

## Data Protection Information for Whistleblowers

Information on the processing of your personal data in the context of whistleblowing reports within thyssenkrupp nucera and its Function Legal & Compliance.

### 1. What information does this document contain for you?

thyssenkrupp nucera AG & Co. KGaA ("we") provides a central whistleblowing system within thyssenkrupp nucera group. Based on whistleblowing reports, thyssenkrupp nucera's Function Legal & Compliance carries out internal compliance investigations.

In doing so, we ensure that we comply with the requirements of the applicable data protection laws. In the following, we provide you with a detailed overview of our handling of your data and rights.

### 2. Who is responsible for the data processing and who is the data protection officer (DPO)?

In charge of the processing is the

thyssenkrupp nucera AG & Co. KGaA  
Vosskuhle 38  
44141 Dortmund  
Germany  
[info@thyssenkrupp-nucera.com](mailto:info@thyssenkrupp-nucera.com)

Our data protection officer can be reached at  
Data Protection Officer  
thyssenkrupp nucera AG & Co. KGaA  
Vosskuhle 38  
44141 Dortmund  
Germany  
Email: [dataprotection@thyssenkrupp-nucera.com](mailto:dataprotection@thyssenkrupp-nucera.com)

### 3. What categories of data do we process as part of internal compliance investigations and where do they come from?

We process personal data that you provide to us as part of the employment relationship / as part of the business relationship. This involves the following data or categories of data:

- Master data (e.g. title, surname, first name, gender, date of birth, nationality, photo)
- Contact details (e.g. e-mail address, telephone, fax number, address)
- Business communication data (e.g. content of personal, telephone or written communication)

- Contract data (e.g. contract ID, contract history)
- Bank data (e.g. IBAN, BIC)
- Absence data (e.g. illness, vacation, special leave)
- Data on working hours (e.g. recording of coming and going)

Moreover, we process the following categories of personal data that we generate independently or receive from group companies:

- Personnel master data (e.g. personnel number, 8-ID number, assignment location and project, wage/salary, entry date)
- Technical data (e.g. log data generated by the use of our IT systems and machines)
- SAP data (payment release, approval process, order process)
- Data on association memberships (minutes, etc.),
- Proof of performance / contracts / proof of payment

In addition, we process data that we have permissibly obtained from publicly accessible sources (e.g. social or professional networks, land registers, commercial registers, D&B information) and data that we obtain from public authorities (e.g. search warrants).

#### 4. For what purposes and on what legal basis is data processed?

We process your data in compliance with the provisions of the EU General Data Protection Regulation (GDPR), the German Bundesdatenschutzgesetz (BDSG) and all other applicable laws and regulations.

Personal data is collected, processed and retained for the purpose of conducting internal compliance investigations.

The purpose of these investigations is to identify or refute conduct potentially relevant to regulatory and criminal law as well as to identify or refute violations of internal compliance guidelines. These internal investigations are recognized as an essential component of a compliance management system, so that thyssenkrupp nucera's Function Legal & Compliance thereby fulfils the organizational obligation of the management of thyssenkrupp nucera.

Data processing for the purposes of the internal compliance investigation takes place on the basis of the following legal grounds:

- Suspicion of a criminal act among internal employees in Germany:  
→ Art. 88 GDPR in conjunction with Section 26 para. 1 p. 2 BDSG
- Suspicion of breach of contract / administrative offences law (OWiG) with internal employees in Germany:  
→ Art. 88 GDPR in conjunction with Section 26 para 1 p. 1 BDSG
- For internal employees in EU/EEA member states (except Germany) and external employees:  
→ Art. 6 para. 1 lit. f GDPR

## 5. Who receives your data?

All data is treated as strictly confidential and is only made available to persons who are involved in the specific process. This may essentially concern the following group of persons:

- Responsible Compliance Officer at thyssenkrupp nucera
- If necessary, the following further recipients:
  - Internal employees of other corporate functions involved (e.g. HR, AUD)
  - External employees of involved service providers (law or auditing firms as well as IT service providers)
  - Employees at the level of involved thyssenkrupp nucera group companies
  - Law enforcement, financial and other authorities

## 6. How long will your data be stored?

We process your data as long as it is necessary for the above-referenced purposes. After completion of the internal investigation your data will be stored as long as we are legally obligated to do so. This is regularly the result of legal proof and retention obligations, which are regulated in applicable (national) laws and regulations. For occurrences which might constitute breaches of criminal and/or administrative offences law potential statutes of limitations for prosecution are also taken into account.

## 7. Are you obliged to provide your data?

Internal employees are obligated to support internal compliance investigations due to existing secondary obligations under their employment contracts.

## 8. For EU/EEA-based whistleblowers: Will your data be transferred outside the EU/EEA?

In principle, your data will not be transferred to a third country outside the EU/EEA.

In exceptional cases, the transfer of your data to third countries to affected thyssenkrupp nucera group companies or involved authorities may be necessary for the proper conduct of an internal compliance investigation. In these cases, the appropriate level of protection is established by providing for standard data protection clauses (cf. Art. 46 para 2 lit. c) GDPR).

For more information, please contact us using the contact information above.

## 9. What data protection rights can you claim as the person affected?

You have the right to request information about the data stored about you, Art. 15 GDPR. In addition, you may, under certain conditions, request the rectification or erasure of your data, Art. 16, 17 GDPR. You may also be entitled to restrict the processing of your data and have the right to receive the data you have provided in a structured, common and machine-readable format, provided this does not affect the rights and freedoms of other persons, Art. 18, 20 GDPR.

If you have given us consent to the processing of your personal data, you can revoke this consent at any time with effect for the future. The legality of the processing carried out based on the consent until the revocation remains unaffected.

To exercise your rights, please contact the responsible body or data protection officer listed under section 2.

In addition, you have a right of objection, which is explained in more detail at the end of this privacy policy.

You also have the option to file a complaint with a data protection authority, Art. 77 GDPR. The right of appeal is without prejudice to any other administrative or judicial remedy.

Status as of: 22 May 2023

#### **Information about your right of objection according to Art. 21 of the General Data Protection Regulation (GDPR)**

For reasons that arise from your particular situation, you have the right to object to the processing of your personal data at any time pursuant to Article 6 para. 1 f of the GDPR (data processing on the basis of a balance of interests).

If you file your objection, we will no longer process your personal data unless we can establish compelling legitimate grounds for processing that outweigh your interests, rights and freedoms, or the processing is for the purposes of asserting, exercising or defending legal claims.

The objection can be informal and should ideally be addressed with the responsible body or data protection officer listed in the privacy statement under section 2.