

Privacy Notice regarding Compliance and Internal Investigations

MHP Management- und IT-Beratung GmbH ("**MHP**" or "**we**") has implemented a business model oriented compliance organization, legally compliant processes and preventive and repressive measures to ensure compliance with applicable laws. We hereby inform you according to Art. 13, 14 EU General Data Protection Regulation (GDPR) about the processing of your personal data ("**data**") in connection with internal investigations and other measures which shall ensure compliance with applicable laws.

MHP will only process your data in the course of compliance measures in accordance with the relevant data protection regulations. These regulations result in particular from the GDPR and the German Federal Data Protection Act (BDSG). This Privacy Notice contains further information on data processing for the purpose of conducting internal investigations and for compliance measures ("**compliance purposes**"). It supplements our general data privacy notice for the employment relationship.

1. Background information regarding the processing of your data

MHP must ensure compliance with applicable laws in the course of its business operations. This applies, for example, to provisions of criminal law, regulatory offences law, tax law, data protection law, stock corporation law, labor law, antitrust law and other binding legal provisions. If MHP does not sufficiently comply with these legal requirements, there is a risk of disadvantages, such as monetary or prison penalties, fines, claims for damages or damage to reputation. In order to fulfill its legal obligations, MHP therefore takes appropriate measures to ensure compliance within the group. This also includes the processing of your data for compliance purposes. Violations of applicable laws or internal company guidelines, including the Code of Conduct, will not be accepted, but will be consistently punished.

For compliance purposes, typical compliance measures may include, among other things:

- Cooperation with public prosecutors, police and other German and international authorities,
- Analysis of e-mails or other relevant documents or hard drives,
- Compare findings with those achieved by internal auditors or engaged external auditors,
- Evaluations of documents and IT systems, e.g. the time recording system of MHP,
- Verification of payments, submitted statements and receipts, e.g. travel expense reports,
- Interviewing employees or third parties and obtaining information from external third parties,
- Video surveillance and on-site inspections, e.g. locker and bag checks,
- Evaluation of incoming tips (Whistleblowing),
- Use of service providers, e.g. lawyers, auditors, private investigators ("Detective"), IT specialists or tax consultants.

2. For what purposes do we process your data?

MHP processes your data in compliance with applicable laws, in particular for the following specific compliance purposes:

- **Investigation of misconduct:** Compliance measures can be used to detect and investigate possible breaches of contractual obligations or criminal offences by employees of MHP and other irregularities within the company, such as the investigation and sanctioning of fraud, corruption, tax offences, anti-trust violations, money laundering or other economic crimes;
- **Prevention of future misconduct:** Furthermore, compliance measures are typically intended to prevent or at least make it more difficult for employees of MHP to violate their duties under the employment agreement or commit crimes in the future;
- **Exercising rights:** Compliance measures can also serve to compensate for and ward off imminent economic or other damage or disadvantages for MHP and thus to effectively defend, exercise and enforce rights. For example, MHP will take, as the case may be, compliance measures in preparation for labor court proceedings or other legal disputes;
- **Relief of employees:** MHP will also take appropriate compliance measures to detect and investigate possible accusations against employees of MHP who are wrongly suspected of having committed an offence and to relieve the burden on them (rehabilitation);
- **Implementation of legal obligations:** MHP is subject to comprehensive legal supervisory and compliance obligations. These result, among other things, from Sec. 130, 30 of the German Administrative Offences Act (OWiG) and Sec. 93, 111 of the German Stock Corporation Act (AktG). Compliance measures are typically intended to implement those legal and other obligations.
- **Implementation of obligations to cooperate:** Compliance measures may also help MHP to comply with its statutory cooperation obligations in criminal investigations or other official proceedings.

In addition, the possible purposes of data processing are those stated in the general Privacy Notice for the employment relationship under Section 3.

3. Which data or data categories are affected by compliance measures?

As part of compliance measures, we may process the following data or data categories about you:

- **Personal data:** We may process your personal data (e.g. name, private address, private telephone number, private e-mail address) as part of compliance measures;
- **Operational data:** In addition, we may also process operational information about you as part of compliance measures (e.g., position in the company, job title, possible supervisor position, business e-mail address, business telephone number);
- **Information on relevant facts:** Compliance measures often refer to concrete facts. The determination and evaluation of relevant information on the respective facts may allow conclusions to be drawn about your behavior or actions taken by you. In individual cases, this may also include breaches of duty or criminal offences;
- **Business-related documents:** MHP will also evaluate business-related documents as part of compliance measures. In individual cases, these may include travel expense reports, time sheets or hourly time sheets, contracts, performance records, logbooks or invoices. These documents may also contain your personal data;
- **Communication behavior:** In addition, compliance measures may allow conclusions to be drawn about your communication behavior when using company communication systems. For example, MHP may

also access the contents of e-mails in your company's e-mail inbox for the purposes of e-mail analysis. In addition, MHP will, to the extent necessary, evaluate log data or metadata;

- **Private contents:** In individual cases, some of the data records to be evaluated may also contain private content about you. This applies, for example, in the context of email evaluations. However, MHP will take appropriate technical and organizational measures to ensure that data records with purely private content are not evaluated;
- **Data on criminal convictions and offences:** As part of compliance measures, we may also have to collect data about you that may allow conclusions to be drawn about crimes or criminal convictions affecting you. However, MHP will only process this data in accordance with the relevant data protection regulations, in particular Art. 10 GDPR;
- **Special categories of personal data:** In individual cases, we may also collect special categories of personal data as defined in Art. 9 (1) GDPR as part of compliance measures. These include health data, data on possible union membership, biometrical data or data on political or religious affiliations. However, MHP will only process such data in accordance with the applicable data protection regulations, in particular Art. 9 (2) GDPR and Sec. 26 (3) BDSG.

4. On what legal basis do we process your data?

MHP will only process your data as part of compliance measures to the extent permitted by applicable law. This includes in particular the provisions of the GDPR, the BDSG and other relevant legal regulations. MHP will base data processing within the context of compliance measures in particular on the following legal bases:

- **Implementation of the employment relationship (Sec. 26 (1) sentence 1 BDSG):** Data processing within the scope of compliance measures may be necessary, among other things, for the establishment, performance and termination of the employment relationship with the respective employee. This applies, for example, to general compliance measures that serve to improve the internal compliance structures of MHP. Compliance measures to uncover violations of contractual obligations that do not constitute a criminal offence may also be justified in accordance with Sec. 26 (1) sentence 1 BDSG. Compliance measures may also be necessary for the performance of employment relationships, for example in the context of labor court disputes with the respective employee;
- **Investigation of criminal offences (Sec. 26 (1) sentence 2 BDSG):** If compliance measures serve to uncover possible criminal offences in the context of employment relationships, they may be justified in accordance with Sec. 26 (1) sentence 2 BDSG. However, MHP will only base the corresponding data processing on Sec. 26 (1) sentence 2 BDSG if documented actual indications give rise to the suspicion of a criminal offence in the employment relationship and the interests of the employee concerned do not outweigh;
- **Implementation of legal obligations (Art. 6 (1) lit. c GDPR):** As already described under Sections 1 and 4, MHP is subject to comprehensive legal supervisory and compliance obligations. Compliance measures shall help MHP, among other things, to ensure compliance with these legal obligations of MHP;
- **Protection of legitimate interests (Art. 6 (1) lit. f GDPR):** MHP may also process your data in order to protect your or a third party's legitimate interests. These legitimate interests may include, among other things:
 - **Legal defense:** One of the reasons why MHP carries out compliance measures is to prevent damage to its own company. In this respect, data processing also serves the legitimate interests of MHP in the form of assertion, defense and exercise of legal claims.

- **Improving compliance structures:** Compliance measures can also serve to improve MHP's internal compliance structures. For example, MHP can use compliance measures to identify and eliminate possible weaknesses in its internal compliance organization. This is also a legitimate interest of MHP.
- **Support for suspected employees:** Compliance measures can also serve to relieve the burden of suspected employees. This is basically a legitimate interest of a third party.
- **Implementation of foreign legislation:** In addition to national and EU regulations, MHP is also subject to comprehensive legal regulations of countries outside the EU in the area of compliance. These include, for example, anti-corruption or competition guidelines under US law. The implementation of such foreign legal regulations is also generally recognized as a legitimate **interest**.

MHP will ensure that compliance measures are only implemented to the extent that conflicting legitimate interests and rights of the affected employees do not outweigh.

5. To which parties will we transfer your data?

MHP will only transfer your data to third parties as part of compliance measures if there is a valid legal basis or if we have obtained your prior consent to the respective data transfer. MHP may transfer your data in the course of investigatory measures particularly to the following recipients:

- **Other group companies:** We may also need to share your information with other Group Companies of Volkswagen AG, Porsche AG or MHP to investigate compliance issues. Such intra-group data transfer may be necessary in particular if compliance measures are based on facts that affect several group companies.
- **Courts, authorities and other public bodies:** MHP may also disclose the results of compliance measures to public authorities. This may involve German or foreign public prosecutors, courts or other authorities. Such disclosure may be necessary in particular if MHP is legally obligated to disclose the relevant data. This may be the case, for example, in the context of criminal investigations.
- **Service providers:** When carrying out compliance measures, we may also use the support of external service providers, such as law firms or auditing companies. We will take appropriate measures to ensure that these service providers process your data only in accordance with the applicable data protection regulations.
- **Processors who are bound by instructions:** In the context of compliance measures, we may also involve processors within the meaning of Art. 28 GDPR, e.g. in the context of document management. MHP will ensure that these processors only process data for MHP on the basis of an effective data processing agreement.
- **Other third parties:** To the extent necessary to fulfill the purposes stated in this Privacy Notice and provided that no conflicting interests of data subjects prevail, your personal data may also be transferred to opposing parties or insurance companies.

The general Privacy Notice for the employment relationship contains a more detailed list of possible recipients of your personal data under Section 4, as well as information on the relevant legal basis.

If we have not collected your personal data processed for compliance purposes directly from you, we will typically receive it from the entities as mentioned above in this section of the Privacy Policy as well as from internal or external whistleblowers, business partners or similar sources.

6. What data protection rights do you have?

As a data subject, you can exercise various data protection rights. In order to exercise your rights, you can contact MHP using the contact details given in Section 2.

These rights include in particular:

- Right to access (Art. 15 GDPR);
- Right to rectification (Art. 16 GDPR);
- Right to deletion (Art. 17 GDPR);
- Right to restrict processing (Art. 18 GDPR);
- Right to appeal to a data protection supervisory authority;

The general Privacy Notice for the employment relationship explains the prerequisites and the scope of the individual rights in Section 8 in more detail.

7. How long do we store your data?

MHP will store or delete data collected as part of compliance measures according to the relevant data protection regulations, in particular Art. 17 GDPR. This means that MHP will delete your data if they are no longer required for the compliance purposes stated in this information on data privacy protection. However, legal storage regulations or legitimate interests of MHP may justify longer storage of your data. For example, MHP may continue to store your data during current legal disputes that are the result of possible compliance measures.

The storage periods and deletion routines are determined in each individual case according to the storage interests of MHP, taking into account the importance of storage for MHP, the legitimate interests of those affected in the deletion and the probability that a suspicion reported in the Whistleblower System proves to be true.

The general Privacy Notice for the employment relationship contains further information on the relevant requirements for the storage of personal data of employees under Section 7.

8. To what extent are automated individual decision-making or profiling measures taken?

Neither automated individual decision-making nor profiling measures within the meaning of Art. 22 GDPR take place in the context of compliance measures.

9. Who is responsible for processing your data?

Data Controller in accordance with Art. 4 No. 7 GDPR is

MHP Management- und IT-Beratung GmbH

Office Ludwigsburg
Film- und Medienzentrum
Königsallee 49
71638 Ludwigsburg
Germany
+49 (0)7141 7856-0
info@mhp.com

You can contact our data protection officer at the above address or at dataprivacy@mhp.com.

Depending on the scope and goals of the planned compliance measures, MHP will entrust **service providers who are not bound by instructions** with the concrete implementation of the compliance measures. In these cases, the service providers often act as independent data controllers in terms of Art. 4 No. 7 GDPR. These service providers may include auditors, law firms or tax consultants.

* * *