



EMPLOYEES AND JOB APPLICANTS PERSONAL DATA PROCESSING NOTICE

Opening Provisions

This Employees and Job Applicants Personal Data Processing Notice (the “**Notice**”) is issued by **BRAWA, a.s.**, ID No.: 247 57 926, with its registered office at Na Hřebenech II 1718/8, 140 21 Prague 4 – Nusle, registered in the Commercial Register administered by the Municipal Court in Prague, Ref. No. B 16622 (the “**Company**”).

This Notice is addressed to all employees of the Company (for the purposes of this Notice, the category of employees also includes members of the Company's Statutory Body and members of the Company's Supervisory Board) and individuals applying for a job with the Company. This Notice has been issued in compliance with the transparency principle pursuant to Articles 13 and 14 of 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 processing of personal data and on the free movement of such data (the “**GDPR**”), and its purpose is to inform the above-mentioned individuals (data subjects) of the scope and methods whereby their personal data will be processed, and of their rights in connection with such processing.

1. Basic Definitions

For the purposes of this Notice:

- (a) “**Personal data**” means any information relating to an identified or identifiable natural person (the “**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, an 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;
- (b) “**Controller**” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data, and assumes primary liability for compliance with the applicable personal data protection laws and regulations (especially the GDPR);
- (c) “**OPDP**” means Office for Personal Data Protection which is an independent supervisory authority in the Czech Republic in terms of the GDPR, authorized to supervise compliance with the applicable personal data protection laws and regulations;
- (d) “**Processing**” 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, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- (e) “**Processor**” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller on the basis of a written personal data processing agreement entered into in compliance with the GDPR;
- (f) “**Special categories of personal data**” mean personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural



person, data concerning health or data concerning a natural person's sex life or sexual orientation.

2. Personal Data Processing

The Company is the personal data controller vis-à-vis the Company's employees and job applicants and, as such, independently determines the below-mentioned purposes and means of the processing of personal data and defines measures relating to personal data processing, primarily the security thereof. The Company as a personal data controller must make sure that any and all personal data are processed in compliance with the requirements of any applicable laws and regulations (primarily the GDPR).

Processing of personal data by the Company does not involve any decision-making regarding the data subjects based solely on automated personal data processing (including profiling) which has any legal effects or any similar significant consequences for the data subject.

Sources of personal data:

1. Personal data are collected directly from data subjects, namely:
 - (a) In the case of job applicants, from the curricula vitae sent directly to the Company or through the medium of employment agencies or head hunters;
 - (b) In the case of employees, primarily from an HR questionnaire which the employee must fill out upon commencement of their employment, the executed employment contract and other documents which the employee delivers to the employer in compliance with the applicable laws and regulations (e.g. to apply for tax reliefs).

Any employee who is to take up a post in which he or she will be handling non-negligible assets of the Company (financial assets or information) may be required by the Company, before the commencement of their employment, to submit an excerpt from the Penal Register records not older than 3 months to a Human Resources Department specialist. The Company has concluded that this requirement is supported by a material reason consisting in the nature of the post and can be considered reasonable in terms of Section 316(4) of Act No. 262/2006 Coll., Labour Code, as amended (the "**Labour Code**"). No copy is made of the Penal Register records and the Company does not use any personal data resulting therefrom for further processing.

2. Creation of personal data:

The Company may also create personal data concerning its employees, such as a name of the post, data concerning remuneration, formal assessment of job results or login data. Such personal data help the Company to conduct its own operations and manage its employees. If the employees refuse or fail to provide certain personal data, the Company may fail to accomplish one or more of the purposes of personal data processing set forth in this Notice below.

Personal data subject to processing:

The Company processes the following personal data regarding any job applicants: name, surname; academic degree; date of birth, permanent residence address and, if applicable, place of residence; achieved/completed education; data concerning prior employers and posts; e-mail address; telephone number; skills, interests and photographs if contained in the curriculum vitae.



The Company processes the following categories of personal data regarding its employees:

- (a) Basic data: name and surname; academic degree; birth registration number; date and place of birth; citizenship; marital status; title of the post or position; achieved/completed education and graduation date; data regarding the employee's prior employer and post; data regarding the employee's disability; data regarding the employee's health insurance company; identity card number (if relevant); passport number (if relevant); visa number (if relevant); work permit (if relevant); data concerning any individuals to whom the employee provides maintenance, support or alimony (including children) and family members; photographs of employees; signature;
- (b) Contact details: address of the employee's permanent residence and place of residence (if different); private telephone number; workplace telephone number; company cell phone number; private e-mail address; company e-mail address; system ID assigned by the Company;
- (c) Data for remuneration purposes: amount and due date for the payment of salary and awarded bonuses; bank account details; data regarding executions or insolvency and other proceedings, if any, for the purpose of making deductions from salary; confirmation of mortgage; confirmation of study; information about blood donations, donations of blood components or bone marrow; number of the contract for supplementary pension insurance and/or number of the life insurance contract; registration number of any assigned company car;
- (d) HR records: type of job (full-time or part-time); date of entering into the employment relationship; expiration of the trial period; category/subcategory of the employee; name of the head employee (manager); name of the organisation unit; job level; absence at work and records concerning the employee's attendance and working hours; promotion; vacation/personal time off and requests for vacation/personal time off; information about the results of work-related medical checkups; place of commencement and termination of work (if relevant); plan and statement of work (if relevant); data regarding the employee's old age pension scheme (if relevant);
- (e) Training and evaluation of employees: employee's training targets; progress and results; employee's development plan; employee's performance targets and assessment results; employee's self-assessment results; completed and finished trainings; training dates, accomplished qualifications; certificates proving qualification;
- (f) Compliance with regulations and work duties: reports on any breaches of the employee's duties set forth in any laws and regulations relating to the employee's job; disciplinary punishments; confirmations regarding the Company's internal regulations; date and grounds for notice or termination of the employment relationship;
- (g) Security data: login (including the employee's username and password); login records (including the place where the employee logged in, login IP address and unsuccessful login attempts); data concerning past usernames and passwords; internal investigation records; records of the employees' use of the Company's IT systems; access card number, data concerning login by access card, presence at the workplace;



Processing of special categories of personal data:

The Company does not collect or otherwise process any special categories of the data subjects' personal data unless:

- (a) Such processing is required or permitted by the applicable laws and regulations (such as information regarding the employees' trade union membership for the purpose of making deductions from salaries within the framework of payroll administration in order to pay any membership fees in compliance with Section 146(c) of Act No. 262/2006 Coll., Labour Code, as amended;
- (b) Such processing is necessary to detect or prevent crime;
- (c) Such processing is necessary for the establishment, exercise or defence of legal (statutory) rights;
- (d) Such processing is necessary to protect the fundamental interests of any natural person; or
- (e) In compliance with the applicable laws and regulations, the Company obtains the data subject's explicit prior consent with the processing of any special categories of personal data (as mentioned above, this legal basis is applied only in relation to a fully voluntary processing and is not applied to any processing which is necessary or mandatory in any regard).

Purposes of personal data processing:

Job applicants' personal data are processed for the purpose of organizing and evaluating the hiring procedure during the recruitment of new employees, i.e. in order to negotiate new employment contracts or any of the agreements entered into outside an employment relationship.

Employees' personal data are processed for the following purposes:

- (a) People management: people management and other necessary management of employees during their employment relationship; recruitment, internal communication and labour relationships management; mobility management, including administration/management of the employees' business trips; assessment/control; employees' development; records regarding attendance and absence, obstacles to work and vacation; promotions; transfers; posting of employees;
- (b) Internal and external communications: administration of publicly available websites of the Company www.brawa.cz, promotion and information materials (brochures, press releases or annual reports) and other materials within the framework of external communication, including the publication of photographs recording any activities relating to their line of work;
- (c) Commercial and financial management: management and operation of the Company's activities; management of the Company's business activities; sales revenues; audit; arranging meetings; marketing; procurement, internal communication; external communication;
- (d) Communications and operation of IT, protection of the Company's assets: internal communications management; provision and maintenance of IT systems; security procedures and controls connected with IT; administration of the Company's websites;



- (e) Health and safety: protection of health and safety at work; emergency plan; keeping any associated records; compliance with the applicable laws and regulations;
- (f) Remuneration: planning and payment of remuneration; accounting, payroll and tax agenda; remuneration, motivation programmes, benefits and supplementary pension insurance / life insurance; deductions from salary; bonuses administration; billing compensations for travel expenses;
- (g) Management of the Company's systems and activities: IT systems administration/management; economic, financial and administrative management, planning; accounts and reporting;
- (h) Compliance with labour laws, regulations and duties: compliance with the employees' obligations resulting from laws and regulations relating to their jobs, including the Company's internal regulations and legal/regulatory duties; disciplinary and complaints investigations; amicable settlement, disciplinary proceedings; direction and management of the Company and internal accounts and reporting.

Legal basis for personal data processing:

When processing the above-mentioned personal data in connection with the purposes set forth in this Notice, the Company relies on one or more of the following legal bases:

- (a) Explicit prior consent with the processing; this legal basis applies only with respect to fully voluntary processing, such as processing of identity cards for the purpose of arranging for the issuance of company payment cards, and is not applied to any processing which is necessary or mandatory in any regard;
- (b) The processing is necessary in connection with negotiations over the entering into and subsequent performance of an employment contract or, as applicable, an agreement to complete a job/perform work;
- (c) The processing is necessary in order to fulfil the Company's legal obligations under the applicable laws and regulations; or
- (d) The processing is necessary for legitimate interests of the Company which are not overridden by the interests or fundamental rights or freedoms of the data subjects; such legitimate interests of the Company include:
 - (i) Effective management of employees and internal and external communication; management and operation of and support for the Company's activities;
 - (ii) Maintaining the safety and security of the Company's employees and activities; protection of the Company's premises and assets; protection of the gas transmission system; and
 - (iii) High-quality provision of services and conduct of the Company's business.



3. Disclosure of Personal Data to Third Parties

The Company hires the services of third parties in order to process personal data in selected cases (personal data processors). Personal data are always processed only to the necessary extent. Processing of personal data by other processors is always based on a written personal data processing agreement or a similar written juridical act which the Company must enter into with each processor. In their agreement, each processor primarily undertakes to (i) process personal data only in compliance with the Company's prior instructions; and (ii) employ any and all measures to protect the confidentiality and security of personal data.

The Company hires the services of the following categories of processors in relation to the personal data of the Company's employees:

- (a) Providers and operators of IT services and support concerning the operation, administration, maintenance, safety of IT applications, systems, technologies, infrastructure, data saving and backup, and similar services in the area of information technologies;
- (b) Providers of security services, services to ensure safety at work and environmental protection services (including any consultation and supervisory activities);
- (c) Providers of services relating to the facilitation of business trips and car fleet;
- (d) Financial brokers and service providers (insurance and banks);
- (e) Service providers and partners in the area of PR and communications – e.g. graphic studios, administrators of internal and external websites, professional photographers, camera operators, promoters of company events, supported not-for-profit organisations;
- (f) Partners and industry groups in the gas industry;
- (g) Other business partners of the Employer only process the Employees' company contact details (suppliers of material and services unrelated to personal data processing).

The Company hires the services of the following processors in relation to the personal data of job applicants:

- (a) Employment agencies;
- (b) Head hunters;
- (c) Providers of work-related healthcare services;
- (d) Providers of HR advisory relating to recruitment.

The Company is also entitled to disclose personal data to:

- (a) Legal, tax and regulatory authorities, on request, or for the purpose of reporting any actual or suspected breaches of any applicable laws or regulations;
- (b) Experts, accountants, tax advisors, auditors, lawyers and other external expert advisors of the Company providing they are bound by a professional or contractual duty to maintain confidentiality and secrecy of information;



- (c) Any relevant person, armed forces unit or law enforcement (criminal proceedings) authority or court, to the extent necessary to prove, assert or defend any legal (statutory) rights and obligations;
- (d) Any relevant person in order to prevent, investigate, detect or prosecute criminal offences, including security measures to prevent any danger or threats to public safety;
- (e) Third parties on the basis of any applicable laws and regulations.

4. Transfer of Personal Data Abroad

Considering the international nature of its business activities, the Company may need to transfer personal data to other entities within the group of companies to which the Company belongs, as well as other controllers or processors listed in Article 3 above, in connection with the purposes set forth in this Notice. The Company and/or the controllers or processors listed in Article 3 above may therefore transfer personal data to other countries which may have laws, regulations and requirements for the protection of personal data different from the Czech Republic and the EEA states. The Company may primarily share basic information regarding the employee's post, using the Company's internal address books, with other companies in the group of companies to which the Company belongs. Other processing of personal data performed by the Company is generally limited to the Company's employees who have a legitimate work-related need to have access to personal data for one or more of the reasons provided herein.

The transfer of any employee's personal data to countries outside the EEA for the purposes set forth in this Notice will be principally necessary in order to fulfil the employment or any other contract entered into by and between the employee and the Company, or a contract entered into by and between the Company and a third party in the employee's interest, or will be performed with the employee's explicit prior consent. If the personal data are transferred to other companies within the group of companies to which the Company belongs, established outside the EEA, the transfer takes place only on the basis of standard data protection clauses in compliance with Article 46(2)(c) and (d) of the GDPR. Employees may request a copy of the standard clauses from the Company, using the contact details provided in Article 11 below.

5. Data Security

The Company has adopted appropriate technical and organisational measures to protect the personal data of job applicants and employees against accidental or unlawful destruction, loss, alteration, unauthorized disclosure, unauthorized access, as well as any other unlawful or unauthorized forms of processing, in compliance with the applicable laws and regulations (primarily the GDPR).

6. Data Accuracy

The Company takes all reasonable steps to ensure:

- (a) Accuracy and, if necessary, updating of any personal data processed by the Company; and
- (b) Immediate deletion or correction of any inaccurate (in view of the purpose of processing) personal data processed by the Company.



7. Data Minimisation

The Company takes all reasonable steps to ensure that the personal data of job applicants and employees processed by the Company are limited to personal data legitimately required in connection with the purposes set forth in this Notice.

8. Data Retention

The Company takes all reasonable steps to ensure that the personal data are only processed for a minimum period of time which is necessary to fulfil the purposes set forth in this Notice.

Personal data of job applicants are retained only for the duration of the hiring procedure; unless the job applicant is hired, their personal data are destroyed without undue delay after the termination of the hiring procedure; this shall not apply if the job applicant grants their consent to the Company with the retention of the applicant's personal data for a certain period of time after the termination of the hiring procedure.

The period of retention of the employees' personal data is governed by the following criteria:

- (a) The Company shall retain its employees' personal data in a form which allows for their identification only as long as:
 - (i) The employees' employment relationship exists; or
 - (ii) The personal data are necessary in connection with any legal (statutory) purposes specified in this Notice for which the Company has a valid legal basis (for instance, if the Company has a legal obligation to retain personal data); and
- (b) To the necessary extent until the expiration of:
 - (i) Any (extinctive) prescription period of period of limitation under any applicable laws and regulations should any legal claims be made by the employee or by the Company in connection with any personal data or if any personal data could be relevant therefor; and
 - (ii) Twelve (12) more months after the expiration of the (extinctive) prescription period or period of limitation (so that the Company has at its disposal a reasonable period to identify any personal data which the claim concerns if any claim is made at or near the end of the period of limitation).

If any relevant legal claims are made, the Company will be entitled to continue processing personal data for such an additional necessary period (i.e. until the termination of the relevant proceedings concerning the claims made), and only to the necessary extent.

After the above-mentioned periods for retention of personal data expire (each to the specified extent), the Company shall either (i) permanently delete or otherwise destroy the personal data, or (ii) anonymize any relevant personal data.

9. Rights of the Data Subjects in Connection with the Processing

In connection with the GDPR, job applicants and employees have especially, without limitation, the following rights in connection with the processing of their personal data by the Company:



- (a) Right to revoke anytime their consent with the processing of personal data if the Company processes the personal data only on the basis of their consent; however, the revocation of their consent shall not prejudice the lawfulness of any processing based on a consent which was granted to the Company before the revocation thereof;
- (b) Right to request a confirmation of whether or not the Company processes their personal data and, in the former case, right to have access to the processed personal data or right to request their copies, together with any information regarding the nature of the personal data processing;
- (c) Right to request a correction of any inaccurate personal data;
- (d) Right to request, based on legitimate reasons, (i) deletion of any processed personal data, or (ii) restriction of any personal data processing;
- (e) Right to object, based on legitimate reasons, to any processing of personal data; and
- (f) Right to lodge a complaint regarding the personal data processing with the Office for Personal Data Protection.

No job applicant or employee will be subject to any sanctions in retaliation for the exercise of any of the above rights.

10. Obligations of Employees in Connection with the Processing

Employees are obliged to comply with the generally binding laws and regulations (especially the GDPR) and the Company's internal regulations and procedures if they process any personal data to which they have access in performance of their obligations. Employees are especially, without limitation, obliged to:

- (a) Get acquainted with this Notice;
- (b) Always comply with the applicable laws and regulations, especially the GDPR, in any personal data processing;
- (c) Refrain from accessing or otherwise processing any personal data exceeding the scope necessary for the performance of their work for the Company; and
- (d) Maintain strict confidentiality with respect to all personal data which they have access to, both during and after the termination of their employment relationship with the Company.

11. Contact Details

Employees are free to use the following e-mail address osobni.udaje@brawa.cz in order to exercise any rights under Article 9 of this Notice and make any comments, inquiries or raise concerns, if any, regarding the information provided in this Notice, or ask any other questions concerning personal data processing by the Company.

Last update: Prague, September 9, 2019