

**AGC BIOLOGICS****Employee Privacy Policy****ART. 13 "EUROPEAN REGULATION ON THE PROTECTION OF PERSONAL DATA – GDPR"****(REG. EU 2016/679)**

*Last updated: 1 January 2021*

**1. Introduction**

AGC Biologics S.p.A. treats compliance with its privacy obligations seriously. This is why we have developed this Privacy Policy ("**Policy**"), which describes the standards that we apply to protect your Personal Data.

**2. About this Policy**

- 2.1 This Policy explains how we (as defined below) collect, share with the companies nbelonging to the AGC Inc. group (together "**AGC Biologics**") and use any information that, alone or in combination with other information, relates to you ("**Personal Data**") in your capacity as current and past employee(s), temporary worker(s), intern(s), and applicant(s) for employment and your dependent(s) ("**Employees**," "**you**" and "**your**") of AGC Biologics S.p.A. (also "**we**" and "**our**").
- 2.2 This Policy also sets out the rights that you have in relation to the Personal Data that we process about you and how you can exercise them.
- 2.3 For the purposes of this Policy, AGC Biologics S.p.A., with registered office in Bresso (Milan), Italy, via Meucci 3, acts as the data controller for your Personal Data and can be contacted as specified below: Via Meucci, 3 – 20091 Bresso (MI), phone +39 02 21277.1, fax +39 02 21277.325, e-mail: [privacy.IT@agcbio.com](mailto:privacy.IT@agcbio.com).
- 2.4 AGC Biologics S.p.A. has appointed a Data Protection Officer ("DPO") contactable at: [dpo.IT@agcbio.com](mailto:dpo.IT@agcbio.com) for any information concerning the processing of personal data, including the list of data processors.
- 2.5 As a data controller, AGC Biologics S.p.A. is responsible for ensuring that the processing of Personal Data complies with applicable data protection law, and specifically with the European Regulation on the protection of personal data ("**GDPR**").
- 2.6 Please take the time to read this Policy carefully. If you have any questions or comments, please contact AGC Biologics S.p.A. HR department.

### 3. What Personal Data does AGC Biologics S.p.A. collect and why?

3.1 The types of Personal Data that we may collect about you, and the reasons why we process it, include:

Why We Collect It	Types of Personal Data	Legal Basis
General HR management (i.e. fulfilment of obligations under the law, collective agreements or other ancillary contractual obligations; obligations relating to the payment of union membership fees or the exercise of trade union rights; management reporting and analysis, enabling internal contacts and communication)	Identification data, such as name, civil status, address, date of birth, gender, education history, etc.	Out of compliance with a legal obligation to which the controller is subject with regard to employees management Or our legitimate interest with regard to employees business management within AGC Biologics
Recruitment, selection and evaluation of staff	Identification data, such as name, address (professional or private), telephone numbers, civil status, private email address, etc. CVs / resumes Past employment history, including prior employers and references in order to evaluate potential employees for employment Education history, academic degrees, etc.	Your consent for references. Our legitimate interest: our business management in hiring employees best suited for a particular job or role, within AGC Biologics
Salary, benefits and legal treatment administration (i.e. calculation and payment of remuneration and various emoluments; paid and unpaid leave, drawing up holiday plans, application of social legislation, fulfilment of accounting or tax obligations, etc.)	Identification data, such as name, address, etc. and, where necessary, also of cohabiting family members Pay and financial information, such as bank account information Special personal data relating to health, data collected and further processed in relation to, among others, disability, infirmity, pregnancy, maternity, paternity, accidents, exposure to risk factors, psychological and physical fitness to perform certain tasks, membership of certain protected categories, data contained in the health certificate attesting the state of illness, including occupational illness of the person concerned, or in any case also relating to the indication of illness as a specific cause of absence of the worker as well as data relating to family members or cohabitants for the use of permits provided by law; Particular personal data revealing political opinions, membership of political parties, trade unions,	Out of pre-contractual and contractual necessity with regard to: effective business management, administration of pay and benefits Or our legitimate interest with regard to employees business management within AGC Biologics

	associations or organisations of a political or trade-union nature, data relating to deductions for the payment of union service fees or membership fees for political or trade-union associations or organisations or, data relating to the exercise of public functions and political offices, trade-union activities or offices (in order to take advantage of leave of absence or periods of leave of absence recognised by law or by collective agreements, including company agreements).	
Publication of identification photos in the data controller's e-mail box system and in the company organisational chart, accessible to persons belonging to AGC Group companies	Identification data (such as name), contact details, role and photo.	Our legitimate interest: to ensure greater integration and knowledgeability among the employees and collaborators of the Group companies, at the same time ensuring a greater level of security in the circulation of intragroup information ("know your colleagues")
Staff appraisals and career planning, monitoring of tasks, work volumes and performances	Identification data, such as name Appraisals and performance reviews	Out of contractual necessity with regard to performance reviews. Our legitimate interest with reference to AGC Biologics career planning
Testing candidates (e.g., personality tests) for scientist roles and manager level roles and above only	Identification data, such as name, date of birth, email address, education, current occupation	Your consent. Our legitimate interest: our effective business management in the use of additional screening tools to identify the employee best suited for a particular job or role
Working tools monitoring in case of accident or breach of internal procedures	IP Addresses / device identifiers File access history Location data If strictly necessary, identification data (such as name, email address) and documents or processes causing the accident or breach	Our legitimate interest: to ensure the safety at work and safeguard of company assets
Time recording systems (online or via badging system)	Identification data, such as name	Out of contractual necessity with reference to the fulfilment of obligations under the contract.

Providing and monitoring training and learning services	Identification data such as name, email address	In general, out of contractual necessity with reference to the fulfilment of obligations under the contract. For specific areas (e.g. safety) out of compliance with a legal obligation to which the controller is subject Our legitimate interest: helping to ensure employees have requisite skills, training, credentials and certifications to continue to perform their job or role; increase safety awareness in order to decrease workplace injuries/illness
Managing communications, including electronic communications, within the company	Identification data, such as name, email address	Out of contractual necessity with reference to the fulfilment of obligations under the contract. Out of compliance with a legal obligation to which the controller is subject.
Processing in the context of HR-specific legislation (e.g., social security requirements, well-being on the work floor, etc.)	Identification data, such as name, date of birth and other specific data required by law from time to time (e.g. healthy conditions)	Out of compliance with a legal obligation to which the controller is subject. On the basis of our legitimate interest with reference to ensuring safe workplace environment
Management of staff disputes and litigation	Identification data.	On the basis of our legitimate interest: safeguarding AGC Biologics rights and interests
Activities related to the exercise of the employment relationship (such as car fleet management, etc.)	Identification data, such as name, date of birth, email address	Out of contractual necessity
Travel and expenses management	Identification data, such as name, email address. Information relating to company business travel and expenses Pay and financial information, such as bank account information	Out of contractual necessity for the reimbursement and out of compliance with a legal obligation to which the controller is subject for financial compliance. On the basis of our legitimate interest with

		reference to an efficient business management
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- 3.2 If we ask you to provide any other Personal Data not described above, then the Personal Data we will ask you to provide, and the reasons why we ask you to provide it, will be made clear to you at the time we collect that Personal Data.
- 3.3 In general, we will use the Personal Data we collect from you only for the purposes described in this Policy or for purposes that we explain to you at the time we collect your Personal Data. However, we may also use your Personal Data for other purposes that are not incompatible with the purposes we have disclosed to you (such as archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes) if and where this is permitted by GDPR.
- 3.4 Where necessary, the Personal Data that we process may contain information relating to a person's race or ethnic origin, religious beliefs, physical or mental health or condition, trade union membership, commission or alleged commission of criminal offences and any related legal actions and biometric information ("**Sensitive Personal Data**").

Although we aim to minimize the amount of Sensitive Personal Data that we process, we may process such Sensitive Personal Data in certain circumstances, when we are required to do so by law (e.g. equal opportunity monitoring) or it is necessary to provide you with a service (such as a health or other benefit) or we are performing a criminal background check. If we are not already permitted by applicable data protection laws to process your Sensitive Personal Data for the purposes it is required, then we will obtain your consent to our use of your Sensitive Personal Data. Where we ask for your consent, you have the right to decline to provide your consent and/or (if provided) to withdraw your consent at any time.

#### 4. Who does AGC Biologics S.p.A. share your Personal Data with?

- 4.1 We may disclose your Personal Data to the following categories of recipients, which will be appointed Data Processors:
- (a) Within AGC Biologics **group companies** for purposes consistent with this Policy. We take precautions to allow access to Personal Data only to those Employees who have a legitimate business need for access and with a contractual prohibition of using the Personal Data for any other purpose.
  - (b) to **our third party vendors, services providers and partners** who provide data processing services to us, or who otherwise process Personal Data for purposes that are described in this Policy or notified to you when we collect your Personal Data. This may include disclosures to third party vendors and other service providers we use in connection with the services they provide to us, including to support us in areas such as managing résumé/CV information, IT platform management or support services, infrastructure and application services, marketing, data analytics, business travel service providers, payroll processing services, and health care benefits;
  - (c) to **our auditors, advisors, legal representatives and similar agents** in connection with the advisory services they provide to us for legitimate business purposes and under contractual prohibition of using the Personal Data for any other purpose;
  - (d) to **a potential buyer** (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform

the buyer it must use your Personal Data only for the purposes disclosed in this Policy; and

- (e) to any other person with your prior information and, eventually, consent to the disclosure.

The list of Data Processors can be requested to the Data Controller.

- 4.2 We may disclose your Personal Data also to **any competent law enforcement body, regulatory, government agency, court or other third party** where the disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person;

## 5. How we protect your privacy

5.1 We will process Personal Data in accordance with this Policy, as described below.

- (a) **Fairness:** We will process Personal Data fairly. This means that we are transparent about how we process Personal Data and that we will process it in accordance with applicable law.
- (b) **Purpose limitation:** We will process Personal Data for specified and lawful purposes, and will not process it in a manner that is incompatible with those purposes.
- (c) **Proportionality:** We will process Personal Data in a way that is proportionate to the purposes which the processing is intended to achieve.
- (d) **Data accuracy:** We take appropriate measures to ensure that the Personal Data that we hold is accurate, complete and, where necessary, kept up to date. However, it is important that you ensure that your Personal Data is kept as accurate, complete and current as possible by informing AGC Biologics S.p.A. of any changes or errors. You should notify your local HR department of any changes to the Personal Data that we hold about you and your family (e.g., a change of address).
- (e) **Data security:** We use appropriate technical and organisational measures to protect the Personal Data that we collect and process about you. The measures we use are designed to provide a level of security appropriate to the risk of processing your Personal Data.
- (f) **Data processors:** We may engage third parties to process Personal Data for and on our behalf. We require such data processors to process Personal Data and act strictly on our instructions and to take steps to ensure that Personal Data remain protected.
- (g) **International data transfers:** Your Personal Data may be transferred to, and processed in, countries other than the country in which you are resident. These countries may have data protection laws that are different to the laws of your country (and, in some cases, may not be as protective).

Specifically, our servers are or will be located in the European Economic Area or EEA or any other country that is compliant with the principles of the GDPR, and our group companies and third party service providers and partners operate around the world. This means that when we collect your Personal Data we may process it in any of

these countries. However, we will ensure that our service providers will be located in Europe or will be in any event GDPR compliant.

However, we have taken appropriate safeguards to require that your Personal Data will remain protected in accordance with this Policy. These include implementing an intra-group data transfer agreement based on the European Commission's Standard Contractual Clauses (the "**Intra-Group Data Transfer Umbrella Agreement**") for transfers of Personal Data between our group companies, which require all group companies to protect Personal Data they process from the EEA in accordance with the GDPR.

Our Intra-Group Data Transfer Umbrella Agreement can be provided on request. We have implemented similar appropriate safeguards with our third party service providers and partners and further details can be provided upon request.

- (h) **Data Retention:** We retain Personal Data we collect from you where we have an ongoing legitimate business need to do so (for example, to provide you with a service you have requested or to comply with applicable legal, tax or accounting requirements).

When we have no ongoing legitimate business need to process your Personal Data, we will either delete or anonymise it or, if this is not possible (for example, because your Personal Data has been stored in backup archives), then we will securely store your Personal Data and isolate it from any further processing until deletion is possible.

Nevertheless, the data provided shall be retained in our archives for a period of 10 years after the conclusion of the contract, as established by art. 2220 of the Italian Civil Code, without prejudice to any late payment of the consideration and/or sums overdue that justify a possible extension.

We will process potential job candidates' CVs and identification data for the time strictly necessary to achieve the purposes indicated above, up to a maximum of 2 years; subsequently they will be deleted, unless otherwise indicated by you.

However, since AGC Biologics S.p.A. as the Data Controller must guarantee its own protection in the event of litigation or control by the Authorities in accordance with the law, such data may be retained until the greater of the final prescriptive term of any rights of the data subjects, third parties or AGC Biologics S.p.A. and the term of control by the Authorities in charge has expired.

## 6. Your data protection rights

6.1 You have the following data protection rights:

- (a) If you wish to **access, correct, update or request deletion** of your Personal Data, you can do so at any time by contacting AGC Biologics S.p.A. HR department.
- (b) In addition, in certain circumstances, you can **object to processing** of your Personal Data, ask us to **restrict processing** of your Personal Data or **request portability** of your Personal Data. Again, you can exercise these rights by contacting AGC Biologics S.p.A. HR department.

- (c) If we have collected and process your Personal Data with your consent, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your Personal Data conducted in reliance on lawful processing grounds other than consent.
- (d) If you have a complaint or concern about how we are processing your Personal Data then we will endeavour to address such concern(s). If you feel we have not sufficiently addressed your complaint or concern, you have the **right to complain to a data protection authority** about our collection and use of your Personal Data. For more information, please contact your local data protection authority.

6.2 We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

## **7. Monitoring**

7.1 AGC Biologics retains the right to monitor all IT systems, physical areas of the business and/or work related activities to protect AGC Biologics and ensure the appropriate use of resources and information assets in compliance with privacy law.

## **8. Mandatory or optional nature of provision of data, consequences of refusal to reply**

8.1 Providing the identification data specified above is necessary for us to properly establish, carry out and manage the contractual relationship with you, where the legal bases are “out of contract necessity” or “out of compliance with a legal obligation to which the controller is subject”. Therefore, if you will not provide us such data it shall be impossible to arrange and execute the contract.

## **9. Updates to this Policy**

9.1 We may update this Policy from time to time in response to changing legal, technical or business developments. When we update our Policy, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Policy changes if and where this is required by applicable data protection laws.

9.2 You can see when this Privacy Policy was last updated by checking the “last updated” date displayed at the top of this Policy.