

## Equatex Group

### EquatePlus Data Protection Notice

#### Preamble

We operate the EquatePlus website (“**EquatePlus**”) to administer and process (the “**Services**”) employee incentive plans (“**Plans**”) of your employer or ex-employer, being the company that has issued and operates the Plans or a subsidiary or affiliate of the same, (the “**Company**”); and we enable employees (or ex-employees) of the Company to benefit from these Services. In this Notice you, as Plan participant, shall be referred to as “**you**”.

#### 1 This Notice

This Notice is issued by Equatex group companies (hereinafter, the “**Equatex Group**” or “**Equatex**”, “we” or “us”), and is addressed to You as visitor and user of EquatePlus. Defined terms used in this Notice are explained in Section 13 below.

For the purposes of this Notice, Equatex is the Controller. Contact details are provided in Section 12 below. **This Notice does not apply to Processing activities in respect of which Equatex is not a Controller (e.g. the provision of plan administration services).** For such activities, you should consult the privacy policy provided by the relevant Controller (e.g., the Company on whose behalf we administer the employee incentive plans).

This Notice may be amended or updated from time to time to reflect changes in our practices with respect to the Processing of Personal Data, or changes in applicable law. We encourage you to read this Notice carefully, and to regularly check this page to review any changes we might make in accordance with the terms of this Notice.

#### 2 Processing your Personal Data

**Collection of Personal Data:** We may collect your Personal Data from the following sources:

- We may obtain your Personal Data when your Company provides it to us.
- We may obtain your Personal Data when you provide it to us.
- We may collect or obtain Personal Data when you visit EquatePlus or use any features or resources available on or through EquatePlus. When you visit EquatePlus, your device and browser will automatically disclose certain information (such as device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to EquatePlus and other technical communications information), some of which may constitute Personal Data.

**Creation of Personal Data:** We may also create Personal Data about you, such as records of your interactions with us.

**Relevant Personal Data:** The categories of Personal Data about you that we may Process include:

- Personal details: such as first name, last name, date of birth, citizenship, location city, location country, home and postal address (street, number, postal code, city, state, country);
- Contact details: such as telephone numbers and email addresses;
- Plan details: such as plan instruments granted, number (value) of plan instrument(s) granted, plan related calendar dates, transaction details;
- Financial details: such as Bank account(s) data;

- HR details: (position and employment data) such as title, rank, employment type and status, payroll ID;
- Tax details: such as Tax Identification number, tax domiciled and other tax related data; and
- EquatePlus usage details: such as login details.

**Lawful basis for Processing Personal Data:** In Processing your Personal Data in connection with the purposes set out in this Notice, we may rely on one or more of the following legal bases, depending on the circumstances:

- the Processing is necessary in connection with any contract that you may enter into with us or with your Company;
- we have obtained your prior express consent to the Processing (this legal basis is only used in relation to Processing that is entirely voluntary – it is not used for Processing that is necessary or obligatory in any way);
- the Processing is required by applicable law;
- the Processing is necessary to protect the vital interests of any individual; or
- we have a legitimate interest in carrying out the Processing for the purpose of managing, operating or promoting our business, and that legitimate interest is not overridden by your interests, fundamental rights, or freedoms.

**Processing your Sensitive Personal Data:** We do not seek to collect or otherwise Process your Sensitive Personal Data.

**Purposes for which we may Process your Personal Data:** The purposes for which we may Process Personal Data, subject to applicable law, include:

- Provision of financial services to you: providing regulated financial services to you, and communicating with you in relation to those services;
- EquatePlus: operating and managing EquatePlus for the provision of financial services to you (please note that, to the extent that we Process any Personal Data as part of any plan administration services, we do so not as a Controller but as a Processor on behalf of the Company, and therefore this Notice does not apply to such Processing); and
- Compliance with legal or regulatory obligations: such as mandatory regulatory tax reporting activities (e.g. FATCA/1099/CRS) and or mandatory record keeping requirements.

### 3 Disclosure of Personal Data to third parties

We may disclose your Personal Data to other entities within the Equatex Group, for legitimate business purposes (including providing services to you and operating EquatePlus), in accordance with applicable law. In addition, we may disclose your Personal Data to:

- legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;
- accountants, auditors, lawyers and other outside professional advisors to Equatex, subject to binding contractual obligations of confidentiality;
- third party Processors (such as data hosting providers, etc.), located anywhere in the world, subject to the requirements noted below in Sections 3 and 4;
- any relevant party, law enforcement agency or court, to the extent necessary for the establishment, exercise or defense of legal rights;
- any relevant party for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; and
- any relevant third party acquirer(s), in the event that we sell or transfer all or any relevant portion of our business or assets (including in the event of a reorganization, dissolution or liquidation).

If we engage a third-party Processor to Process your Personal Data, the Processor will be subject to binding contractual obligations to: (i) only Process the Personal Data in accordance with our prior written instructions; and (ii) use measures to protect the confidentiality and security of the Personal Data.

#### **4 International transfer of Personal Data**

Because of the international nature of our business, we may need to transfer your Personal Data within the Equatex Group, and to third parties as noted in Section 3 above, in connection with the purposes set out in this Notice. For this reason, we may transfer your Personal Data to other countries that may have different laws and data protection compliance requirements to those that apply in the country in which you are located.

Where we transfer Personal Data to other countries that have not been designated by the European Commission as providing an adequate level of protection for personal data, we may do so on the basis of EC Standard Contractual Clauses. It is moreover permitted to transfer personal data to recipients who have joined the US Privacy Shield program. You may request a copy of the EC Standard Contractual Clauses or request further information about how we protect your personal data when disclosing it to a third country using the contact details provided in Section 12 below.

#### **5 Data Security**

We have implemented appropriate technical and organizational security measures designed to protect your Personal Data against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, and other unlawful or unauthorized forms of Processing, in accordance with applicable law.

You are responsible for ensuring that any Personal Data that you send to us are sent securely.

#### **6 Data Accuracy**

We take every reasonable step to ensure that:

- your Personal Data that we Process are accurate and, where necessary, kept up to date; and
- any of your Personal Data that we Process that are inaccurate (having regard to the purposes for which they are Processed) are erased or rectified without delay.

From time to time we may ask you to confirm the accuracy of your Personal Data.

#### **7 Data Minimization**

We take every reasonable step to ensure that your Personal Data that we Process are limited to the Personal Data reasonably required in connection with the purposes set out in this Notice.

#### **8 Data Retention**

The criteria for determining the duration for which we will keep your Personal data are as follows: we will retain copies of your Personal Data in a form that permits identification only for as long as is necessary in connection with the purposes set out in this Notice, unless applicable law requires a longer retention period. In particular, we may retain your Personal Data for the duration of any period necessary to establish, exercise or defend any legal rights.

## 9 Your legal rights

Subject to applicable law, you may have a number of rights regarding the Processing of your Personal Data, including:

- the right to request access to, or copies of, your Personal Data that we Process or control, together with information regarding the nature, processing and disclosure of those Personal Data;
- the right to request rectification of any inaccuracies in your Personal Data that we Process or control;
- the right to request, on legitimate grounds:
  - erasure of your Personal Data that we Process or control; or
  - restriction of Processing of your Personal Data that we Process or control;
- the right to object, on legitimate grounds, to the Processing of your Personal Data by us or on our behalf;
- the right to have your Personal Data that we Process or control transferred to another Controller, to the extent applicable;
- where we Process your Personal Data on the basis of your consent, the right to withdraw that consent; and
- the right to lodge complaints with a Data Protection Authority regarding the Processing of your Personal Data by us or on our behalf.

This does not affect your statutory rights.

To exercise one or more of these rights, or to ask a question about these rights or any other provision of this Notice, or about our Processing of your Personal Data, please use the contact details provided in Section 12 below.

## 10 Cookies

A cookie is a small file that is placed on your device when you visit a website (including EquatePlus). It records information about your device, your browser and, in some cases, your preferences and browsing habits. We may Process your Personal Data through cookie technology, in accordance with our Cookie Notice, which is available under the Regulatory Info section at [www.equatex.com](http://www.equatex.com).

## 11 Terms of Use

The use of EquatePlus is subject to the Terms of Use disclosed therein.

## 12 Contact details

If you have any comments, questions or concerns about any of the information in this Notice, or any other issues relating to the Processing of Personal Data by Equatex, please contact:

**Equatex AG**  
Vulkanstrasse 106  
8048 Zurich  
Switzerland

[privacy@equatex.com](mailto:privacy@equatex.com)

## 13 Definitions

- **‘Controller’** means the entity that decides how and why Personal Data is Processed. In many jurisdictions, the Controller has primary responsibility for complying with applicable data protection laws.

- **'Data Protection Authority'** means an independent public authority that is legally tasked with overseeing compliance with applicable data protection laws.
- **'Personal Data'** means information that is about any individual, or from which any individual is identifiable. Examples of Personal Data that we may Process are provided in Section 2 above.
- **'Process', 'Processing' or 'Processed'** means anything that is done with any Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **'Processor'** means any person or entity that Processes Personal Data on behalf of the Controller (other than employees of the Controller).
- **'Sensitive Personal Data'** means Personal Data about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under applicable law.

Version: August 2020