

**Fresenius Medical Care**  
**Job Applicant Privacy Notice**

**1. Introduction**

Fresenius Medical Care AG & Co. KGaA and its affiliated entities (together, “FME” or “Company”) are committed to protecting personal information that you may share with us and that we collect during a job application process. The purpose of this Privacy Notice (the “**Notice**”) is to give you information about what personal information we collect, use, transfer and disclose, and why in the context of the review of your application.

FME operates in many different countries. Some of these countries have laws related to the collection, use, transfer and disclosure of the personal information of individuals, including job applicants. We take these obligations very seriously, and we are committed to protecting your privacy.

If you have any further questions, please contact our local privacy officer or privacy contact at:

**Fresenius Medical Care Ecuador**

San Ignacio E12-12 y Francisco de Orellana,

Edificio San Ignacio, 4to Piso.

Quito; Ecuador

Correo electrónico: [privacidad.ecuador@fmc-ag.com](mailto:privacidad.ecuador@fmc-ag.com)

**2. What Information About You We Collect, Use, Transfer And Disclose, And Why**

When applying for a position with FME, you will share some personal information with FME, and FME will collect information about you. Such data will be processed by FME within the local entity that posted the job vacancy and within other entities for their purposes as detailed in this Notice.

We refer to such identifying information as “Personal Information”. For more specific information regarding what Personal Information about you the Company may collect, use, transfer and disclose, and the purposes for which it may be collected, used, transferred and disclosed, please see the end of this Notice.

FME will collect and processes Personal Information where it is necessary to assess your job skills and if these will match to the role you are applying for, or any other role, in order to take steps, at your request, prior to potentially entering into an employment relationship with you, with your consent in specific circumstances, where it is required by law (including legal obligations as a company and future employer) to do so or for purposes connected to legal claims and/or where it is necessary for legitimate business interests -if permitted by law- and there is no unwarranted impact on job applicants’ interests or rights. FME will also transfer and process Personal Information of applicants and of employees for FME business purposes, including to manage the

centralisation of data processing activities and performing background checks and screenings to the extent you have given your consent or FME is legally permitted to do so.

The Company is committed to not use Personal Information for any other purpose incompatible with the purposes described in this Notice, unless it is required or authorised by law, or authorised by you.

If you provide us with Personal Information of a reference or any other individual as part of your application, it is your responsibility to notify that individual and obtain his/her consent prior to providing the information to us, and also obtain the consent that we may contact that individual for a reference.

Unless required by local law the provision of any sensitive information by you is absolutely voluntary and if you elect not to provide it it will not affect your application.

### **3. Transfer and with whom we share your Personal Information**

Due to the global nature of FME's operations, FME may disclose Personal Information to personnel and departments throughout FME to fulfil the purposes described at the end of this Notice. This may include transferring Personal Information to other FME legal entities within one country, to other countries (including countries other than where you are based that have a different data protection regime than is found in the country where you are based). For a list of the companies that may process and use Personal Information see [\[link to list of affiliates\]](#). Please note that data protection laws are not consistent for every country where data might be transferred to. However, the transfer of your data outside your home country is based on a data transfer agreement, which ensure adequate contractual measures for safeguarding your personal data.

In all cases of sharing and transferring Personal Information within FME, access to Personal Information will be limited to those individuals who have a need to know the information for the purposes described in this Notice. This may include the hiring manager(s), personnel in HR, IT, Compliance, Legal, Finance and Internal Audit.

In some cases, FME may also use a third party recruiter/head-hunter or a service provider to help with recruitment related activities. In that case, Personal Information may be received from or made available to such unaffiliated third parties. For a list of the categories of unaffiliated third parties, please see the end of this Notice. Some of these third parties will be located outside of your home jurisdiction, including India, Brazil, United States, United Kingdom and countries member of the European Economic Area. Personal Information are shared with third party service providers and professional advisors on the basis of adequate contractual safeguards aimed at protecting the confidentiality and security of Personal Information, and such service providers are required or contractually obligated to only use Personal Information for the provision of services to the Company and its affiliates, and to do so in compliance with applicable law.

#### **4. Data Security**

The Company will take appropriate measures to protect Personal Information that are consistent with applicable privacy and data security laws and regulations, including requiring service providers to use appropriate measures to protect the confidentiality and security of Personal Information.

#### **5. Data Integrity and Data Retention**

The Company takes reasonable steps to ensure that the Personal Information processed is reliable for its intended use, and is accurate and complete for carrying out the purposes described in this Notice.

We retain your Personal Data for as long as needed or permitted in light of the purpose(s) for which it was obtained and of applicable legal requirements. The criteria used to determine our retention periods include: (i) the length of time we have an ongoing relationship with you; (ii) whether there is a legal obligation to which we are subject; and (iii) whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation, or regulatory investigations).

In case the application results in a hire, the Personal Information that you shared and that we collected in connection with your application may be incorporated into our human resources systems, and will be recorded as part of your personnel file, and used to manage and perform the employment relationship, including onboarding process. You will be informed about our data controlling and data processing activities separately via our Employee Privacy Notice.

In case your application does not result in a hire, we will keep and store the documents you submitted and your Personal Information in our candidate or talent pool to consider you for other openings worldwide for up to one (1) year after you have applied or submitted your information. We will ask for your consent if we want to keep it longer in our candidate or talent pool for such purposes. You can also request to delete your information earlier by contacting the recruiter in charge of processing your application.

#### **6. Applicants' Rights**

You have the right, in accordance to local law, to request confirmation on whether we are processing your Personal Information, access to your Personal Information, the correction of inaccurate Personal Information, the erasure of your Personal Information in certain circumstances, and if provided under applicable local laws, the right to receive the Personal Information you have provided to the Company in a structured, commonly used and machine-readable format for onward transmission by you to another employer or other entity without hindrance from FME. If you wish to exercise any of these rights, please contact [maria.arias@fmc-ag.com](mailto:maria.arias@fmc-ag.com) and [privacidad.ecuador@fmc-ag.com](mailto:privacidad.ecuador@fmc-ag.com). Please note, however, that certain Personal Information may be exempt from such access, correction and erasure requests pursuant to applicable data protection laws or other laws and regulations.

Please note that you may file a complaint with a supervisory authority competent for your country.

**Types Of Personal Information We May Collect, Use, Transfer And Disclose:**

- **Contact details:** name, address, email address, telephone number and other contact information;
- **Professional experience:** resume or CV, cover letter, previous and/or relevant work experience or other experience, education, transcripts, or other information you provide to us in support of an application and/or the application and recruitment process
- **Employment :** Details of the type of employment you are or may be looking for, current and/or desired salary and other terms relating to compensation and benefits packages, willingness to relocate, or other job preferences; information relating to previous applications made to FME, any previous employment history with FME and /or relationship with current FME employee;
- **Job-related requirements:** work authorization status; if applicable; visa status/residence permit; professional and other work related licenses, permits and certifications held; awards or professional memberships; information relating to references; any applicable restrictions (non-competition or non-solicitation) from previous employment or previous roles; any conflicting interests (other engagements, family members, dependants or other close persons in FME in a position to influence the hiring process);
- **Information from the recruitment process:** Information from interviews and phone-screenings you may have, if any, and information related to any assessment you may take as part of the interview screening process. Reference information and/or information received from background checks (where applicable) or from your listing in sanctioned parties' lists, including information provided by third parties such as your references, prior employers, educational institutions you have attended. Information about your educational and professional background from publicly available sources, including online, that we believe is relevant to your application or a potential future application (e.g. your LinkedIn profile); and/or
- **Sensitive and/or demographic information provided during the application or recruitment process** such as gender, information about your citizenship and/or nationality, medical or health information and/or your racial or ethnic origin (as permitted / required by applicable local law);

**The Purposes For Which We May Collect, Use, Transfer And Disclose Personal Information:**

Your information will be used for the purposes of carrying out our application and recruitment process which includes:

- **Application review:** Assessing your skills, qualifications and interests against our career opportunities; verifying your information and carrying out reference checks and/or conducting background checks (where applicable / permitted by law ) if you are offered a job; proactively conducting research about your educational and professional background and skills and contacting you if we think you would be suitable for a role with us.

- **Communication:** Communications with you about the recruitment process and/or your application(s), including, in appropriate cases, informing you of other potential career opportunities.
- **Compliance with applicable laws and practices:** record-keeping and reporting obligations, conducting audits, compliance with government inspections and other requests from government or other public authorities, responding to legal process such as subpoenas, pursuing legal rights and remedies, defending litigation and managing any internal complaints or claims, conducting investigations and complying with internal policies and procedures, performing sanctioned party lists screening and other background checks and screenings as may be required for a particular role by applicable laws and practice, legislation and/or by legitimate business interest.

We will also use your information to protect the rights and property of, our users, applicants, candidates, employees or the public as required or permitted by law.

If you are offered and accept employment with Fresenius Medical Care, the information collected during the application and recruitment process will become part of your employment record.

**The Categories Of Unaffiliated Third Parties With Whom FME May Share Personal Information are:**

- **Professional Advisors:** outside professional advisors , such as outside counsel
- **Service Providers:** Companies that provide products and services to FME as described above such as recruitment agencies or including for the purposes of the verification / background checks, providing IT systems and support for processing data of applicants. These service providers may be located outside the country in which you live or the country where the position you have applied for is located
- **Public and Governmental Authorities:** Entities that regulate or have jurisdiction over FME such as regulatory authorities, law enforcement, public bodies, and judicial bodies especially in case of enquiries from these authorities.

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**Consent**

“I have read this Notice and I understand that the Company:

- May collect, use, transfer and disclose Personal Information about me as described in the Notice, and I expressly agree to this.
- My Personal Information might be transferred and disclosed to other entities both within and outside the country in which I am based;

**JOB APPLICANT TEMPLATE NOTICE**

- I agree to be added to the FME's candidate or talent pool, and for the Company to process my Personal Information as described in the Notice for purposes of matching other available job opportunities and vacancies, even if different from the one for which I applied; and
- If I do not give my consent, the Company may not be able to continue the recruiting process in an effective and efficient way and – in case any Personal Information has already been made available – the Company will cease any relevant processing including the selection process.”