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Privacy Notice

Job Applicants

General

As part of any recruitment process, Hitachi Zosen Inova AG, its branches and its subsidiaries as listed in the Section *Controllers' Identity and Contact Details* below ("HZI") process personal data¹ ("data") relating to job applicants. Processing includes to access, read, collect, record, organize, store, modify, retrieve, analyse, transmit, disseminate, delete or destroy your data. For the recruitment process, HZI processes personal data on the recruitment platform provided by SmartRecruiters GmbH (Germany) (for more information about the platform, please see <https://www.smartrecruiters.com>).

HZI is committed to being transparent about how it processes your data and to meeting its data protection obligations under the relevant data protection laws, especially the Swiss Federal Act on Data Protection (FADP)², the EU GDPR³, the UK GDPR⁴, and other applicable state legislation.

What information does HZI process?

There is no legal or contractual obligation for you to share any of your data, however, if you do not share data that is necessary for HZI to conduct the recruitment process with you, HZI may not be able to consider you as an applicant. You may amend or withdraw your application and attached documents on the platform anytime.

HZI processes a range of information about you. This may include, beside others:

- your name, address and contact details, including email address, photo (optional), telephone number, your date of birth;
- details of your education, other qualifications, skills, experience and employment history;
- information about your current job position, level of remuneration, including benefit entitlements;
- information about your entitlement to work in the country where you applied (incl. citizenship);
- information about your ethnic origin, and health (only if regulated by local legislation. In compliance with the legislation of the United Kingdom, we process the racial and ethnic origin for the purpose of equality of opportunity and treatment and respective monitoring. You are not obliged to declare your racial or ethnic origin.);
- Where permitted CCTV footage on HZI premises.

HZI especially needs data marked with a red asterisk in the application form on our recruitment platform to proceed with the recruitment process (mainly your contact details, citizenship, information about your education, skills and experience, your notice period and non-compete clause in your current or past contract (if applicable), your relocation needs). Remaining data are for better matching or reflecting your and our needs (e.g., current remote work).


HZI collects this information in a variety of ways. For example, data might be contained in application forms, CVs, certificates or resumes, obtained from your passport or other identity documents, or collected through interviews or other forms of assessment.

¹ Personal data means any information relating to an identified or identifiable natural person.

² 235.1 Swiss Federal Act on Data Protection (Data Protection Act, FADP), as amended

³ Regulation (EU) 2016/679 of the European Parliament, known as the General Data Protection Regulation (GDPR)

⁴ Retained Regulation (EU) 2016/679 and the Data Protection Act 2018 (DPA 2018) as applicable to general processing of personal data (the UK GDPR regime)

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HZI may also collect your data from third parties, such as references supplied by former employers, recruitment agencies etc. HZI will seek information from third parties only to the extent this is required for the recruitment process.

Within the recruitment process, HZI does not process sensitive or special category of personal data (we may do so only exceptionally, based on local legislation). **Please do not send/upload information or documents containing special categories of personal data** (Art. 9 of the GDPR)⁵ **or sensitive data** (e.g., Art. 5 of the FADP)⁶, unless you are specifically requested to do so (especially, if you have a disability for which HZI needs to make reasonable adjustments during the recruitment process in compliance with local legislation).

What is the purpose and the legal basis for processing your data?

HZI needs to process your data in order to contact you and carry out all relevant steps of the recruitment process. It also needs to process your data to enter into an employment contract with you.

In some cases, HZI will need to process your data to ensure that it is complying with its legal obligations. For example, it may be required to check a successful applicant’s eligibility to work in the country where the position is located before employment starts.

When processing your data HZI is therefore relying on one or several of the legal basis defined in the applicable legislation, e.g., GDPR: Article 6 (1)(b) (performance of a contract or steps prior to entering into a contract), Article 6 (1)(f) (legitimate interest), Article 6 (1)(c) (complying with legal obligations), Article 6 (1)(a) (consent where required). Where other data protection laws exist other than GDPR, we process in line with local country regulations on data protection. When we process sensitive data or special category of data (we do so in exceptional cases regulated by law, e.g., if the candidate is disabled), we may do it based on: Art. 6 (1) letter c) (processing is necessary for compliance with a legal obligation) or letter d) (in order to protect the vital interests of the data subject or of another natural person) and Art. 9 (2) letter b) (processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law) or letter c) (processing is necessary to protect the vital interests of the data subject or of another natural person) of the GDPR.

Processing your data allows HZI to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. HZI may also need to process your data to respond to and defend against legal claims.

Where HZI relies on legitimate interests as a reason for processing your data (to safeguard our rights and interests in the recruitment context), it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not. However, you can object such data processing by sending your objection to HZI (please find contact details below).


Where HZI relies on a consent given by you, you may withdraw this consent at any time for future processing of your data by HZI. HZI will not sell your data or use your data for any purpose other than the recruitment process.

Talent Pool (Communities)

At the beginning of the application process, you can provide a separate consent for the HZI Talent Pool (on the

⁵ 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.

⁶ Data relating to religious, philosophical, political or trade union-related views or activities, data relating to health, the private sphere or affiliation to a race or ethnicity, genetic data, biometric data that uniquely identifies a natural person, data relating to administrative and criminal proceedings or sanctions, data relating to social assistance measures.

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platform, so called Communities). With this special consent we also may process your personal data for the purpose of recruitment for other suitable job positions available in our HZI Group during the agreed retention period or until you withdraw your consent or application to the Talent Pool (Communities). You may withdraw your consent or application anytime (see Section *Withdrawal of your consent* below). In case of this consent, you will be asked by recruitment representatives of HZI for which geographical area (country, region, or all countries, in which the HZI Group is operating) you want to be considered.

Referral

If we receive your data within the Referral feature (you were recommended to us for a job position or positions by your friend or other person who confirmed he or she has an authorisation from you to provide us your data), we will ask you for your consent to continue with the recruitment process. If you confirm you agree with starting our processing within the recruitment process, we will process your data according to this Privacy Notice. If you do not consent, the system will automatically delete your personal data after 30 days from the date of data upload. Within the first 30 days, we keep your data based on our legitimate interest to perform a recruitment process with you and based on a confirmation of your referrer on having authorisation to provide us with your data. You may withdraw your consent and delete all your data in the system at any time (see Section *Withdrawal of your consent* below).

Regarding referrers (persons who recommended a job applicant), we keep his or her name, surname and contact details during the retention period stated for the job applicant in this Privacy Notice. As a legal basis, we use especially Art. 6 (1) letter b) of the GDPR (processing is necessary for the performance of a contract to provide the referrer with a reward, if applicable).

Who has access to your data and international data transfers

Your data will be shared internally for the purposes of the recruitment process within the HZI Group while strictly keeping the need-to-know principle and the minimisation principle. This includes members of the HR team, interviewers involved in the recruitment process, managers in the business area with a vacancy and IT staff if access to the data is necessary for the recruitment process.


HZI may share your data with other HZI Group members to the extent this is required for the recruitment process and lawful under the applicable data protection laws.

HZI may share your data with third parties, such as service providers for recruitment applications, former employers to obtain references for you (we ask for references based on information you provided to us (e.g. contacts included in your CV) or based on your prior consent), external consultants helping us to assess your skills, etc. HZI will not share your data with third parties, unless this is required for the recruitment process and/or in order to offer you employment.

HZI will not transfer your data to third countries⁷ unless the position you applied for is located there or a transfer is otherwise necessary (e.g., for the purpose of servicing the recruitment IT system by the provider SmartRecruiters GmbH and its contractually agreed sub processors). In case your data is transferred to a third country, HZI will ensure that such transfer will comply with the requirements of the applicable data protection laws. Where the country of transfer does not have an adequate level of protection for personal data, HZI will ensure legal compliance by using the appropriate means foreseen in the applicable legislation.

If personal data are transferred to a third country, we usually use the following legislative provisions: (i) an adequacy decisions (Art. 16 (1) of the FADP or Art. 45 (1) of the GDPR / UK GDPR), (ii) an agreement containing model standard contractual clauses in compliance with data sharing (Art. 16 (2) letter d) of the FADP or Art. 46 (2) letter c) of the

⁷ For the purpose of this Privacy Notice, third countries are countries outside Switzerland, the EU/EEA and the UK (Switzerland and the UK are considered by the European Union to be countries with an adequate level of data protection).

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GDPR/UK GDPR), (iii) a conclusion or performance of a contract (Art. 17 (1) letter b) of the FADP or Art. 49 (1) letter b) or c) of the GDPR/UK GDPR) or a consent (Art. 17(1) letter a) of the FADP or Art. 49 (1) letter a) of the GDPR/UK GDPR). The lists of third countries, or the international organisation ensuring an adequate level of protection of personal data are:

For Switzerland: https://www.fedlex.admin.ch/eli/oc/2022/568/de#annex_1/vl_u1

For EU: https://commission.europa.eu/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

For UK: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/international-transfers/international-transfers-a-guide/>

Generally, the HZI company where you applied for a position is the controller under the data protection legislation. If one job position is open for several countries, we process your data especially in the country where you applied for, based on that country legislation. However, in such a case, respective HZI companies may be in a position of joint controllers.

How does HZI protect your data?

HZI protects your data by taking appropriate technical and organisational security measures to prevent unauthorised access, improper use, alteration, disclosure, destruction, and accidental loss (e.g., access control system, encryption, firewalls, etc.); we also require technical and organisational security measures from our external partners involved in the recruitment process.

Where and for how long does HZI keep your data?

During recruitment process, your data are stored on the SmartRecruiters platform on secure servers primarily located in the EU or Switzerland or in premises of HZI with restricted access (if necessary). Regarding possible transfer of your data to third countries - please see also Section *Who has access to your data and international data transfers* above.

If you are offered and you accept a job with HZI, your data will be transferred to a manual and/or an electric personnel file and retained during your employment by your employer – particular HZI company (details will be provided to you in a separate privacy notice for employees).

If your application for employment is unsuccessful, HZI will hold your data as stated below:

If not stated otherwise below, in all countries and all companies and branches being members of the Hitachi Zosen Inova Group:


- We will keep your data for standard recruitment procedure: 6 months after the end of the recruitment process for particular data subject (job applicant),
- We will keep your data for the Talent pool (Communities): 5 years (you may withdraw your consent any time sooner).

United Kingdom (UK):

- We will keep your data for standard recruitment procedure: at least 6 months to a year after the end of the recruitment process for particular data subject (job applicant).
- We will keep your data for the Talent Pool (Communities): 5 years (you may withdraw your consent any time sooner).

USA, Canada and Australia:

- We will keep your data for standard recruitment procedure: 24 months after the end of the recruitment process for particular data subject (job applicant).
- We will keep your data for the Talent Pool (Communities): 24 months (you may withdraw your consent any time

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sooner).

- For further information about processing in the USA, please see the Privacy Notice for the USA.

At the end of that period, your data is deleted or destroyed. HZI may ask for your consent to keep your data as part of the Talent pool (Communities) in order to consider your application for other roles that might be of interest to you.

Your rights

As a data subject, you have a number of rights:

The right to be informed.

You have the right to be informed about the collection and use of your data. This means that we will provide you with details of how we use your data.

The right of access.

You have the right to access a copy of your data.

The right to rectification.

You have the right to rectification of data we have about you that you think is incorrect. We will take reasonable steps to check this for you and correct it.

The right to erasure.

You have the right to have your data deleted or removed if there is no reason for us to keep it. There may be legal or other official reasons why we must keep or use your data.

The right to restrict processing.

You have the right to restrict processing of your data. This means it can only be used for certain purpose, such as legal claims or to exercise legal rights.

The right to data portability.

You have the right to get certain data from us as a digital file. This means you can keep and use it yourself, and give it to other organisations if you choose to. If you want, we will give it to you in an electronic format that can be easily re-used, or you can ask us to pass it on to other organisations for you.


The right to object.

You have the right to object keeping or using your data. There may be legal or other official reasons why we must keep your personal data.

The right to withdraw consent.

You have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before the withdrawal.

If you would like to exercise any of these rights, please contact the Group Data Protection Officer (contact details below). Sometimes, the legislation stipulates further conditions to exercise your rights (if you ask us, we will explain you all details). If you believe that HZI has not complied with your data protection rights, you can complain to the local data protection authority who will consider the matter for you (please find a list of main contacts below).

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Withdrawal of your consent

If the processing of your data by HZI is based on your consent, you may withdraw your consent at any time by deleting your application or profile on the SmartRecruiters platform or contacting the People and Culture Department at hr@hz-inova.com or by mail: Hitachi Zosen Inova AG, People and Culture Data Protection Administrator, Hardturmstrasse 127, 8005 Zurich, Switzerland. If you withdraw your consent, your data will no longer be processed by HZI unless there is another lawful basis to do so. If you withdraw your data or consent (if applicable) during the recruitment process, HZI may not be able to continue the recruitment process with you.

Automated decision-making

The HZI Recruitment processes are **not** based on automated decision-making.

Controllers' Identity and Contact Details

The HZI Group consists of several companies which may be solely or jointly responsible for the processing of your data. Generally, the controller is the company where you applied for a position or all those HZI companies, where you are registered in the Talent pool (Communities). If you want to contact a particular subsidiary belonging to the HZI Group as a controller, please find contact details here: [HZI-Group-Controllers-Recruitment](#). Regardless of which data controller is specifically responsible for you, you can contact the controller's representative for personal data protection with all your requests and questions about your personal data:

Data Protection Officer for the HZI Group (the HZI Group DPO) E-mail: dataprotection@hz-inova.com Hitachi Zosen Inova AG Legal & Contract Management – HZI Group DPO Hardturmstrasse 127 8005 Zurich Switzerland	For EU member states, you can also use the following mail address: Hitachi Zosen Inova Slovakia s.r.o. HZI Group DPO Digital Park II Einsteinova 25 851 01 Bratislava Slovak Republic or e-mail: dataprotection@hz-inova.com
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For German subsidiaries Hitachi Zosen Inova BioMethan GmbH, Hitachi Zosen Inova Deutschland GmbH, Hitachi Zosen Inova Steinmueller GmbH and Hitachi Zosen Inova Schmack GmbH, you can contact the DPO appointed for Germany: dhpg IT-Services GmbH, Bunsenstrasse 10a, 51647 Gummersbach, Germany, e-mail: datenschutz@dhpg.de

If you ask us to exercise your rights, we must perform a proper identification of your person as the data subject (this is to protect your personal data).

If you think your data protection rights have been breached in any way by us, you can lodge a complaint especially to the following state authorities:

Country	Name of data protection authority	Link
Switzerland	The Federal Data Protection and Information Commissioner (Der Eidgenössische Datenschutz- und Öffentlichkeitsbeauftragte (EDÖB))	https://www.edoeb.admin.ch/edoeb/en/home
EU	EU national data protection authorities	https://edpb.europa.eu/about-edpb/about-edpb/members_en
United Kingdom	The Information Commissioner (ICO)	https://ico.org.uk/