain threats may be discovered in the App in the future. Therefore, the Provider recommends to update the App as specified in § 5(5) and may issue public recommendations on security measures for using the App.

## **§ 7. Using the App**

1. With the installation of the App, the Provider grants a license to the User for using the App on such terms as stipulated in § 7. The license is non-exclusive, non-transferable, without the right to confer any sub-licenses.
2. The license is given for an indefinite term, without any geographic limitations.
3. The license authorizes you to copy the App to the extent necessary for its installation and use on your mobile devices, provided that this is done for the purpose of using the App in compliance with these Terms & Conditions.
4. Notwithstanding § 7(3) or any exceptions arising from mandatory rules of the law, you are not allowed to copy the App otherwise, nor to modify the App by translation, adaptation, re-engineering or otherwise.

## **§ 8. Support and User issues**

1. Support for the App is provided at the following phone numbers:
  - a) +48 22 24 337 77 - a toll number dedicated for users from Poland and from abroad - connection fee according to the operator's price list;
2. For any inquiries, comments or suggestions you may have about the App and its functionalities, contact us at [kontakt@etoll.gov.pl](mailto:kontakt@etoll.gov.pl).

## **§ 9. Indemnity**

1. You are hereby informed by the Provider that you are fully responsible for any breach of the law or any loss caused by your actions involving the use of the App, particularly the authenticity of the data about driving on toll sections of roads or SENT routes.
2. You are hereby informed that the Provider shall be fully indemnified and held harmless for:
  - a) Any loss caused by your failure to update the App; or
  - b) Any loss caused by your misuse or abuse of the App which is illegal or not in compliance with these Terms & Conditions; or

- c) The quality and availability of telecommunication services needed for the use of the App, provided by your telecommunication operator; or
- d) Any malfunction of the App as a result of a malfunction in your operating system or mobile device.

#### **§ 10. Miscellaneous**

1. You are entitled to stop using the App at any time by uninstalling it from your mobile device.
2. These Terms & Conditions may be amended with subsequent releases of the App. Any such amendment will be binding upon Users who install a new release and accept the Terms & Conditions in the new wording.
3. These Terms & Conditions are available in the App free of charge, or from [etoll.gov.pl](http://etoll.gov.pl) in PDF format for downloading, saving and printing.