

Equatex AG

EquatePlus Data Protection Notice – Equatex as Processor

Preamble

We take the privacy and security of your Personal Data very seriously and we will comply at all times with the prevailing laws and regulations governing confidentiality, data protection and security of information. This Data Protection Notice explains how we Process your Personal Data, as well as your rights over your Personal Data, and how you can exercise them.

We operate the EquatePlus website (“**EquatePlus**”) to administer (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 AG (hereinafter, “**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 8 below.

For the purposes of this Notice, Equatex is the Processor. For the provision of Plan administration Services to the Company, and by extension to you, Equatex Processes your Personal Data in its capacity as Processor. **The Company, being the Data Controller¹, determines the purposes for which and the means by which your Personal Data is Processed**, and Equatex performs Processing activities under the instructions of the Controller(s). In this regard please note that the Controller is generally responsible for complying with your rights as a data subject concerning the Processing of your Personal Data.

This Notice does not apply to Processing activities in respect of which Equatex is a Controller (e.g. for the provision of financial services to you – where applicable – or for compliance with regulatory obligations applicable to Equatex). For such activities, please consult the ***EquatePlus Data Protection Notice – Equatex as Controller***.

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, as requested by the Controller or mandated by 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

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;

¹ If you have entered into a Participation Agreement with flatexDEGIRO Bank AG, flatexDEGIRO Bank AG will also act as Controller of your Personal Data for the provision of custody and execution services to you. In such case, Equatex will Process your Personal Data as Processor on behalf of both the Company and flatexDEGIRO Bank AG, as independent Controllers.

- 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.

When Processing your Personal Data on behalf of the Controller, Equatex observes the following key principles:

- *Compliance with the Controller's instructions and applicable law*: we only Process Personal Data in accordance with the Controller's instructions and applicable law provisions. Any unauthorized Processing of Personal Data is prohibited.
- *Obligation of confidentiality*: As a general rule, all Personal Data we Process is treated as confidential, and all Equatex personnel is subject to a binding obligation of confidentiality in respect of such Personal Data.
- *Records of Processing activities*: we maintain records of our Processing activities on behalf of the Controller, including: details of the relevant Controller, the details of any sub-Processors; the categories of Personal Data Processed, and the Processing activities performed; a record of any data transfers; and a general description of the security measures implemented in respect of the Processed Personal Data.
- *Cooperation with Controller*: we provide all reasonable cooperation to the Controller to: (i) respond to requests from data subjects to exercise their rights; (ii) notify the relevant Data Protection Authorities and the data subjects of any relevant data breaches; and (iii) generally, to comply with its obligations as Controller.
- *Cooperation with Data Protection Authorities*: we provide all reasonable cooperation to Data Protection Authorities who have jurisdiction over the relevant Processing activities, or jurisdiction over the Controller of the relevant Personal Data.
- *Data Retention*: we will not retain Personal Data for longer than necessary to comply with: (i) the instructions of the Controller; and (ii) the requirements of applicable law. Once those purposes have been fulfilled, we will seek the instructions of the Controller (to the extent not already provided) as to whether to return the relevant Personal Data, or delete/destroy those data.
- *Data breach reporting*: In the event that we become aware of any actual or suspected data breach, the Controller will be informed of the Data Breach without undue delay, in accordance with any applicable contractual terms agreed between Equatex and the Controller.

3 Appointment of sub-Processors

When Personal Data are Processed by a Processor (or a sub-Processor), the Controller remains primarily responsible for the Processing and for its compliance. Equatex will not appoint sub-Processors (or otherwise sub-contract the Processing of Personal Data) without the prior express written authorization of the Controller.

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

4 International transfer of Personal Data

Equatex will not engage in transfers of Personal Data, without the prior express written authorization of the Controller. Where, upon authorization of the Controller, 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 provide for appropriate safeguards and we may do so on the basis of Standard Contractual Clauses.

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 and the instructions of the Controller.

6 Your legal rights

The Controller is generally responsible for complying with the rights of data subjects. However, in order to comply with those rights, the Controller may issue instructions to Equatex in its capacity as a Processor. Since Equatex is strictly prohibited from any Processing of your Personal Data that is not in accordance with the instructions of the Controller, or applicable law, **if you would like to exercise any of your rights as a data subject, we encourage you to please bring your request directly to the Controller.** Equatex will provide the Controller with all reasonable assistance necessary to give effect to your rights as data subject.

7 Contact details

If you have any questions or concerns about the information in this Notice or the Processing of Personal Data by Equatex on behalf of the Controller, **we encourage you to please bring your request directly to the Controller.**

If you nevertheless wish to send any data privacy requests directly to Equatex, please contact:

Equatex AG
Vulkanstrasse 106
8048 Zurich
Switzerland

privacy@equatex.com

8 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).

- **'Standard Contractual Clauses'** means the standard clauses as approved by the European Commission (or such other relevant authority of the European Union or its constituent member states) for the purposes of Directive 95/46/EC (as amended, consolidated or replaced from time to time).

Version: 1 April 2021