

## SMBC Düsseldorf Branch Data Protection Notice – job applicants and candidates

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SMBC Düsseldorf Branch (the “Bank”, “we”, “us”) processes personal data relating to job applicants and candidates to manage the and for purposes of the application process. We treat the privacy of job applicants and candidates’ personal data very seriously and we take appropriate security measures to safeguard the privacy of your personal data. The Bank recognises and complies with your data privacy rights as set out in the General Data Protection Regulations (GDPR) and EU country-specific regulations. This Data Protection Notice explains how we - as a data controller within the meaning of GDPR - protect and manage the personal data you share with us and the information which we retain, including how we process your personal data, and your individual personal data rights.

Personal data means any information that relates to an identified or identifiable individual, for example: a first and last name, a home or other physical address, an email address or other contact information, bank details and further information.

### What information does the Bank process?

The sort of information that the Bank processes or might process includes, but is not limited to:

- a) Personal details such as your full name, address and contact details, including email address and telephone number, date of birth, town and country of birth;
- b) The (potential) future terms and conditions of your employment;
- c) Application data: details of your qualifications, skills, experience, employment history, department, location, including start and end dates with previous employers and your (potential) future position within the Bank;
- d) Information about your nationality, residence and work permit;
- e) Information about medical or health conditions, such as a disability for which the organisation needs to make reasonable adjustments (if the data relates to the (potential) future employment relationship or is required for social security purposes prior onboarding phase)
- f) Information relating to your continued knowledge, skills and propriety for the purpose of the Senior Managers and Certification Regime (SMCR) and/or comparable local regulations and obligations; and
- g) Current Certification Employee status, including the certification functions that are applicable to you and your role; and information required for a regulatory submission in relation to the Senior Managers Regime, including the receipt of regulatory approval
- h) Data on conflicts of interest, e.g. non-competition clauses

### Where do we get this information from?

We collect this information in a variety of ways. For example, data is collected through applications forms, CVs or resumes, from forms completed by you prior the employment, from correspondence with you, or through interviews, meetings or other assessments.

Much of the information we process will have been provided by you, but some information may come from other sources such as personal references.

Also the Bank collects personal data about you from third parties, such as recruitment agencies, referees at previous employers and other employment vetting sources. Some data might be provided by authorities and social agencies.

The sort of information we receive from third parties includes, for example:

- a) References from previous employers;
- b) Trainings you have participated in;
- c) Information relating to your continued knowledge, skills and propriety as required for senior managers and other regulated positions;

### **For which purposes and on which legal basis do we process personal data?**

We process personal data (e.g. your name, address) for the purposes of the job application process and the conclusion of a (potential) future employment contract with the job applicant on the basis of Art. 6(1) sentence 1 lit. b GDPR. As an employer, the Bank needs to process information about its job applicants to be able to evaluate if the respective applicants are suited for the respective job they apply for, to make an informed decision regarding the individual application and to enter an employment contract.

We might process personal data to fulfil legal obligations based on Art. 6(1) sentence 1 lit. c GDPR. The Bank needs to process data to ensure that it is complying with its legal and regulatory obligations. For example, we are required to check a (potential) future employee's entitlement to work in the country, to deduct tax, and to comply with health and safety laws.

We might process personal data for legitimate purposes based on Art. 6(1) sentence 1 lit. f GDPR. For example, we might process personal data of applicants with which we do not enter into an employment contract also after the conclusion of the application process for a limited period of time to defend against legal claims brought against us (by such applicants). Where the Bank relies on legitimate interests as a reason for processing data, we have considered whether or not those interests are overridden by the rights and freedoms of the data subject.

We might process sensitive personal data within the meaning of Art. 9(1) GDPR (such as, for example, health data) based on Art. 9(2) lit. b GDPR with regard to specific aspects in the field of employment and social security and social protection law.

We might process personal data if the job applicant gives us respective consent on the basis of Art. 6(1) sentence 1 lit. a GDPR or on the basis of Art. 9(2) lit. a GDPR (within the scope of the respective consent given).

We might process personal data, e.g., for the following purposes / in the following cases:

- Run recruitment and job application processes;
- Ensure effective HR recruiting and business administration;
- Maintain and promote equality in the workplace

### **Storage of your personal data**

Insofar as no other storage period is specified by other provisions of this Data Protection Notice, personal data will generally only be stored for as long as is necessary in order to achieve the respective processing purpose, and thereafter only to the extent and insofar as we are obliged to do so due to mandatory statutory storage obligations. If we no longer require your data for the purposes described above, then storage will only take place during respective statutory retention periods and there will be no processing for other purposes.

We store information in line with our Retention Policy. These retention periods are in line with the length of time we need to store personal data to run the business and manage our relationship with (potential) future employees effectively during the recruitment process. These retention periods also take into account our need to meet any legal, statutory and regulatory obligations (cf. also above).

### Which third parties access to personal data?

Personal data collected in the context of the processes described in this Data Protection Notice will, in general, not – subject to other cases described in this Data Protection Notice – be passed on to third parties or transmitted in any other way without the data subject's consent.

- We may disclose your personal data to third parties if we are legally obliged to do so (such as at the request of a court or law enforcement agency). The legal basis for such processing is Art. 6 (1) sentence 1 lit. c GDPR (legal obligation).
- We may also use technical service providers who process personal data on our behalf (e.g. IT service providers). These service providers process the corresponding personal data exclusively according to our instructions (processor; Art. 28 GDPR).
- We may disclose information about you to third parties if you give us respective consent / ask us to do so and make a respective request based on Art. 6(1) sentence 1 lit. a GDPR (consent).
- We may disclose information about you to third parties if we or the third party has a legitimate interest in doing so based on Art. 6(1) sentence 1 lit. f GDPR.
- We may disclose personal data to third parties if this is required for the initiation or fulfilment of a contract of which the data subject is or intends to be a party on the basis of Art. 6 (1) sentence 1 lit. b GDPR (contract or contract initiation).

Examples of organisations with whom we share information and who process personal data for the Bank, include, but are not limited to:

- a) Hiring or job agency
- b) SMBC group HR-IT-systems provider
- c) SMBC group central HR recruitment
- d) Regulators (Federal Financial Supervisory Authority, e.g. BaFin)

We may also share information about you with other SMBC group companies for purposes connected with your application.

Where we transfer your personal data outside the EEA, we will ensure that it is protected in a manner that is consistent with how your personal data will be protected by us in the EEA. This can be done in a number of ways, for instance:

- the country that we send personal data to might be approved by the European Commission as offering an adequate level of data protection (this applies for example regarding a transfer of personal data to Japan with regard to which the EU Commission has issued a decision on the adequacy of the level of data protection); or
- the recipient might have signed up to a contract based on “standard contractual clauses” approved by the European Commission, obliging them to protect your personal data. This applies now, e.g., with regard to a transfer of personal data to the US (whereas currently, the EU Commission has not issued a comprehensive decision on the adequacy of the level of data protection in the USA).

In other circumstances the law may permit us to otherwise transfer your personal data outside the EEA. In all cases, however, we will ensure that any transfer of your personal data is compliant with data protection law.

You can obtain more details about the protection given to your personal data when it is transferred outside the EEA (including a copy of the standard data protection clauses which we have entered with recipients of your personal data) by contacting us in accordance with the “Important Information” section below.

### **How does the Bank protect my data?**

The Bank takes the security of your personal data seriously. The Bank has internal policies and controls in place to ensure confidentiality, availability and integrity of your personal data. For example, respective policies describe processes so that your personal data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties.

Where the Bank engages third parties as data processors to process personal data on its behalf, they do so based on written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

### **What are my rights in relation to personal data?**

You have the right to request information from us about the personal data we hold pertaining to you. If the legal requirements are met, then you will also have rights to have us correct, delete or restrict the processing of the relevant personal data, **the right to object to our processing of your personal data** and to receive from us the personal data relating to you that you have provided to us in a structured, standard and machine-readable format (you may transmit this data or have it transmitted to other bodies).

If you have given your consent to the use of personal data, then you can revoke that consent at any time for the future.

If you believe that our processing of personal data concerning you violates applicable data protection law, then you may lodge a complaint with the (competent) data protection supervisory authority.

### **Important Information**

If you would like to invoke any of the above rights with us, have any questions or queries which are not answered by this Data Protection Notice, or have any potential concerns about how we may use the personal data we hold you can address such issues towards us. With regard to data privacy queries you may also contact the Data Protection Officer (DPO) under [DEFRPrivacyOffice@de.smbcgroup.com](mailto:DEFRPrivacyOffice@de.smbcgroup.com). You can reach also reach out to the DPO under this address: Data Protection Officer, MainTower, Neue Mainzer Straße 52-58, 60311 Frankfurt am Main, Germany; or via phone: +49 69 22229-8200

### **What if I do not provide (relevant) personal data?**

If you do not provide the Bank with certain data during the application process (such as, e.g., data regarding your prior work experience) it is unlikely that the Bank will enter into an employment agreement with you.

In addition, certain information, such as contact details, information on your right to work in a specific country and payment details, have to be provided to enable the Bank to enter into an employment contract with you.

### **Data Protection Notice changes**

This Data Protection Notice is regularly reviewed. This is to make sure that we continue to meet the highest standards and to protect your privacy. We reserve the right, at all times, to update, modify or amend this Notice.