

# Barmag Reporting Privacy Notice

This Barmag Reporting Privacy Notice ("**Notice**") shall ensure a high level of protection and transparency for all individuals whose Personal Data will be processed by Barmag ("**Barmag**") (i.e. Oerlikon Textile GmbH & Co. KG and its affiliates) and/or Oerlikon (i.e. OC Oerlikon Management AG, Pfäffikon and its affiliates) in connection with the whistleblowing reporting process.

Barmag is an independent subsidiary and part of Oerlikon and some functions of Oerlikon, such as Oerlikon's Internal Audit Department, provide services to and are involved in the whistleblowing reporting process of Barmag.

This Notice applies in all countries where Barmag operates, in line with our reporting policies and directives (together the "**Reporting Rules**") and is dedicated to any employee<sup>1</sup>, customers, suppliers or any other business partner who reports through the Barmag whistleblowing reporting channels.

## **Important notes:**

Barmag encourages reporting on (i) possible violations of laws, our Code of Conduct or other internal regulations, as well as (ii) possible risks and violations of human rights or damage to the environment that occur in our business operations or along our supply chains (all together "**Violations**"). Reporting however remains purely voluntary. You can report without mentioning your name or any other information about yourself in the report, if you wish. If your report contains Personal Data, please limit those Personal Data to what is necessary to understand and resolve the case.

If you wish to report Violations, you can choose amongst several internal contact points, such as your supervisor, the Human Resources Department ("**HR**"), the Barmag Compliance Department, the Works Council or other contact persons (e.g. the Finance or HSE team). Besides the internal contact points, you also have the option to report Violations via our electronic whistleblower system Barmag SpeakUp Line. The "**Barmag SpeakUp Line**" is operated by the external provider People Intouch B.V. and offers an app, phone line or web channel to report Violations to the Barmag Compliance Department.

## **1. Definitions**

**Processing:** means any operation or set of operations performed on Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Personal Data:** means any information that may, directly or indirectly, identify an individual.

**Sensitive Personal Data:** is any Personal Data which, if misused or accessed by unauthorized people, may have serious consequences for the rights, safety, or freedom of individuals. Which Personal Data is considered sensitive must be analyzed based on the laws of the country where the legal entity Processing this data is located, as the notion of sensitive Personal Data varies from one country to another. Within the EU/EEA, UK and Switzerland, are expressly considered sensitive: Personal Data revealing racial or ethnic origin; political, religious and philosophical beliefs and activities, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, health data, intimate life (Switzerland), sex life or sexual orientation, but also criminal offences and sanctions, administrative and criminal judicial proceedings (Switzerland), social difficulties and measures of social assistance (Switzerland). Unique national identification numbers are considered sensitive in many countries across the Globe.

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<sup>1</sup> The term "employee" in this Notice refers to employees, executive staff, member of the management and administrative or supervisory board, legal representative, temporary employees, working students, graduands, apprentice and trainees of Oerlikon Textile GmbH & Co. KG and affiliates.

## 2. Who will be responsible for Processing Personal Data?

Report via Barmag SpeakUp Line: Oerlikon Textile GmbH & Co. KG is legally responsible for the collection and processing of Personal Data linked to the report jointly with the Barmag affiliate whose employee or external contact reported the Violation.

Report to other internal contact points than Barmag SpeakUp Line (e.g. a supervisor or HR person): The Barmag entity receiving directly the report and dealing with the same is legally responsible for the collection and use of your Personal Data.

## 3. What is the purpose for Processing Personal Data?

Barmag processes Personal Data to manage in a safe and efficient manner all reports of Violations made under the Reporting Rules - which includes the:

- analysis, storage and follow up of reports including exclusion of irrelevant reports;
- investigation of reported facts (where relevant);
- necessary actions to stop the Violations, preserve evidence and defend Barmag's rights and assets;
- protect the rights and safety of the reporter, witnesses and third parties mentioned in the report as well as the rights of the accused person.

## 4. What are the legal grounds for Processing Personal Data?

Processing Personal Data for the management of reports is based on:

- a legal obligation<sup>2</sup>; to provide safe reporting channels to employees and business partners. This legal obligation exists e.g., within the EU/EEA<sup>3</sup>, based on their national legislation implementing the EU Directive about Whistleblowing and other national laws, and in many other countries worldwide;
- a legitimate interest of all Barmag entities to give the possibility to their employees, business partners and stakeholders to speak up and report Violations to ensure a lawful, ethical and fair way to make business<sup>4</sup>. It must be analyzed, on a case-by-case basis, whether the rights and interests of an individual, based on his/her personal situation e.g., do not outweigh the legitimate interest of Barmag in processing his/her Personal Data. E.g., when the report covers facts of minor importance, it is relevant to promptly delete related Personal Data in a report and not take them into account;
- the necessity, in extreme cases, to protect the vital interests of the reporter or other persons<sup>5</sup>;
- in residual cases, where Sensitive Personal Data is provided in a report, consent is the legal ground, as reporting is voluntary as well as the provision of any Personal Data in there. If not necessary to the resolution of the case, it will be immediately deleted. Please think twice before revealing Sensitive Personal Data about yourself or anyone else if not necessary for us to understand or resolve the case or protect you;
- in countries leveraging exclusively on consent, consent may be used as legal ground given that the reporting procedure is totally voluntary, and individuals are not obliged to provide Personal Data given that anonymous reports are authorized.

## 5. Which categories of Personal Data will be processed and where will the data come from?

Personal Data processed under the reporting procedure will be limited to those:

- mentioned in the reports including any piece of information, evidence provided with the report or;

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<sup>2</sup> GDPR, article 6.1.c)

<sup>3</sup> e.g. Directive (EU) 2019/1937 on the protection of persons who report breaches of EU law

<sup>4</sup> GDPR, article 6.1.f)

<sup>5</sup> GDPR, article 6.1.d)

- resulting from investigations about reported facts.

In any case, only Personal Data strictly necessary to understand, verify, clarify, and resolve reported facts will be processed. Personal Data mentioned in unfounded or out of scope reports or which are simply not necessary will be promptly deleted and not considered, particularly if they are Sensitive Personal Data.

Processed Personal Data will generally be limited to:

- identity and contact details of the reporter (if the report mentions such information) and people mentioned in the report, relationship between Barmag respectively business partners of Barmag and these people;
- reported facts (suspected or witnessed);
- actions to be taken/already taken in relation with people mentioned in the report to either protect them and/or stop the Violations.

The reporter can report via the channels App, phone line or web of the Barmag SpeakUp Line without providing his/her name or any other information identifying him/her via the Barmag SpeakUp Line. The reporter using the phone line will receive an automated generated case number, so that he/she can follow up on his/her report. This number is related to the report and not to an individual. No one from Barmag or Oerlikon can identify the reporter due to this number. If the app is used, the reporter can also remain anonymous. If the reporter wants to see his/her report provided via the app, he/she just needs to insert his/her personal 6-digit PIN code.

## **6. What are the data protection rights of the reporter and other individuals mentioned in the reports? Which specific measures are in place to protect the rights and safety of the aforementioned persons?**

### **6.1 Reporter**

The rights and safety of the reporter are ensured from the moment he/she makes a report in good faith and during the entire reporting procedure.

The security of the report is ensured through technical measures.

#### **➤ Report via phone line or web channel of the Barmag SpeakUp Line:**

The reporter must keep strictly confidential and in a secure place the case number that he/she will receive from the provider of the Barmag SpeakUp Line. In case the report is submitted via the web channel, the case number is needed to follow up on the report and request a copy of it. This case number must in no way be shared with others. This number does not enable People Intouch B.V., Barmag or Oerlikon to identify the reporter as the case number relates to the report not to an individual.

#### **➤ Report via the app of the Barmag SpeakUp Line:**

When using the app, the reporter will not receive a case number. The reporter needs to create a PIN code once the app is downloaded, scan the QR code of the Barmag SpeakUp Line and insert the organization code shared by Barmag to be able to leave a message. After the reporter has left a message, the app asks the reporter if he/she wants to receive push notifications.

The reporter has the right to:

- decide to report or not;
- report anonymously or not;
- receive an acknowledgement of receipt of the report within seven days upon receipt;
- access and obtain a copy of the transcript or minutes of the report, obtain its rectification;
  - Report via Barmag SpeakUp Line: The reporter can access the platform and read again the report by logging back into the platform (by using the individual provided case number or PIN code (for the app));

- Report **not** via Barmag SpeakUp Line: The reporter must contact directly the person to whom he/she reported directly the Violations to exert his/her rights.
- know which Personal Data Barmag holds about the reporter, obtain detailed information about how the data is used and who has access to it. The reporter can obtain a copy of all the Personal Data and obtain its correction or rectification if incorrect or incomplete. The reporter can exert this right by sending an email either to the Barmag Compliance Department (if the report was made via the Barmag SpeakUp Line) or to the competent person to whom he/she reported Violations;
- object to the use of her Personal Data, based on grounds linked to his/her personal situation, except if Barmag (i) has compelling legitimate grounds to process it that override the rights and freedoms of the reporter (ii) needs it to establish, protect or defend its rights or (iii) comply with applicable law. The reporter can exert this right by sending an email to the Barmag Compliance Department (if the report was made via the Barmag SpeakUp Line) or to the competent person to whom he/she reported Violations;
- have his/her identity protected and kept strictly confidential by Barmag even after closure of the case, unless the disclosure of his/her identity to a competent authority or court is required by applicable law;
- be protected by Barmag against any retaliation measure, every time he/she reports in good faith, and even if the reported facts are not correct at the end or not investigated or unfounded or out of scope of the reporting procedure;
- request the deletion of his/her Personal Data provided that Barmag does not have to keep it for legal reasons. The reporter can also request Barmag to stop using the Personal Data until clarification (but not delete it), if he/she considers that his/her Personal Data have been used in violation of applicable data protection law.

The reporter can contact the Barmag Compliance Department at [datenschutz@barmag.com](mailto:datenschutz@barmag.com) (if they are based in Germany) or at [privacy@barmag.com](mailto:privacy@barmag.com) (for reporters outside Germany) for any concern regarding the use of his/her Personal Data in connection with the reporting. The reporter also has the right to complain with the State Commissioner for Data Protection and Freedom of Information North Rhine-Westphalia (*Landesbeauftragter für Datenschutz und Informationsfreiheit Nordrhein-Westfalen*) (case reported via Barmag SpeakUp Line) or to his/her local data protection authority (case reported locally), if the reporter believes that his/her Personal Data have been misused during the reporting procedure.

## 6.2 Accused Person

The accused person has the right to:

- benefit from the presumption of innocence as long as his/her liability is not proven;
- be informed of the reported accusations against him/her, within one month from receipt of a report<sup>6</sup>. This does not apply if the notification may seriously jeopardize the efficiency of the investigation, the protection of evidence or the entire reporting process. In such case the accused person must be informed as soon as those risks do not exist anymore. This will require a case-by-case analysis. This notification must cover all the information mentioned in the Reporting Rules;
- defend his/her rights and present her arguments once informed of the reported accusations and in any disciplinary procedure;
- get a copy of Personal Data relating to him/her and require the deletion or correction of any incorrect Personal Data about him/her (the accused person will be able to exert these rights once informed about the reported accusations). The accused person does not have the right to object to the use of his/her Personal Data. This does not apply if he/she demonstrates that the reported facts are non-existent, do not involve him/her, or if the concerned Personal Data are incorrect or unnecessary to the resolution of the case;

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<sup>6</sup> Article 14. 3.a ) GDPR.

- have his/her reputation and privacy protected and his/her identity kept confidential by those in charge of managing the reports as long as the liability of the accused person is not proven;
- contact the Barmag Compliance Department at [datenschutz@barmag.com](mailto:datenschutz@barmag.com) (if they are based in Germany or at [privacy@barmag.com](mailto:privacy@barmag.com) (for reporters outside Germany) for concerns in connection with the use of her Personal Data. He/she also has the right to complain with the State Commissioner for Data Protection and Freedom of Information North Rhine-Westphalia (*Landesbeauftragter für Datenschutz und Informationsfreiheit Nordrhein-Westfalen*) (case reported via Barmag SpeakUp Line) or to her local data protection authority (case reported locally) if he/she believes that the Personal Data have been used in violation of applicable data protection law.

### 6.3 Witnesses and any other person mentioned in the report

The witnesses and other third parties mentioned in a report have the right to:

- decide to speak or not;
- have their identity protected and kept strictly confidential by Barmag and not revealed to anyone without their express prior consent, provided that the disclosure of their identity to local authorities or courts is not required by applicable law;
- know whether Barmag holds Personal Data about them and how and why it is used and who has access to it;
- obtain a copy of their Personal Data and obtain its correction or rectification, if incorrect or incomplete. They can also object to the use of their Personal Data based on legitimate interests or consent, for reasons linked to their personal situation, and in that case Barmag will have to delete and stop using it except if it has an overriding legitimate interest to keep it, as a legal obligation or the necessity to protect the vital interest of someone;
- object to the use of their Personal Data, based on grounds linked to their personal situation that would outweigh the legitimate interest of Barmag and request the deletion of their Personal Data provided that Barmag does not need to keep it anymore for legal reasons. They can also request Barmag to stop using their Personal Data (but not delete it) until clarification before a court or supervisory authority, if they believe that their Personal Data have been used in violation of applicable data protection law;
- contact the Barmag Compliance Department [datenschutz@barmag.com](mailto:datenschutz@barmag.com) (if they are based in Germany) or at [privacy@barmag.com](mailto:privacy@barmag.com) (for reporters outside Germany) for any concern in relation with their Personal Data;
- complain to State Commissioner for Data Protection and Freedom of Information North Rhine-Westphalia (*Landesbeauftragter für Datenschutz und Informationsfreiheit Nordrhein-Westfalen*) (case reported via Barmag SpeakUp Line) or to their local data protection authority (case reported locally) if they believe that their Personal Data have been violated during the Reporting procedure or to their local data protection authority of the case was reported locally.

### 7. Who will have access to this Personal Data?

Personal Data will be accessible to:

- the external provider People Intouch B.V.: if you report through the Barmag SpeakUp Line. People Intouch B.V. will receive the report and any related evidence/piece of information provided with the report on behalf of Barmag. It will have, notably, to collect reports, transcript phone calls in writing, translate them where necessary, upload and store all reports in the Barmag's management space of its online platform and inform Barmag of those new reports;
- Barmag Compliance Department and the Oerlikon Head of Internal Audit and his/her deputy if the reporter reports through the Barmag SpeakUp Line;
- any person to whom the reporter would have decided to report directly, in line with the Reporting Rules (no use of the Barmag SpeakUp Line);

- any authorized Barmag employee or external counsel or expert asked by the Barmag Compliance Department or Oerlikon Internal Audit to provide assistance in the investigation, if any;
- the Police and/or Courts in case of criminal investigation or lawsuit, local competent public authorities;
- the legal representatives, line manager and HR department will be informed of the identity of the accused person and findings only if Violations are proved as well as the liability of the accused person, in order for the employer to take any necessary measures towards the concerned accused person. Works council will also be informed if legally required.

## **8. Will your Personal Data be transferred overseas?**

The reports sent through the Barmag SpeakUp Line are stored within the EU by the provider People Intouch B.V. and are then managed by the Barmag Compliance Department (working at Oerlikon Textile GmbH & Co. KG, Germany) and, as the case may be, Oerlikon's Head of Internal Audit and his/her deputy (working at OC Oerlikon Management AG, Switzerland).

Exceptionally, the data may be accessed from overseas by the abovementioned stakeholders or be transferred by them outside of the EU/EEA or Switzerland (i) where necessary for the investigation; (ii) where it is legally required to disclose it to local authorities and courts or (iii) where it is absolutely necessary to protect vital interests of people.

There are Intra Group Data Transfer and Processing Agreements (IGDTPA) between the Barmag entities and between Oerlikon Textile GmbH & Co. KG and Oerlikon Group that protect Personal Data transferred overseas within the group and is based on the Standard Contractual Clauses of the European Commission, as adapted in accordance with applicable data protection laws.

## **9. Will Barmag make use of automated decision making?**

No. No software or technology dictates or influences our decisions. Software, online platforms, are just tools used to store and classify relevant information. No system providing automatic decisions or scoring is used. Barmag bases all its actions on human decisions, taken thoroughly, based on objective elements of proof, analysis of risks, applicable laws, our Code of Conduct, the presumption of innocence, the right to a fair trial, data privacy and employment law principles as fairness, transparency, data accuracy and with the safety of our people in mind.

## **10. How long will your Personal Data be retained by Barmag?**

The general principles are that: (i) only relevant Personal Data is kept, (ii) Personal Data is not retained longer than necessary to fully manage a report (i.e. understand and analyze a report, investigate where necessary and resolve the concerned issue, which may include actions before courts and/or disciplinary actions).

## **11. Are your data safe and secure?**

Barmag has taken organizational and technical measures to protect the security and confidentiality of your Personal Data:

- A data processing agreement has been signed with the provider People Intouch B.V. that is in charge of receiving and storing reports made through the Barmag SpeakUp Line;
- Limited and protected access rights to reports: the Barmag Compliance Department and Oerlikon's Head of Internal Audit and his/her deputy can access the reports made through the Barmag SpeakUp Line. More generally the competent person to whom you have reported (based on the Reporting Rules) is required to keep your report confidential;
- The Reporting Rules oblige all Barmag entities to protect the rights and safety of the reporter, witnesses and the accused person and prohibit any retaliation measure when a report is made in good faith;

- The reporter is provided with a case number when he/she reports via the phone line or web channel of the Barmag SpeakUp Line. This case number enables him/her to follow up the case. Nobody else at Barmag has this case number and can follow up on the report. When the reporter reports via the app channel of the Barmag SpeakUp Line, he/she must create a PIN, once the app is downloaded, scan the QR code, then insert the organization code shared by Barmag to be able to leave a message in the Barmag SpeakUp Line.

## **12. Changes to the Notice**

Any change to the Reporting Rules and this Notice will be duly communicated to our employees and business partners in our intranet and on our Barmag reporting homepage. If legally required, we will also communicate any changes to the works councils (or any equivalent body).

In any case, our changes will never aim at jeopardizing the rights of any reporters, accused person, witnesses or any third party mentioned in any report or exempt us from our legal obligations.