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Amrop Executive Search AG

EXTERNAL PRIVACY POLICY

(A) This Policy

This Policy is provided by Amrop Executive Search AG Switzerland (“**we**” or “**us**”), and is addressed to individuals outside our organisation with whom we interact and/or conduct business with, including (but not limited to) Candidates, our providers of good and services, all individuals that wish to subscribe to services from us or which participate in the provision of such services, and Sources (together, “**you**”). Defined terms used in this Policy are explained in Section (M) below.

We have issued this Policy in the light of the upcoming revision of the Swiss Data Protection Act and the enactment of the European Union’s General Data Protection Regulation (GDPR) as per May 25 2018 and its forthcoming adaption in the member states of the European Economic Area (EEA). Despite the fact that it is the Swiss data protection legislation which is of primary importance to us and the way we conduct our business, the GDPR as a regulation of the European Union (EU) may be relevant to us for various reasons, among which are the following: As a matter of fact, Swiss data protection legislation is historically closely tied to the according EU regulations and secondly the GDPR imposes high standards of protection of Personal Data with even an extra-territorial reach which means that companies based outside the EU and the EEA may in certain circumstances be direct subject to its provisions.

This Policy 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 Policy carefully, and to regularly check this page to review any changes we might make in accordance with the terms of this Policy.

(B) Controller and Representative

The "Controller" of Processing of Personal Data as described in this Policy (i.e. the responsible person) is, unless specified otherwise, Amrop Executive Search AG, Seefeldstrasse 102, 8008 Zurich, Switzerland.

If you have any comments, questions or concerns about any of the information in this Policy, or any other issues relating to the Processing of Personal Data by Amrop Executive Search AG, please contact

Dr André S. Wirz,
Partner
Seefeldstrasse 102
8008 Zurich, Switzerland
andre.wirz@amrop.ch
phone number +41 44 919 86 86

(C) Processing your Personal Data

Collection of Personal Data: We may collect Personal Data about you, such as your name, address and contact details. Examples of sources from which we may collect Personal Data include the following:

- We may obtain your Personal Data when you provide it to us (e.g., where you contact us via email or telephone, or by any other means).



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- We may collect your Personal Data in the ordinary course of our business relationship with you (e.g., if we offer to connect you with our Clients we may collect your Personal Data that are related to such Client opportunities, such as your résumé).
- We may receive your Personal Data from other members of the Amrop network of firms, to the extent that those members provide it to us in accordance with applicable law.
- We may collect to the extent permitted by applicable law Personal Data that you manifestly choose to make public, including via social media (e.g., we may collect information from your social media profile(s), to the extent that you choose to make your profile publicly visible).
- We may receive your Personal Data from third parties who provide it to us in a lawful manner (e.g., past employers; referees; and law enforcement agencies).
- We may, with your prior express written consent, conduct background checks, in accordance with the protections provided by applicable law.

Creation of Personal Data: We may also create Personal Data about you, such as records of any interviews you attend with us. Such Personal Data helps us to conduct our operations, manage our legitimate business interests and to comply with the obligations we may have based on our business relationship.

Personal Data you provide about others: In some circumstances, you may provide us with Personal Data about others. For example, you might act as a Source and provide comments on a Candidate or Participant. Whenever you provide any such Personal Data to us, we rely on you to ensure that you have a lawful basis for providing such Personal Data to us, and that you have complied with applicable law and with the terms of this Policy. If you are unable to do so, please refrain from providing the Personal Data of third parties to us.

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

- Personal details: given name(s); preferred name; gender; date of birth / age; nationality; photograph; marital status; job title; employer entity; department; salary and compensation details.
- Contact details: home address; work address; home telephone number; personal mobile telephone number; personal email address; and social media profile details.
- Employment records: dates and details of current and former positions held; details of current and former employers; dates of employment; job titles; job locations; subject matter experience; and details of any employment disciplinary issues or incidents.
- Details of referees: details of referees you may provide, including the relationship that you may have with each such referee, and the duration for which you have known each such referee.
- Background checks: details revealed by background checks conducted in accordance with applicable law and subject to your prior express written consent, including details of past employments, details of residence, credit reference information, and criminal records checks.
- Views and opinions: your views on Candidates or Participants, where applicable.

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

- we have obtained your prior express consent to the Processing, whereby such consent can be provided and withdrawn by you at any given time (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);



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- the Processing is necessary in connection with any contractual or similar relationship that you may want to enter or have entered with us, whereby you hereby acknowledge that such relationship normally and in the best interest of both parties aims to be a long-term relationship;
- the Processing is required by applicable law;
- the Processing is necessary to protect the vital interests of any individual; or
- we or a third party have a legitimate interest in carrying out the Processing, which is not overridden by your interests, fundamental rights, or freedoms. Where we rely on this legal basis, our legitimate may for instance be:
 - our legitimate interest in the management and operation of our business;
 - our legitimate interest in the promotion and marketing of our business;
 - our legitimate interest in the provision and of services to our Clients and the on-going enhancement of such services; or
 - our legitimate interest in the establishment, exercise or defence of legal claims.

Processing your Sensitive Personal Data: We do not seek to collect or otherwise Process your Sensitive Personal Data, except where:

- we have, in accordance with applicable law, obtained your prior explicit consent before Processing your Sensitive Personal Data (as above, 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 or permitted by applicable law (e.g., to comply with diversity reporting obligations);
- the Processing is necessary for the detection or prevention of crime; or
- the Processing is necessary for the establishment, exercise or defence of legal claims.

Purposes for which we may Process your Personal Data: We primarily use your Personal Data in order to conclude and process contracts with Clients and other business partners, in particular in connection with the executive recruiting and leadership consulting services we do provide to our clients and the procurement of products and services from our suppliers and subcontractors, as well as in order to comply with our domestic and foreign legal obligations. You may be affected by our Processing in your capacity as an employee of such a Client or business partner.

For example, we may Process Personal Data, subject to applicable law, for one or several of the following purposes:

- Recruitment activities on behalf of Clients: recruitment operations; advertising Client opportunities; providing services to our Clients; enabling Clients to understand which Candidates are interested in their opportunities; record-keeping; and performing background checks.



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- Leadership consulting: providing leadership consulting services to Clients.
- Provision of services to you: providing our services to you and processing of our pre-contractual or contractual business relationship (which may for instance include attending meetings with you; attending telephone calls with you; and otherwise communicating with you in relation to those services).
- Our websites: operating and managing our websites; providing content to you; displaying advertising and other information to you; and communicating and interacting with you via our websites or via social media channels.
- Coaching and training: providing you with coaching and training and preparation for interviews.
- Newsletters and other marketing communications: communicating with you via any means (including via email, telephone, text message, social media, post or in person) news items and possible opportunities in which you may be interested.
- Health and safety: health and safety assessments and record keeping; and compliance with related legal obligations.
- Financial management: sales; finance; corporate audit; and vendor management.
- Communication and infrastructure: ensuring the operation and security of our IT and telecommunication infrastructure.
- Surveys: engaging with you for the purposes of obtaining your views on relevant issues and topics.
- Improving our services: identifying issues with existing services; planning improvements to existing services; creating new services.
- Legal claims: establishment, exercise or defence of legal claims.
- Future planning: succession and organizational planning.

(D) Disclosure of Personal Data to third parties

We may disclose your Personal Data to other members of the Amrop Partnership network, for legitimate business purposes (including providing services to you and operating our websites), in accordance with applicable law. We may also share aggregate demographic information with our Clients, trusted affiliates and advertisers for the purposes outlined in this Policy. While we make all reasonable efforts to ensure that such information is anonymized, it is possible that small amounts of your Personal Data may be included.

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;
- our Clients, for the purposes of providing services to those Clients, in accordance with the provisions of this Policy;
- accountants, auditors, lawyers and other outside professional advisors to the Amrop Partnership network, subject to binding contractual obligations of confidentiality;
- third party Processors (such as information technology providers or providers of background checking services), which may be located anywhere in the world, subject to the requirements noted below in this Section (D);
- any relevant party, law enforcement agency or court, to the extent necessary for the establishment, exercise or defence of legal claims;
- 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;
- any relevant third-party acquirer(s), in the event that we sell or transfer all or any portion of our business or assets (including in the event of a reorganization, dissolution or liquidation); and



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- our websites may use third-party plugins or content (e.g., Facebook, Twitter, Google+ and LinkedIn). If you choose to interact with any such plugins or content, your Personal Data may be shared with the relevant third party.

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 technical and organisational measures to protect the confidentiality and security of the Personal Data.

(E) International transfer of Personal Data

Because of the international nature of our business, we may need to transfer your Personal Data to other entities within the Amrop Partnership network, and to third parties as noted in Section (D) above, in connection with the purposes set out in this Policy. For this reason, we may transfer your Personal Data to other countries including countries outside of Europe that may have different laws and data protection compliance requirements to those that apply in the country in which you are located. In particular, your Personal Data may be disclosed to other members of the Amrop Partnership network, to the extent appropriate, in connection with any Client opportunities in respect of which you are a Candidate, or any Leadership Assessment in which you are a Participant.

Wherever we transfer Personal Data to a country without adequate legal data protection, we will ensure an appropriate level of protection as legally required by way of using appropriate contracts (in particular on the basis of the standard contract clauses of the European Commission) or binding corporate rules or we rely on the statutory exceptions of consent (such as consent, performance of contracts, the establishment, exercise or enforcement of legal claims, overriding public interests, published Personal Data or because it is necessary to protect the integrity of the persons concerned). You can obtain a copy of the mentioned contractual guarantees at any time from the contact person named under Section (B). However, we need to reserve the right to redact copies for data protection reasons or reasons of secrecy or to submit to you excerpts of such documentation only.

(F) Data Security

We have in accordance with applicable law 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.

You are responsible for ensuring that Personal Data is adequately protected and secured in your own sphere of influence and that you send such Personal Data to us in a secure manner.

(G) Data Accuracy

Your Personal Data that we Process will, as required by applicable law, be kept accurate and, where necessary, kept up to date. 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.



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(H) Data Minimisation

We will in accordance with applicable law 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 Policy.

(I) Data Retention

We process and retain your Personal Data as long as required for the performance of our contractual obligations and compliance with legal obligations or other purposes pursued with the Processing, i.e. we may be Processing Personal Data for the duration of the entire business relationship as well as beyond this duration in accordance with the legal retention and documentation obligations that apply to us. Personal Data may be retained for the period during which legal claims can be asserted against us or as otherwise legally required or if and to the extent our legitimate business interests may require further retention (e.g., for evidence and documentation purposes).

As soon as your Personal Data are no longer required for any of the above-mentioned purposes, such Personal Data will to the extent possible be deleted or anonymized (in such manner that the can no longer be attributed to a specific data subject without the use of additional information).

(J) Your legal rights

Subject to applicable law, you may have a number of rights regarding the Processing of your Personal Data. Depending on the law applicable, you may have the following rights:

- the right to request access to, or copies of, your Personal Data that we Process or control (right of access);
- the right to request rectification of any inaccuracies in your Personal Data;
- 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;
- the right to have your Personal Data transferred to another Controller, to the extent applicable (data portability);
- where we Process your Personal Data on the basis of your consent, the right to withdraw such consent at any given time; and
- the right to lodge complaints regarding the Processing of your Personal Data with a Data Protection Authority.

Please note in this context that we reserve the right to enforce statutory restrictions on our part, for example if we are obliged to retain or Process certain Personal Data, have an overriding and legitimate interest (insofar as we may, as per applicable law, rely on such interests) or need such Personal Data for the establishment, exercise or defence of legal claims.

If a data subject, you may in accordance with applicable law have the right to enforce your rights in court or to file a complaint with the competent Data Protection Authority. The competent Data Protection Authority in Switzerland is the Federal Data Protection and Information Commissioner (<http://www.edoeb.admin.ch>).

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



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(K) Our website

We are not using cookie technology or Google Analytics or similar tools on our website. However, on our websites we do use certain plug-ins from social networks such as Facebook, Twitter, YouTube, Google+, or Instagram. This is made visible to you usually by using the respective provider's symbol. We have configured these elements to be disabled by default. If you activate them by clicking on them, the providers of the respective social networks may record that you are on our website and where on our website you are and may use this information for their own purposes. The Processing of your Personal Data in any such case is in the exclusive responsibility of the respective social media provider and is subject to the data privacy terms of such provider - we do not receive any information about you from the respective social media provider.

(L) Your obligations

If, and to the extent that, you are a Candidate or Participant, we rely on you to in all our best interest provide us with complete and accurate Personal Data about you, so that we can provide appropriate services to you and to our Clients.

If, and to the extent that, you are a Source, we rely on you to ensure that you are lawfully able to disclose Personal Data to us, as set out in this Policy.

(M) Definitions

- **'Candidate'** means a candidate, or potential candidate, for a position with a Client.
- **'Client'** means a client of Amrop Executive Search AG or any other member of the Amrop network.
- **'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.
- **'Leadership Assessment'** means any leadership assessment service (including, but not limited to, any management audit, leadership consulting service, coaching, team development, team effectiveness analysis, or succession planning) provided by the Controller to the Client for the purposes of assessing the leadership potential of its own Personnel or other individuals selected by the Client.
- **'Participant'** means any individual participating in a Leadership Assessment.
- **'Personal Data'** means all data and information relating to an identified or identifiable natural person. Please note that based on the applicable Data Protection Laws, also data and information relating to an identified or identifiable legal entity may be considered Personal Data (for instance as per the currently applicable Swiss Data Protection Act). Examples of Personal Data that we may Process are provided in Section (B) above.
- **'Personnel'** means any current, former or prospective employee, consultant, temporary worker, intern, other non-permanent employee, contractor, secondee or other personnel.



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- **'Process', 'Processing' or 'Processed'** means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, archiving, 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 which according to applicable law is deemed to require a higher level of protection or is assigned to special categories of Personal Data. In the light of applicable law, the following type of Personal Data may be considered 'sensitive': information 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.
- **'Source'** means any person that provides any view or opinion regarding the qualities of any Candidate or Participant, for any purpose, including but not limited to the suitability of a Candidate or Participant for a particular role.