

# DATA MANAGEMENT NOTICE

## Table of content

1	GENERAL INFORMATION, THE DATA CONTROLLER.....	1
1.1	Identity and Activities of the Data Controller .....	1
1.2	Governing Laws.....	1
1.3	Scope of the Notice, Data Subject.....	2
2	DATA MANAGEMENT PRINCIPLES, PURPOSE AND LAWFULNESS OF PROCESSING.....	2
2.1	Data Management Principles .....	2
2.2	Purpose of Data Management.....	2
2.3	Lawfulness of Data Management.....	2
3	DATA COLLECTION, SCOPE OF DATA PROCESSED.....	3
3.1	Data Collection .....	3
3.2	Scope of Data Processed.....	3
4	SPECIFIC DATA MANAGEMENT.....	4
5	OTHER INFORMATION RELATED TO DATA MANAGEMENT .....	4
5.1	Data Transfer.....	4
5.2	Data Processing .....	4
5.3	Data Security, Access to Data.....	4
5.4	Term of Data Management.....	5
5.5	Addressing Data Protection Incidents .....	5
6	DATA SUBJECTS' RIGHTS AND THEIR ENFORCEMENT .....	6
6.1	Data Subjects' Rights .....	6
6.2	Ensuring the Rights of and Managing the Requests of the Data Subject .....	7
6.3	Legal Remedy.....	7

## 1 GENERAL INFORMATION, THE DATA CONTROLLER

### 1.1 Identity and Activities of the Data Controller

For the purpose of data management activities defined in this Notice (“**Notice**”), the data controller shall be a specific business unit of GENTHERM group, with which the data subject has entered into any legal relationship, or a business unit that is responsible for making decisions related to data management (hereinafter “**GENTHERM.**”, or “**Data Controller**”).

### 1.2 Governing Laws

Data management performed by GENTHERM is primarily governed by the General Data Protection Regulation of the European Union (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) on the protection of natural persons with regard to the management of personal data and on the free movement of such data, and repealing Directive 95/46/EC; hereinafter “**GDPR**”). In addition, data management is also governed by local laws regulating the legal relationship between the data controller and the affected data subject, in particular, legislations on employment and on public dues related to employment.

### **1.3 Scope of the Notice, Data Subject**

The scope of this Notice shall cover the data management activities of GENTHERM, as employer. The scope of this Notice shall only cover data management activities subject to the provisions of the GDPR. Based on the GDPR, personal data means any information relating to an identified or an 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, and 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.

For the purposes of data management performed within the scope of this Notice, data subject shall be any person who is employed by GENTHERM, is or was engaged by it for the purposes of work (e.g. as contractor or agent), or will initiate the establishment of such legal relationship.

On this basis, the scope of this Notice shall not cover data unrelated to natural persons (e.g. company data), or those data that cannot be linked to natural persons (e.g. statistical data, anonymized data). The scope of this notice shall only cover data management performed by GENTHERM.

Any GENTHERM group company where the data subject is actually employed may issue a more detailed notice. Considering that the legislations in certain countries may provide for additional rules complementing the provisions set out in the GDPR, if there is any conflict between this notice and the specific notice issued by a given GENTHERM group company, the latter shall prevail.

## **2 DATA MANAGEMENT PRINCIPLES, PURPOSE AND LAWFULNESS OF PROCESSING**

### **2.1 Data Management Principles**

GENTHERM shall manage data lawfully, fairly and transparently as far as the data subject is concerned. GENTHERM shall ensure that the data managed by the company should be accurate and up-to-date. GENTHERM ensures that the data subject can enforce his rights, and shall take the necessary actions to ensure that data management is performed lawfully at every relevant stage.

### **2.2 Purpose of Data Management**

The primary purpose of data management is to establish and maintain a legal relationship related to work and employment between the data subject and GENTHERM. The purposes of data management shall include the following:

- Identifying, contacting and liaising with the data subject;
- Collecting data and other details (e.g. qualification, skills) relevant for the position;
- Assessing the suitability of the data subject for the position;
- Establishing a legal relationship, and drafting and signing the contract creating the relevant legal relationship;
- Monitoring and managing the data subject’s performance of work;
- Determining and paying any wage, other remuneration and benefits to the data subject;
- Detecting and investigating any potential misdemeanor;
- Giving training, further training, and ensuring development opportunities to and transferring the data subject within the organization;
- Organizing the performance of work;
- Exercising the rights and fulfilling the obligations arising from the legal relationship between the parties;
- Fulfilling the obligations required by law (e.g. data supply to tax authority or to the social security bodies).

### **2.3 Lawfulness of Data Management**

Considering that GENTHERM manages personal data for several reasons, the legal basis for data management may vary. The key legal bases for data management are listed below.

- **Consent granted by the data subject (GDPR Article 6 (1) Point (a))**

In certain cases data management is based on a consent given by the data subject. The data subject grants his consent by contacting GENTHERM, and by initiating the establishment of the related legal relationships and commencing the selection process. Consent shall be given in each case on a voluntary basis, however, if consent is not granted it may result in the failure of creating any legal relationship between the data subject and GENTHERM. GENTHERM shall in each case inform the data subject about its data management activity.

- **Contract entered upon by GENTHERM and the data subject (GDPR Article 6 (1) Point (b))**

If the data subject enters into a contract with GENTHERM, he shall provide his data in the contract and in the related forms that are required for fulfilling the related contract. In the case specified in this section, processing is necessary for performing the contract and for taking the steps at the request of the data subject according to the relevant section of the GDPR.

If the data subject fails to grant his content to the processing of any data requested by GENTHERM or specified in the contract, the data subject shall have the right to refuse the supply of such data. If processing is mandatory by law, or in the absence of such data the contract cannot be performed, the contract shall not be concluded if the data subject fails to provide such data.

- **Fulfillment of legal obligation (GDPR Article 6 (1) Point (c))**

In certain cases processing is necessary for compliance with a legal obligation.

- **Fulfillment of the legitimate interests of the data controller or any third party (GDPR Article 6 (1) Point (f))**

If processing is necessary for the purposes of the legitimate interests pursued by the data controller or by any third party, GENTHERM will use such data for fulfilling such interest. Data management specified in this section is unique, it shall only be performed based on individual assessment (so-called 'balance of interests test'), in special cases specified in this Notice.

### **3 DATA COLLECTION, SCOPE OF DATA PROCESSED**

#### **3.1 Data Collection**

GENTHERM shall primarily collect data directly from the data subject. GENTHERM shall only collect data from other sources, if the data subject has granted his consent thereto (e.g. data supply by labor agencies), or authorization for data collection is given by any relevant legislation.

#### **3.2 Scope of Data Processed**

GENTHERM shall process the following data related to data subjects. The list below is a general list, certain data management may require different, or more specific data types. The data types related to each data management activity are available in the respective notices provided for the given data management activities.

- Data necessary for identification;
- Identification codes;
- Data necessary for communication;
- Basic data related to a position;
- Personal circumstances of the data subject relevant for the related legal relationship;
- Data related to remuneration and benefits;
- Data included in documents necessary for creating a legal relationship;
- Resume;
- Data related to deductions and attachment of debts;
- Data related to performance of work;
- Data related to disciplinary liability, indemnification;

- Data related to legal disputes;
- Data related to IT devices;
- Data related to entry authorizations (cards);
- Data related to assessment tests.

## **4 SPECIFIC DATA MANAGEMENT**

GENTHERM processes personal data for several reasons, and each type of data management activity may have different purposes and may cover different types of data. The data subject shall be given detailed data management information about the specific characteristics of each data management activity.

## **5 OTHER INFORMATION RELATED TO DATA MANAGEMENT**

### **5.1 Data Transfer**

GENTHERM shall only transfer personal data to any third party, if the data subject has expressly given his consent thereto, being aware of the type of data transferred and of the identity of the recipient, or if the data transfer is authorized by law.

### **5.2 Data Processing**

GENTHERM shall have the right to employ a data processor for performing its activities. Data processors shall not make independent decisions, and they shall perform their data processing activities on behalf of GENTHERM according to the written contract signed with GENTHERM and as specified in the contract, and by following the instructions given by GENTHERM. GENTHERM shall supervise the work performed by the data processors. Data processors may only employ further data processors with the consent of GENTHERM. GENTHERM shall provide information about the data processors engaged.

### **5.3 Data Security, Access to Data**

GENTHERM shall ensure the protection of data security, and shall take the technical and organizational measures, and shall work out those procedural rules that are necessary to ensure compliance with data security requirements. GENTHERM shall keep records of the data managed by it according to the applicable legislations, ensuring that access to such data shall only be given to those employees and other persons acting for and on behalf of GENTHERM, who need to know such data based on their position, or for performing their work. Access to the personal data of data subjects shall only be given to those persons working within the organization of GENTHERM, who need to know those for performing their work. All employees are required to treat such data confidentially.

In particular, GENTHERM shall ensure the following within the scope of its responsibilities related to IT protection:

- It shall take measures to provide protection against unauthorized access, including protection for software and hardware devices, or physical protection (access protection, network protection);
- It shall take measures to ensure the possibility of data recovery, including the performance of regular backup services, and the separate and safe storage of backup files (mirroring, data backup);
- It shall provide antivirus protection for data files (antivirus protection);
- It shall ensure the physical protection of data files and data carriers, including protection against fire, water ingress, lightening and other natural disasters, and shall ensure that such devices can be recovered after the occurrence of the above incidents (archiving, fire protection).

GENTHERM shall take the necessary measures to provide protection for hard copy records, in particular, for ensuring the physical safety of and fire protection for such records.

Employees, agents and other persons acting for and on behalf of GENTHERM shall be obliged to ensure the safe keeping and appropriate protection for data carriers containing personal data used by or entrusted to them, regardless of the method by which such personal data have been recorded.

#### 5.4 Term of Data Management

GENTHERM shall ensure by developing and complying with data deletion rules that the duration of data management should not exceed the required and lawful retention period. Data shall be deleted in the following cases:

- **It is confirmed that data management is unlawful.**

If management of any data is unlawful, GENTHERM shall in each case delete such data, as soon as the unlawfulness of data management is confirmed.

- **Deletion of data is requested by the data subject.**

If deletion of data is requested by the data subject, GENTHERM shall in each case check whether data management is mandatory by law. If so, GENTHERM shall reject the request for deletion of data. If management of data is not mandatory, but GENTHERM has a lawful reason for data management, and data management is necessary for the submission, enforcement or protection of any legal claim, GENTHERM shall assess whether the affected data can be deleted. In the event that management of the affected data is not required by law, GENTHERM has no lawful reason for data management other than the related consent granted, or if despite any lawful reason for data management the related management activity is not justified, GENTHERM shall delete such data at the request of the data subject. If GENTHERM rejects the request for deletion of data, it shall in each case inform the data subject, and at the same time shall in each case specify the legal grounds for rejecting such request as well as the applicable legal remedies.

- **The purpose for data management is not relevant any more, or the data retention period as specified in advance, by law or in the related consent has expired.**

If the purpose for data management is not relevant any more, and management of the affected data is not required by law, GENTHERM shall delete such data. If a data retention period is specified by law, GENTHERM shall delete the related data after the expiry of the statutory data retention period.

- **Deletion of data has been ordered by a court or an authority.**

If deletion has been ordered by a court or an authority, and the order is binding, GENTHERM shall delete the relevant data. When deletion of data is performed, GENTHERM shall make such data unidentifiable. If the law requires so, GENTHERM shall arrange for the destruction of the data carrier containing personal data.

#### 5.5 Addressing Data Protection Incidents

Data protection incident means that a security infringement has occurred resulting in the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of or unauthorized access to transferred, stored or otherwise managed personal data. GENTHERM shall promptly report any data protection incident to the competent authority, unless, the data protection incident is unlikely to pose any risk to the rights and freedoms of the affected data subjects. GENTHERM shall keep records of the data protection incidents, along with the measures taken in response to any given incident. In case of a serious incident (i.e. it is likely to pose high risk to the rights and freedoms of the data subject), GENTHERM shall inform the data subject about the data protection incident without undue delay.

The data subjects may report data protection incidents directly to their supervisor, to the site manager or through the Service Now panel available on the intranet of GENTHERM, or may turn to the Data Protection Officer of GENTHERM.

## 6 DATA SUBJECTS' RIGHTS AND THEIR ENFORCEMENT

### 6.1 Data Subjects' Rights

- **Information (access)**

The data subject shall have the right to receive information about the management of his data. GENTHERM shall inform the data subject about data management at the time of recording such data, and this Notice shall be available to him at any time. The data subject may request full information about the management of his data during the data management process. The data subject may request GENTHERM to give him a copy of the affected data.

- **Correction**

The data subject shall have the right to request GENTHERM to correct inappropriate data related to him, and to supplement incomplete data.

- **Deletion, withdrawal of consent**

The data subject shall have the right to withdraw at any time his consent given to data management, and may request the deletion of his data. GENTHERM shall only reject such request, if data management is based on legal requirement, or if data management is necessary for the submission, enforcement or protection of any legal claim.

- **Restriction**

The data subject shall have the right to restrict the management of data in the following cases:

- ✓ the data subject challenges the accuracy of personal data, in this case restriction shall apply to the period, during which the data controller checks the accuracy of personal data;
- ✓ data management is unlawful, and the data subject objects to the deletion of data, and instead he requests the restriction of their use;
- ✓ the data controller will not need the personal data any longer for data management purposes, but the data subject needs those for submission, enforcement or for the protection of any legal claim;
- ✓ the data subject objected to data management; in this case, restriction shall apply to the time period, until it is established whether the data controller's legitimate interests override the data subject's legitimate interests.

If data management is restricted, with the exception of data storage, the affected personal data may only be managed with the data subject's consent, or may only be used for the purposes of submitting, enforcing or providing protection for any legal claim, or for the protection of the rights of any natural person or legal entity, or for pursuing the important public interests of the European Union or of any member state.

- **Objection**

If data management is necessary for pursuing the legitimate interest of GENTHERM or any third party, the data subject shall have the right to object to the management of his personal data at any time for reasons related to his own circumstances. In this case, the data controller shall not continue the management of data, unless, the data controller provides evidence that data management is justified by such compelling legitimate reasons, which are given priority over the data subject's interests, rights and freedoms, or are related to the submission, enforcement or protection of any legal claim. If data management is performed for the purpose of gaining direct business opportunities, the data subject shall have the right to object to the management of his personal data at any time.

- **Data portability**

The data subject shall have the right to receive his personal data in a segmented, widely used machine readable format, and shall be also entitled to transfer such data to another data controller, provided that data management process is performed automatically. If technically feasible, the data subject shall have the right to request the direct transfer of his personal data to another data controller.

## **6.2 Ensuring the Rights of and Managing the Requests of the Data Subject**

GENTHERM shall inform the data subject about its data management activities when the initial contact is made. The information on data management shall be available in the forms used for collecting data from the data subject, and this detailed Notice shall be made available to the data subject, and GENTHERM shall also notify the data subject about the existence and availability thereof.

The data subject may submit its request for exercising his rights in any form to GENTHERM (whether orally, or in writing). GENTHERM shall promptly assess such request, make a decision on the fulfilment thereof, and shall take the necessary measures. GENTHERM shall inform the data subject about the measures taken within one month. The information given shall in each case include the action taken by GENTHERM, or the information requested by the data subject. If GENTHERM rejects such request (fails to take the necessary actions required for the fulfilment of the request), the information supplied shall include the ground for rejection, the related reasons and the available legal remedies.

GENTHERM shall not make the fulfilment of the request conditional on the payment of any fee or the reimbursement of any cost.

If it is uncertain whether the request has been made by the data subject due to the given circumstances, or the method of submission, GENTHERM may request the data subject to verify his eligibility, or to submit the request by such method so that the eligibility can be clearly established.

GENTHERM shall inform all recipients about such correction, deletion or restriction imposed on data management, to whom the affected personal data was transferred, unless this is deemed impractical, or would involve disproportionate effort. At the data subject's request, it shall inform the data subject about such recipients.

## **6.3 Legal Remedy**

In the event that the data subject's rights have been infringed, he may request GENTHERM to terminate such unlawful data management, and to assess the data management process, and consider the rejection of the data subject's request. GENTHERM shall in each case examine all such complaints lodged by the data subject, and shall inform the data subject about the related outcome.

Data subjects may file their complaints through the Service Now panel available on the intranet of GENTHERM, or may turn to the Data Protection Officer of GENTHERM.

The data subject may also file his complaint directly to the competent authority.

The data subject shall have the right to file his case in court, if his rights have been infringed. At the data subject's request, GENTHERM shall provide detailed information to the data subject about the competent court having appropriate jurisdiction, and about the method to bring legal proceedings.