

Rules and regulations for the competition for the Krzysztof Miller Prize - for the best photographic material in 2020

These rules and regulations (hereinafter called "the Rules") define the method and manner of carrying out the competition known as "the Krzysztof Miller Prize for having the courage to look" – a competition for the best photographic material in 2020.

§ 1. General provisions.

1. The "Krzysztof Miller Prize for having the courage to look" competition for the best photographic material in 2020 (hereinafter called "the Competition") is organized by Agora Spółka Akcyjna with its registered office in Warsaw, ul. Czerska 8/10, entered in the register of businesses maintained by the District Court for the City of Warsaw, 13th Business Department of the National Court Register, under the number KRS 59944, with share capital of PLN 46,580,831 (fully paid), NIP (Tax Identification Number): 526-030-56-44, hereinafter called "the Organizer".

2. The Competition partner is Deutsche Bank Polska S.A. with its registered office in Warsaw, Al. Armii Ludowej 26, entered in the register of businesses maintained by the District Court for the City of Warsaw, 12th Business Department of the National Court Register, under the number KRS 0000022493, REGON (statistical number): 350526107, NIP (Tax Identification Number): 676-01-07-416 (hereinafter called "the Competition Partner").

3. The Competition partner is the Gazeta Wyborcza Foundation with its registered office in Warsaw, ul. Czerska 8/10 (hereinafter: "the Competition Partner" or "the Foundation").

The Organizer and the Foundation fund prizes in the Competition.

3. "The Krzysztof Miller Prize for having the courage to look" is awarded every year in December for the best photographic material in the previous year. The purpose of the Competition is to promote photography of exceptional journalistic value, unique in terms of having a deep, fair and courageous insight into difficult social, political, economic and cultural issues.

4. The participants may send in photographic material concerning any social, political, economic or cultural issues for the main category of the Competition and, additionally, for the newly created "Liberty, solidarity, tolerance" category - the Gazeta Wyborcza Foundation Prize. The competition jury appointed by Agora will select winners of the main prize and the "Liberty, solidarity, tolerance" – the Gazeta Wyborcza Foundation Prize from among the photographic material received.

5. The Competition will be carried out in the period from 7 September to 10 December 2020. Participants are invited to enter the Competition and submit their photographs between 7 September and 21 October 2020, and the jury will proceed in the period from 4 to 10 November 2020. The jury will select the 7 (seven) best works. Subsequently, the jury will select the winner of the main prize (for the best photographic material of the year) and the winner of the "Liberty, solidarity, tolerance" – the Gazeta Wyborcza Foundation Prize from among the 7 (seven)

nominees whose works were considered to be the best.

The semi-finalists, and then the winners in both categories, will be announced during a gala held in late November – early December 2020. The Organizer reserves the right to cancel the gala due to force majeure, in particular, due to the introduction of any bans or restrictions associated with the coronavirus pandemic.

6. The Competition will be carried out in the newspaper *Gazeta Wyborcza* (hereinafter called "Gazeta Wyborcza"), as well as through the web portal maintained by the Organizer at www.wyborcza.pl and a web portal dedicated to the Competition at wyborcza.pl/zdjecia (hereinafter jointly called "the Portals").

7. The Rules are the only document that defines the rights and obligations of the Competition Participants.

8. The Rules of the Competition will be available at the editorial office of *Gazeta Wyborcza* in Warsaw at ul. Czerska 8/10, 00-732, and online at www.wyborcza.pl/zdjecia. The Organizer reserves the right to change these Rules at any time, provided that a change (if any) does not infringe the acquired rights of the Competition Participants. In particular, the Organizer may extend or shorten the period for sending the works without giving a reason. Any changes to the deadline for sending the works will be communicated by the Organizer in *Gazeta Wyborcza* or through a Portal.

§ 2. Participation in the Competition.

1. Participation in the Competition is free of charge.

2. Participants in the Competition must be of legal age and have full legal capacity. The Competition is open to both professional and amateur photographers.

3. It is understood that by entering the Competition a Participant accepts the Rules in their entirety. The Participant undertakes to comply with the Rules and confirms that he/she satisfies all the conditions for participating in the Competition.

4. Participation in the Competition or the rights and obligations associated with it, including the right to demand delivery of the prize, cannot be transferred to another person.

5. Only proprietary photographic works (hereinafter "work" or "photographic material") can be submitted for the Competition. In the event of any doubts as to the authenticity of the photographic material sent, the Participant will be obliged, at the jury's request, to submit the source file from which the photographs were taken. If the Participant fails to provide the source file requested by the jury, the material sent will not take part in the Competition.

§ 3. Course of the Competition and the terms and conditions of participation.

1. In the period from 7 September (12:00 hrs) to 21 October 2020 (23:59 hrs), the Competition Participants shall send to the Organizer, using the competition form available at www.wyborcza.pl/nagrodakrzysztofamillera, the following information: given name and surname, e-mail address, and attach photographic material consisting of no fewer than 7 (seven) and not more than 12 (twelve) photographs on any social, political, economic or cultural subject (hereinafter: "the work"). At least 4

(four) out of 7 (seven) photographs constituting the photographic material submitted for the Competition must be taken in the period from 01 September 2019 to 01 September 2020.

2. Each Participant may submit for the Competition up to 3 (three) works. Any photographic forms (including picture stories, documentaries, portrait series, landscape series, etc.), made using any technology (including professional photographic equipment, as well as a mobile telephone, etc.) may be submitted for the Competition, provided that they comply with the technical requirements (longer side minimum resolution: 3000 px, RGB or grey scale or maximum quality jpg; photographs submitted for the Competition can only be processed using normal darkroom processes; any photomontage is unacceptable). Any photographic material submitted for the Competition that does not meet the requirements referred to in clauses 1 and 2 will not take part in the Competition.

3. A Participant may submit for the Competition photographic material prepared individually (referred to as an individual work) or photographic material prepared by a group of persons, e.g. photographers – members of one photographic agency, etc. (a collective work).

4. Photographic materials submitted for the Competition should be prepared in compliance with the essential rules of journalistic ethics and should be characterized by an original outlook on the world. The Organizer reserves the right to refuse to accept a work submitted for the Competition if the content of the photographic material violates the law, rules of decency or dignity of the person portrayed.

5. It is understood that by sending photographic material to the address provided in clause 1 above a Participant is entering the Competition.

6. By entering the Competition (i.e. sending a work), the Competition Participant makes the following statements with respect to all works submitted (in particular, the photograph, image and elements of the setting, make-up or style recorded on the photograph):

a) the works presented by the Participant (the photograph and the works recorded therein) are original and the Participant holds full and exclusive copyright thereto; the said works are not subject to any rights of third parties, they do not infringe any rights of third parties or the applicable laws, and the Competition Participant is authorized to grant the consents referred to in clauses b)-e) below;

b) [the Participant] grants consent to the Organizer to use the submitted work free of charge, in whole or in part, also after being processed by the Organizer in any manner, by publishing it in *Gazeta Wyborcza* or any supplement thereto (including *Duży Format*) or online at www.wyborcza.pl and at wyborcza.pl/zdjecia, for the sole purpose of carrying out the Competition, which includes selecting 7 nominated works, and subsequently selecting the winners of the Competition in both categories and publishing the winning works, as well as distributing the work on the Internet also by making it available to individuals at the time and place of their choice, for the purposes mentioned above; this consent also includes the right of the Organizer to use the work in the database developed by it, which contains (in the form of electronic files) the content of all websites making up the www.wyborcza.pl portal, and the right of the Organizer to use the above-mentioned work in an archived form

indefinitely, in particular for the purposes of promoting subsequent editions of the Competition in the following years;

c) [the Participant] grants consent to the Organizer to reproduce the photographic material submitted by the Participant in one or more copies, in whole or in part, also after being processed by the Organizer (such processing being understood in particular as correction, editing, making stylistic changes), in the press titles published by the Organizer, including in particular *Gazeta Wyborcza* and the supplements thereto (including *Duży Format*), as well as online at www.wyborcza.pl and www.wyborcza.pl/zdjecia and for free of charge publication of such copies for the sole purpose of carrying out the Competition, including the selection of 7 nominated works and subsequently selecting the winners of the Competition and publication of the winning works in both categories

d) [the Participant] grants the Organizer a non-exclusive licence for the photographs in the following areas of use:

- recording in whole or in part, reproducing the copies of works using any technique, including in particular printing, reprography, magnetic recording and digital techniques;

- distributing and publishing the works, once or many times, in *Gazeta Wyborcza* and supplements thereto (including *Duży Format*) published by the Organizer, as well as at www.wyborcza.pl and at www.wyborcza.pl/zdjecia;

- publishing the work, in whole or in part, in collections defined by Agora, as well as publishing the specific elements of the work, its public performance, display, broadcast or re-broadcast, saving in computer memory and making available to the general public so that everyone can have access to it at the time and place of their choice (on the radio, television, Internet),

provided, however, that the licence referred to in item d) is granted exclusively for the purposes of carrying out the Competition, including selecting 7 nominated works, and subsequently selecting the Competition winner and publishing the winning work. This includes the possibility of exercising the rights to the whole photographic work or part thereof without any limitation concerning the number of recordings, publications, distributions, displays, broadcasts, re-broadcasts, saving in computer memory and publications on the Internet, radio and television.

The Competition Participant further represents that:

e) he/she/it permits the Organizer to disclose in *Gazeta Wyborcza* and the supplements thereto (including *Duży Format*), as well as at www.wyborcza.pl and www.wyborcza.pl/zdjecia, the names, surnames and images of photographed persons and the Participant, for the purpose of announcing the results of the Competition and for the purpose of performing the obligations resulting from winning the Competition.

§ 4. The principles of selecting the winners.

1. A jury consisting of 8 (eight) persons will supervise the Competition process, the selection of 7 (seven) nominated works, and subsequently the selection of the Competition winners in both categories, awarding the prize and considering complaints (if any). The jury will consist of the following persons: a producer of

documentaries and BBC journalist (Ms Ewa Ewart); a photo journalist, World Press Photo and Grand Press Photo winner (Ms Anna Bedyńska); a photographer and photo editor cooperating with Bloomberg EMEA in London (Ms Karolina Sekuła); the Picture Editor for CEE and Global Sport Events at Reuters Pictures (Mr Paweł Kopczyński); the President of the Management Board of Deutsche Bank Polska (Mr Tomasz Kowalski); the President of the Management Board of the *Gazeta Wyborcza* Foundation (Ms Joanna Krawczyk); the publisher of *Gazeta Wyborcza* (Mr Jerzy B. Wójcik); and the head of the Photography Section of *Gazeta Wyborcza* (Ms Beata Łyżwa-Sokół), who will preside over the Competition jury.

2. The jury will select 1 (one) main prize winner (the prize for the best photographic material of the year) and 1 (one) winner in the "Liberty, solidarity, tolerance" category - the *Gazeta Wyborcza* Foundation Prize from among 7 (seven) nominated works.

3. The nominees and winners will be announced during a gala held in late November or early December 2020, provided that the gala is held. Additionally, the winners' details will be published in *Gazeta Wyborcza* a day after the gala (or its planned date), and the winning works in both categories will be published in *Duży Format* in December 2020.

4. The result of the Competition will be determined by the jury, which will evaluate the works submitted in terms of their aesthetic and informative value. The prize will be awarded to the work which, in the opinion of the jury, is the most interesting, adds to the body of knowledge about the contemporary world and meets the terms and conditions of the Competition. The main prize will be awarded for the whole of the material which is considered to be the best photographic material of the year. In the "Liberty, solidarity, tolerance" – the *Gazeta Wyborcza* Foundation Prize category, the prize may be awarded either for the whole material or for a single photograph included in the material.

§ 5. The Prize.

1. The Prize:

- a) the winner of the main prize in the Competition, i.e. the prize for the best photographic material of the year, will receive a cash prize of PLN 10,000 (ten thousand zlotys);
- b) the winner of the "Liberty, solidarity, tolerance" – the *Gazeta Wyborcza* Foundation Prize will receive a cash prize of PLN 3,000 (three thousand zlotys).

2. The Organizer shall pay the cash prizes to the Competition winners on the condition that the winners agree in writing to withdrawing 10% of the prize referred to in clause 1 above for the payment of income tax on the prize and provide the Organizer with the details that are necessary to settle such income tax (given name/names, surname, address of place of residence, PESEL number).

3. Within 7 days of being informed about winning the prize, the winner shall be obliged (under the sanction of losing the right to the prize) to send the following details to the e-mail address from which the information about winning was sent:

given name/names, surname, mailing address, bank account number, PESEL number, and the following statement: *I agree to withdrawing 10% tax from the cash prize.*

4. The cash prize, less the amount of tax referred to in clause 2 above, will be transferred by the Competition Organizer to the winner's bank account within 30 days of the end of the gala referred to in §4, clause 3 of the Rules.

5. The prize will be delivered and settled in the form specified in these Rules only.

6. Any one Participant may receive only one prize specified in the Rules. If a collective work wins, the cash prize referred to in clause 1 above shall not be increased and shall be payable only to the person who sent in the winning work.

§ 6. Complaint procedure.

1. Any complaints relating to the Competition should be e-mailed to the following address: nagroda_millera@agora.pl or sent by post to the Organizer's address provided in clause 1 of the Rules with a note "Competition for the Krzysztof Miller Prize", within 14 days of the closing of the Competition. The Organizer shall be obliged to consider any complaint within 21 days of its receipt. Any changes to these Rules shall be published at www.wyborcza.pl. Such changes must not infringe, limit or deprive the Competition Participants of their acquired rights.

2. No complaints sent after the deadline specified in clause 1 of this paragraph shall be considered.

§ 7. Personal Data protection.

1. Agora S.A. with its registered office in Warsaw (00-732), ul. Czerska 8/10, is the personal data controller of the Competition Participants ("the Controller"). The Controller has appointed the data protection officer, who can be contacted by e-mail: IOD@agora.pl in all matters concerning the processing of personal data of the Competition Participants.

2. The personal data of the Competition Participants will be processed by the Controller in particular for the purposes of carrying out the Competition (including the winners selection and payment of the prize), for the purposes of considering complaints and for the purposes of providing the possibility of identifying or pursuing claims or defend against such claims – the legal basis for data processing shall be the legitimate interests of the Controller (Article 6.1f of the General Data Protection Regulation – Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (hereinafter: "the Regulation"). The winners' personal data will also be processed for the purposes of settlement of the prize and documentation of its payment – in this case, the legal basis for data processing is the need to fulfil the legal obligations of the data controller (i.e. Article 6.1c of the GDPR).

3. Personal data of the Competition Participants may be disclosed to the Agora Group companies and entities providing services to the Controller in connection with carrying out the Competition, including the entities providing accounting services, IT systems and services, legal services (including tax and debt collection services), and archiving services. Personal data of the Competition Participants may also be

provided to the competent authorities to the extent required by the applicable laws.

4. Personal data of the Competition Participants in the form of e-mails sent by them shall be processed throughout the period which is necessary to close the Competition and consider complaints, if any. To the extent necessary for pursuing any claims relating to the Competition or defending claims by the Controller, personal data may be processed throughout the claims limitation period. After such period, data will only be processed within the scope and over the period required by law.

Personal data of the Competition winners in the form of e-mails sent by them and their given name and surname, within the scope necessary for the settlement of the prize, will be processed throughout the period of limitation of claims, if any, relating to the right to receive the prize, until the controller's legal obligations relating to the payment of the prize expire. After such period, data will only be processed within the scope and over the period required by law.

5. A Participant shall have the right to: access his/her data, demand it be corrected or deleted, demand the extent of data processing to be limited, transfer the personal data, protest against personal data processing. A Participant shall also have the right to protest against personal data processing for reasons associated with his/her specific personal circumstances.

6. Moreover, a Participant shall have the right to complain to the regulatory authority responsible for personal data protection if he/she believes that personal data processing does not comply with the Regulation.

7. Providing his/her personal details by a Participant is voluntary. Providing an e-mail address is necessary to take part in the Competition. The prize cannot be delivered unless the winners provide their personal details.

8. These Rules shall enter into force on 7 September 2020 at 12 noon and shall remain in force for the duration of the Competition.

§ 8. Final provisions.

1. In matters not regulated by these Rules the provisions of the Civil Code shall apply.

2. Any disputes that may arise between the Competition Organizer and the participants shall be considered by the court having jurisdiction over the registered office of the Organizer.