

DataCore Software Corporation – Staff Privacy Notice and Data Protection Policy

Introduction

DataCore (**Company, we, us, our**) is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all job applicants, employees, workers and consultants.

The Company is a "data controller" or "controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to job applicants and all current and former employees, workers and consultants. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Data protection principles

DataCore will comply with data protection law, which says that the personal information we hold about you must be:

- used lawfully, fairly and in a transparent way;
- collected only for purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- relevant to the purposes we have told you about and limited only to those purposes;
- accurate and kept up to date;
- kept only as long as necessary for the purposes we have told you about;
- kept securely.

The kind of information we hold about you

Personal data, personal information or personal identifiable information (PII), means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

It does not include data where the identity has been removed (anonymous data).

There are "special categories" of sensitive personal data which require a higher level of protection.

The Company collects, stores, and uses the following categories of personal information about employees:

Personal information

- Personal contact details such as your name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- National Insurance / social security number
- Bank account details, payroll records and tax status information
- Salary, fees, annual leave, pension and benefits information
- Start date
- Location of employment or workplace
- Copy of driving licence (if required)
- church membership (as far as required by tax law)
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process)
- Information regarding your qualifications
- Immigration verification documents
- Hobbies and extra curricular activities
- Spoken languages
- Parental leave records
- Employment records (including job titles, work history, working hours, rest breaks, appraisal records, training records and professional memberships)
- Remuneration history
- Performance information
- Disciplinary and grievance information
- Information about your use of our information and communications systems
- Photographs and images of you
- Information regarding beneficiaries

Sensitive personal information

In limited situations we may also collect, store and use the following "special categories" of sensitive personal information:

- Information about your race, nationality, ethnicity, religious beliefs, sexual orientation
- Trade union membership

- Information about your health, including any medical condition, health and sickness records
- Information about criminal convictions and offences

The exact types of personal information relating to you we collect and use will depend on your location, the nature of your role and your personal circumstances. During your employment the Company will try to be as clear as possible with you about what types of personal data relating to you are collected. If you do not consider you have sufficient information about how the Company uses your personal data please contact HR or our data protection officer.

How your personal information is collected

The Company collects personal information about job applicants, employees, workers and consultants through the application and recruitment process, either directly from candidates or sometimes from an employment agency or employment business. If you consent, we may sometimes collect additional information from third parties, including former employers.

We will collect additional personal information in the course of job-related activities throughout the period of you working for or providing services to us.

How information about you will be used

DataCore will only use your personal information where a lawful basis of processing exists. Most commonly, we may use your personal information in the following circumstances:

- where we need to perform the contract of employment we have entered into with you
- where we need to comply with a legal obligation;
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal information in the following situations, which are likely to be rare:

- where we need to protect your interests (or someone else's interests); or
- where it is needed in the public interest or for official purposes.

Situations in which your personal information will be used

We will primarily use your personal information to allow us to fulfil our contract with you and to enable us to comply with our legal obligations. In some cases we may use your personal information to pursue legitimate interests of our own or those of third parties, provided your interests and fundamental rights do not override those interests. The situations in which we may use your personal information are listed below:

- making a decision about your recruitment or appointment
- determining the terms on which you work for us
- checking you are legally entitled to work in the location where you are employed
- paying you and, if you are an employee, deducting tax and National Insurance/Social Security contributions

- providing staff benefits such as pension, health insurance, private medical insurance, life assurance and car allowance
- liaising with the Company's pension provider
- administering your employment contract
- business management and planning, including accounting and auditing
- conducting performance reviews, managing performance and determining performance requirements
- making decisions about salary reviews and remuneration
- assessing qualifications for a particular job or task, including decisions about promotions
- gathering evidence for possible grievance or disciplinary hearings
- making decisions about your continued employment or engagement
- making arrangements for the termination of your contract with the Company
- education, training and development requirements
- dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- ascertaining your fitness to work
- managing sickness absence
- complying with health and safety obligations
- to prevent fraud
- to monitor your use of company equipment including our information and communication systems to ensure compliance with the Company's policies
- to ensure network and information security, including preventing unauthorised access to the Company's computer and electronic communications systems and preventing malicious software distribution
- (only in some countries) equal opportunities monitoring

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information. Where we process on the basis of our legitimate interests, those interests are the safe, efficient and secure management of our business.

If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to fulfil the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Change of purpose

We will only use your personal information for the purposes for which we collect it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will endeavour to notify you and explain the lawful basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

How we use sensitive personal information

"Special categories" of sensitive personal information require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- with your explicit written consent
- where we need to exercise our rights or carry out our legal obligations as an employer, or where we need to allow you to exercise your rights
- where it is needed in the public interest (for example, for equal opportunities monitoring in the UK) and in line with this privacy notice or our general data protection policy
- where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards
- where it is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security, social protection or any collective agreement
- where you manifestly make this available to us

Less commonly, the Company may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about existing or former staff members in the course of legitimate business activities with the appropriate safeguards.

Our obligations as an employer

The Company may use your sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, age, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to comply with employment law obligations.

Do we need your consent?

Where we do not need your consent

We do not need your consent if we use your sensitive personal information –

- To undertake our legal rights or exercise our legal obligations as an employer.
- Where necessary in your, or another person's, vital interests and you are unable to give consent.
- You have made the information public.

- Where necessary for legal claims.
- For the substantial public interest based on specific laws in your country.

Where we might ask for your consent

However, in very limited circumstances, we might need to use your sensitive personal information outside of the above situations. For example, where using your sensitive personal information is necessary extracurricular activities or events. In such circumstances, we may approach you for your written consent to allow us to process your sensitive personal information. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you must consent to any such request s from us for your sensitive personal information.

Information about criminal convictions

DataCore does not generally use information relating to criminal convictions. We will only use information relating to criminal convictions where your national law allows us to do so and it is necessary

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- To carry out our legal obligations.
- In relation to legal claims.
- To protect your interests (or someone else's interests) and you are not capable of giving your consent.
- For a legitimate purpose and you have already made the information public.
- During our recruitment process for specific roles.

You should be told at the time we collect the information if any of these apply to you.

Data sharing

We may share your basic personal data routinely with our customers and affiliates where necessary for the purposes of our business, particularly if you are in a customer-facing role.

We will share some of your data with other third parties, including third-party service providers and other group companies. We require these third parties to respect the security of your data and to treat it in accordance with the law.

We will transfer some of your personal information outside the EU. When we do, you can expect a similar degree of protection in respect of your personal information.

We will also share your personal information with regulators and other official authorities where required or allowed to do so by your national law.

Why might personal information be shared with third parties?

"Third parties" refers to third-party service providers (including contractors and designated agents). We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

What types of third-party service providers process my personal information?

The following activities are carried out by third-party service providers: payroll, pension administration, benefits administration, pensions and benefits consultancy, IT services, software provision, accounting services, legal services and a HR database. If you require further information about these services, you can request it from the HR department.

How secure is my information with third-party service providers and other group companies?

All our third-party service providers and other group companies are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

When might my personal information be shared with other group companies?

We will share your personal information with other group companies as part of our regular reporting activities on company performance, in the context of a business reorganisation or group restructuring exercise, for system maintenance support and hosting of data.

What about other third parties?

We may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. We may also need to share your personal information with a regulator or to otherwise comply with the law.

Transferring information outside the EU

We will transfer a small amount of personal contact information we collect about you to our holding company and third party service providers based in the US in order to perform our contract with you.

To ensure that your personal information receives an adequate level of protection we have put in place the EU's model clauses and other appropriate safeguards to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

If you require further information about these protective measures, you can request it from the Company's HR department

Data security

We have put in place measures to protect the security of your information. Details of these measures are available upon request.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to

know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will my information be retained for?

Subject to any personal information which must be retained for longer in accordance with applicable law, your personal information shall be retained by the Company:

- (a) for the duration of your employment or engagement; and
- (b) at the end of your employment or engagement, the Company shall retain all such personal information for a period of six years except when longer retention times are required by law or to fulfil specific obligations.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or consultant of the company we will retain and (when appropriate) securely destroy your personal information in accordance with our data retention policy and applicable laws and regulations.

Rights of access, correction, erasure, and restriction

Your duty to inform us of changes

It is important that the personal information we hold about you is accurate and current. You must ensure that you keep us informed if your personal information changes during your working relationship with us.

Your rights in connection with personal information

By law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Complain** to a relevant supervisory authority.
- **Request advice** from our data protection officer at dataprotection@datacore.com.

Under certain circumstances, by law you have the right to:

- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground and where we do not have compelling legitimate interests to

override such objection. You also have the right to object where we are processing your personal information for direct marketing purposes.

- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the HR department in writing.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Please be aware that the rights above are not absolute and there may be circumstances in which we are unable to comply with your request. In such cases we will explain why we cannot comply with the request.

What we may need from you

We may need to request specific information from you to help us confirm your identity and verify your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where you have provided your consent to the collection, processing or transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the HR department. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Your obligations

It is important that all of DataCore's workforce comply with the principles set out in this privacy notice and policy when dealing with the personal information of others. To the extent that you fail to comply with these principles or are responsible for the misuse of any personal information or sensitive personal information, disciplinary action may be taken against you.

Changes to this privacy notice

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact the HR department.