

German Offices of Mayer Brown LLP – Applicant Privacy Notice

This notice applies to all external candidates applying for a role with the German offices of Mayer Brown LLP, a US LLP with offices in Friedrich-Ebert-Anlage 35-37, 60327 Frankfurt and Königsallee 61, 40215 Düsseldorf (the "LLP", "we", "us", "our"). This includes all vacancies including partner hires and trainee positions. This notice does not form part of any contract of employment, agreement or other contract to provide services.

We may update this notice at any time and any revisions will be posted on our website. It is important that you read this notice so that you are aware of the personal information we hold about you, how we will collect the information, with whom and under what circumstances we may share or otherwise use the information.

What is the purpose of this document?

The LLP is committed to protecting the privacy and security of your personal information. This notice describes how we collect and use personal information about you during the recruitment process, in accordance with the General Data Protection Regulation (*Datenschutzgrundverordnung*, "GDPR") and the Federal Data Protection Act (*Bundesdatenschutzgesetz*, "BDSG").

The LLP is a data controller. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

Data Protection Principles

Under the GDPR and the BDSG, the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected and processed only for specific, explicit and legitimate purposes;
- Adequate, relevant and limited to the purposes we have told you about;
- Accurate and kept up to date;
- Kept only as long as necessary; and
- Kept securely.

What information do we hold about you during the recruitment process?

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are also "special categories" of more sensitive personal information which require a higher level of protection. This is personal information which reveals or contains:

- Racial or ethnic origin;
- Political opinions;

- Religious and philosophical beliefs;
- Trade union membership;
- Genetic data;
- Biometric data;
- Health data; or
- Sex life or sexual orientation.

In connection with your application, we will collect, store, and use the following categories of personal information about you:

- All details included in your CV, covering letter or application, such as your education and employment history;
- Personal contact details such as your name, address, telephone numbers and personal email address;
- Any information you or a third party provider, provides to us during the recruitment and selection process, including test results if these form part of the selection process;
- Feedback on your application and any subsequent interview notes; or
- Photographs if provided.

We may also collect, store and use the following "special categories" of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions; or
- Information about your health, including any medical condition, health and sickness records.

We may also collect, store and use information about criminal convictions and offences and review and collect publicly available information about you, for example from professional directories, the internet and social media.

If you are applying for a position as a partner, we will also collect, store, and use the following categories of personal information about you:

- Compensation history (cash and non-cash) and financial information;
- Disciplinary proceedings with any regulatory body;
- Any claims information, such as professional negligence claims in which you have been involved or associated;
- Details of any pending or completed administrative proceeding, arbitration, or criminal or civil court action;
- Complaints filed with any court or administrative body as to your personal conduct;
- Any history of being a target, subject, or witness, or being interviewed in connection with, any administrative proceeding or investigation, arbitration, or criminal or civil court action or investigation;
- Any sanctions imposed by any court or administrative proceeding or arbitration;
- Any disciplinary, grievance, or similar procedures before a court, or other committee, agency, or administrative or regulatory body responsible for considering such matters;
- Any civil action instituted against you;

- Any outside interests, such as Directorships;
- Any filing of bankruptcy or insolvency proceedings by you or a business owned or controlled by you, or of which you were an officer, director, general partner, or manager.

How is your personal information collected?

We collect personal information about you through the application and recruitment process, either directly from you or through an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, state authorities, background check agencies or through information that is available in the public domain.

How we will use personal information

Most commonly, we will use your personal information in the following circumstances to:

- Assess your skills, qualifications and suitability for a role and make a decision about your appointment;
- Carry out background and reference checks;
- Check you are legally entitled to work;
- Communicate with you about the recruitment process;
- Ascertain your fitness to work;
- Comply with health and safety obligations; or
- Allow for equal opportunities monitoring.

Upon receipt of your CV and/or application, we will process the information to decide whether you meet the basic requirements to be shortlisted for the role. If you do, we will decide whether your application is strong enough to invite you for an interview. If we decide to invite you to interview, we will use the information you provide us at the interview stages to decide whether to offer you a role. If we decide to offer you a role, we will then take up references, which may include a criminal record check before confirming your appointment.

Our lawful bases for processing your personal information

Most commonly we will rely on one or more of the following lawful bases for processing your personal information:

- Where it is necessary for the performance of a contract with you;
- Where it is necessary for compliance with a legal obligation to which we are subject; and/or
- Where it is necessary for our legitimate interests (or those of a third party) and your interests; and fundamental rights do not override those interests. Our legitimate interests include, making informed recruitment decisions and selecting suitable candidates for available roles, facilitating the interview process and communicating offers of employment or partnership.

We may also use your personal information for the following reasons, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests); or
- Where it is needed in the public interest or for official purposes.

How we use special categories of personal information

We may process special categories of personal information (as defined above) in the following circumstances:

- We will use information about your disability status to consider whether we need to provide appropriate adjustments during the recruitment process (such as building access and allowing more time for tests);
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting (if and when required to do so).

We do not require you to provide any special categories of information other than those set out above and would recommend that you do not include any additional such information in your application as it is unlikely to be relevant.

We will process special categories of personal information because we have a lawful basis for doing so (as set out above) and because it is necessary:

- For the purposes of carrying out our obligations and exercising specific rights in the field of employment and social security law; and/or
- For the assessment of the working capacity of a successful candidate.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public, or in limited circumstances, you have given explicit consent.

How we use information about criminal convictions

Where appropriate, such as in roles that involve a high degree of trust and integrity, we will collect and process information about criminal convictions as part of the recruitment process. Therefore, we envisage that we will hold information about unspent criminal convictions. We will only request this information if we decide to offer you a role. We will use information about criminal convictions and offences in the following ways:

- In making decisions about your recruitment and suitability for a role; and/or
- In determining your ability to perform a role and the department or environment in which you would work.

We process limited personal information relating to criminal convictions and offences because we have a lawful basis for doing so (as set out above) and because it is necessary for the purposes of carrying out our obligations and exercising specific rights in the field of employment and social security law and in more limited circumstances because it is necessary in relation to legal claims; it is necessary for reasons of substantial public interest; or you have already manifestly made this information public.

If you fail to provide personal information

If you fail to provide certain information when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we may not be able to process your application successfully. For example, if we require a criminal record check or references for a role and you fail to provide us with relevant details, we will not be able to take your application further.

Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

Data sharing

We may have to share your data with Third Parties (as defined below), including third-party service providers and Mayer Brown Practices and Consultancies.

We may transfer your personal information outside the EU. If we do, you can expect a degree of protection in respect of your personal information that is similar to the one in the European Union.

Why might you share my personal information with Third Parties?

We will share your personal information with Third Parties:

"Third Parties" includes third-party service providers (including contractors and designated agents) and other Mayer Brown Practices and Mayer Brown Consultancies operating in combination with the LLP ("**Mayer Brown**"). The following activities are carried out by Third Parties:

- Provision and administration of recruitment assessments;
- Building security for the purposes of access to our offices;
- Background checks; and
- Criminal record checks.

When might you share my personal information within Mayer Brown?

We will share your personal information with Mayer Brown as part of our regular business and reporting activities, in the context of a business reorganization or group restructuring exercise, for system maintenance support, for hosting of data and for other legitimate business reasons.

How secure is my information with Third Parties?

All Third Parties are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal information for their own purposes. We only permit them to process your personal information for specified purposes and in accordance with our instructions.

Transferring information outside the EU

The personal information that we collect about you may be transferred to, and stored at, one or more countries outside the European Economic Area ("EEA"). It may also be processed by staff operating outside the EEA who work for Mayer Brown or for our third party service providers. In such cases, we will take appropriate steps to ensure an adequate level of data protection in the country of the recipient as required under the GDPR and the BDSG and as described in this notice. If we cannot ensure such an adequate level of data protection, your personal information will only be transferred outside the EEA if you have given your prior consent to the transfer or the transfer is necessary for the conclusion or performance of a contract concluded in your own interest between us and another natural or legal person.

Data security

We have put in place appropriate security measures to protect the security of your information and prevent your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. Details of those measures are available on request. In addition, we limit access to your personal information to those employees, agents, contractors and Third Parties who have a business need to know. They will only process your personal information on our instructions and where they have agreed to treat the information confidentially and keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

Data retention

How long will you retain my information?

If your application is successful we will retain your personal information in accordance with our privacy notice for employees and our data retention policy. We will only retain your personal information for as long as necessary to fulfill the purposes for which it was collected, including for the purposes of satisfying any legal, regulatory, accounting, or reporting requirements. Details of our data retention policy are available upon request.

If your application is not successful, we will only retain your personal information for as long as necessary to fulfill the purposes for which it was collected, and no longer than 6 months after we

have communicated to you our decision about whether to appoint you to the role. We retain your personal information for that period so that we can monitor re-applications and to show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. During this period we may also use your personal information to consider whether to invite you to apply for future vacancies or to alert you to future vacancies which we believe will be of interest to you. We process your information this way in the legitimate interests of recruiting appropriate personnel into our business. After this period, we will securely destroy your personal information in accordance with our data retention policy.

You may consent to us retaining your personal information on file for more than 6 months, on the basis that a further opportunity may arise in future and we may wish to consider you for that. Should we wish to do this, you will be given the option to provide consent.

Rights of access, correction, erasure, and restriction

Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact the Privacy team in writing (privacy@mayerbrown.com).

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Right to withdraw consent

In the limited circumstances where we ask you for consent to process your personal information, when you apply for a role with the LLP, you have the right to withdraw your consent for processing for that purpose at any time. To withdraw your consent, please contact the Privacy team. Once we have received notification that you have withdrawn your consent, we will no longer process your application and, subject to meeting the needs of our legitimate business interests and retention policy, we will dispose of your personal information securely.

Data protection officer

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO or the Mayer Brown privacy team at privacy@mayerbrown.com.

If you are dissatisfied with any aspect of our handling of your personal information, you have the right to make a complaint at any time to your data protection authority.

Version May 2018

Americas | Asia | Europe | Middle East |

mayerbrown.com

Mayer Brown is a global services provider comprising legal practices that are separate entities, including Tauil & Chequer Advogados, a Brazilian law partnership with which Mayer Brown is associated (collectively the “Mayer Brown Practices”), and affiliated non-legal service providers, which provide consultancy services (the “Mayer Brown Consultancies”). The Mayer Brown Practices and Mayer Brown Consultancies are established in various jurisdictions and may be a legal person or a partnership. Details of the individual Mayer Brown Practices and Mayer Brown Consultancies can be found in the Legal Notices section of our website.

“Mayer Brown” and the Mayer Brown logo are trademarks of Mayer Brown.