

## Privacy Notices for Applicants and Employees<sup>1</sup>

With the following information, we give you an overview of the processing of your personal data by us and your rights under the data protection law. Which data is processed and used in detail is largely dependent on your application process and the requested or agreed parts of your employment which exists on the basis of an employment contract, apprenticeship contract or employee leasing contract. Therefore, not all parts of this information will apply to you.

### Who is responsible for data processing and whom can you contact?

Responsible is the SGL company to which you addressed your application, or the SGL company you concluded a contract or employment relationship with. Detailed specifications can be found in the information already provided by us.

You can contact our data protection officer of the respective country at

Germany:           Dataprotection-DE@SGLCarbon.com

Austria:           Dataprotection-AT@SGLCarbon.com

Great Britain:     Dataprotection-UK@SGLCarbon.com

Italy:               Dataprotection-IT@SGLCarbon.com

Spain:              Dataprotection-ES@SGLCarbon.com

France:             Dataprotection-FR@SGLCarbon.com

Portugal            Dataprotection-PT@SGLCarbon.com

Poland:             Dataprotection-PL@SGLCarbon.com

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<sup>1</sup> All employment relationships, apprenticeships (e.g. apprentices, interns, dual students), temporary working contracts as part of labour leasing as well as former employees and applicants number among employment.

## **Which data source and which data do we use?**

We process personal data received or obtained from the respective data subject as part of the application process and employment. Furthermore, and as far as it is necessary for the application process and employment, we process personal data permissibly obtained from public sources (e.g. press, internet) or legitimately transmitted by other SGL companies or by other third parties (e.g. notices on criminal offences).

Relevant personal data is personal data (name, address and other contact data, birth date und birth place, citizenship), familial data (e.g. civil status, information on children), religion, health data (as far as it is relevant for employment), possible criminal record (police clearance certificate), legitimation data (e.g. identification data), tax identification number and information on qualifications as well as former employers. In addition, this may also include application data (e.g. application for secondary employment), data from the fulfilment of our contractual obligations (e.g. salary payments), information about your financial conditions which indirectly affect us (e.g. attachment of salary) as well as further categories comparable to the above-mentioned categories.

## **What do we process your data for (purpose of processing data) and on which legal basis?**

We process personal data in accordance with the provisions of the EU Data Protection Regulation (GDPR) and the supplementary national data protection law.

- a) For the performance of a contract (Art. 6, Par. 1 b GDPR in conjunction with Art. 88 GDPR)

The processing of data takes place for the foundation, process and termination of employment within the existing contract or for performance of precontractual measures (e.g. in the application process) made upon request. If you make use of additional benefits (e.g. corporate pension scheme), your data is processed for the performance of these additional benefits as far as it is necessary.

- b) as part of weighing of interests (Art. 6, Par. 1 f GDPR in conjunction with Art. 88 GDPR)

If necessary, we process your data beyond the actual performance of contract to protect the legitimate interests of us or third parties. Examples:

- Measures for personnel development planning,
- measures in case of organisational changes
- enforcement of legal claims and defence in legal disputes,
- ensuring IT-security and operation in the company,
- prevention and solving of criminal offences or serious breaches of duty,

- video surveillance for the protection of domiciliary right, for collection of evidence in case of robbery or fraud e.g. in SGL plants,
- measures for building and system safety (e.g. access controls),
- measures for securing domiciliary right.

c) on the basis of your consent (Art. 6, Par. 1 a GDPR in conjunction with Art. 88 GDPR)

As far as you declared your consent for processing personal data for specific reasons (e.g. extended storage of application documents, employee sports, photographs as part of events or publications), the lawfulness for this processing is given on the basis of your consent. A given consent can be revoked at any time. This also applies to the revocation of consents declared before the GDPR comes into effect, i.e. before May 25, 2018. The revocation of a consent affects only the future and not the lawfulness of the previous data processing.

d) on the basis of statutory or legal regulations (Art. 6, Par. 1 c GDPR as well as Art. 88 GDPR) or in public interest (Art. 6, Par. 1 e GDPR)

As a company, we are governed by diverse legal obligations, i.e. legal requirements (e.g. social security law, work safety, Money Laundering Act). The purposes of processing include, among other things, the fulfilment of inspection duty, reporting obligation and documentation requirement in terms of social security and tax law as well as reports to the employers' liability insurance association, identity checks, prevention of frauds and money laundering and risk management within the company.

e) on the basis of statutory or legal requirements (§26 Paragraph 4 BDSG-neu in conjunction with Art. 88 GDPR)

In addition, we process your data if it is necessary to exercise or fulfil the rights and obligations of employee representation resulting from a collective agreement or a works agreement (collective agreement).

### **Who receives your data?**

Within the company, the departments who need your data for fulfilment of our contractual and legal obligations receive your data, e.g. Human Resources, Works Council, Representative for Severely Disabled Employees, managers. Service providers and agents deployed by us may also receive data for these purposes. Regarding data transfer to recipients outside the company, it is to be regarded that we as an employer only transfer necessary personal data in compliance with the proper requirements of data protection. Information about employees may only be transferred on the basis of legal regulations, the employee's declaration of consent or if we are authorised to disclose it. Under these conditions, the recipients of personal data can be e.g.

- social insurance agencies,
- health insurances,
- pension funds,
- tax authorities,
- employers' liability insurance association,
- banks, financial service institutes or comparable institutes to which we transfer data for the performance of privity of contract (e.g. salary payments),
- accountants and payroll tax auditors,
- service providers we use as part of order processing relations.

Further recipients of data can be departments for which you granted us your consent for data transfer, or recipients to which we are authorised to transfer data on the basis of weighing of interests.

### **Is data transferred to a third country or an international organisation?**

Data transfer to places outside the European Union (so-called third countries) takes place as far as

- it is required by law (e.g. fiscal reporting obligation),
- you gave us your consent, or
- it is legitimated by reasonable interest and not opposed to greater protection worthy interests of the data subject.

Furthermore, transferring data to places in third countries is intended in the following cases:

- With the consent of the data subject or on legal basis for combating money laundering, financing terrorism or further criminal acts as well as within the weighing of interests, personal data is transferred in individual cases complying with data protection level of the European Union.

### **How long will your data be stored?**

We process and store your personal data as long as it is necessary for the performance of our contractual and legal obligations. It is to be considered that the employment is a continuing obligation over a longer period of time.

If the data is no longer necessary for the performance of contractual or legal obligations, they will be deleted on a regular basis, unless the – limited – further processing is necessary for the following purposes:

- Fulfilment of legal obligations to retain data which arise from e.g. the national proper social law, commercial law, tax law, Banking Act, Money Laundering Act, Securities Trading Act. Business documents and documentations are stored based on the period given there.

- Preservation of evidence as part of the proper national legal statute of limitations.

If processing data is carried out in reasonable interest of us or a third party, personal data will be deleted as soon as this interest no longer exists. The exceptions mentioned above apply here.

The same applies to processing data on the basis of a given consent. As soon as you revoke this consent for the future, your personal data will be deleted unless one of the mentioned exceptions apply.

### **Which data protection rights do you have?**

Every data subject shall have the right of access according to Article 15 GDPR, the right to rectification according to Article 16 GDPR, the right to erasure according to Article 17 GDPR, the right to restriction of processing according to Article 18 GDPR, the right to object according to Article 21 GDPR as well as the right to data portability according to Article 20 GDPR. In addition, proper regulations from the national supplementary law shall apply. Moreover, it exists a right to lodge a complaint with a supervisory authority (Article 77 GDPR).

A given consent for processing personal data can be revoked at any time. This also applies to revoking consents declared before the GDPR comes into effect, i.e. May 25, 2018. Please note that the revocation of a consent affects the future. Processing that was made before the revocation is not affected.

### **Are you obligated to provide data?**

As part of our employment relationship, you need to provide the data necessary for the foundation, process and termination of employment and the fulfilment of the involved contractual obligations, or data which we are obligated to collect by law or on the basis of collective or operational agreements. Without this data, we usually are not able to conclude, perform or terminate a contract with you.

It can partly be in your disadvantage if you do not provide certain personal data, e.g. health data for the deployment in shift operation.

If you do not provide us with the necessary data and documents, this can be opposed to the foundation and performance of the employment relationship.

### **To what extent is there an automated decision making?**

We generally do not use fully automated decision making (e.g. profiling) for the foundation, process and termination of the employment relationship according to Article 22 GDPR. In case we use this procedure

in individual cases, we will inform you separately about this and about your relevant rights, insofar as it is prescribed by law.

### **Does profiling take place?**

We partially process your data automated in order to evaluate certain personal aspects (profiling). We use profiling e.g. in the following case:

- Due to legal regulations, we are obliged to combat money laundering, financing terrorism and asset risking criminal acts. Data evaluation is made here.

### **Information on your right to object according to Article 21, GDPR**

#### **Individual right to object**

You have the right to enter an objection against processing your personal data, based on Article 6, Paragraph 1 letter e GDPR (data processing in public interest) and Article 6, Paragraph 1 letter f GDPR (data processing on the basis of weighing interests) for reasons that arise from special situations; same applies to a profiling based on this regulation according to Article 4, number 4 GDPR.

If you enter an objection, we will no longer process your personal data unless we can prove obligatory authorising reasons that outweigh your interests, rights or freedoms or the processing serves assertion, exercise or defence of legal rights.

#### **Recipient of an objection**

An objection for your part needs to be in writing. The objection can be made free of form, with "objection" as reference and the indication of your name, address and birth date. It is to be addressed to the SGL company to which you addressed your application, or the SGL company you concluded your employment contract with. Detailed specifications can be found in the already provided information.