

Fresenius Medical Care AG & Co. KGaA
U.S. Job Applicant Privacy Notice

1. Introduction

Fresenius Medical Care AG & Co. KGaA and its affiliated entities outside of the United States (together, “FMC” 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 FMC collects, uses, transfers and discloses, and why.

FMC 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.

This U.S. Job Applicant Privacy Notice is intended for applicants for employment with subsidiaries of Fresenius Medical Care Holdings, Inc. and its subsidiaries in the United States (collectively “**FMCH**”).

This particular Notice applies to situations in which FMC and its affiliates are subject to European law and process “Personal Information” (as defined below) of U.S. employees for its own business purposes. FMC processes this Personal Information for its own contingency planning and internal talent searches, in addition to supporting certain routine Human Resources and operational processes across the global organization.

IMPORTANT: This Notice does not apply to FMCH and its U.S. affiliates’ use of your Personal Information, including when it engages FMC or other vendors to process Personal Information on FMCH’s behalf. FMCH will continue to collect, use, transfer, disclose and process its U.S. applicants’ Personal Information for its own business purposes in accordance with applicable local policies and laws, which may be different from European laws. Nothing in this Notice modifies any employment rights or at-will employment status.

If you have any further questions about how FMC or FMCH process your Personal Information, please contact our local privacy officer by emailing privacy@fmc-na.com.

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

When applying for a position, you will share some personal information with FMC, and FMC will collect information about you. Such data will be processed by FMC 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.

FMC 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 and there is no unwarranted impact on job applicants' interests or rights. FMC will also transfer and process Personal Information of applicants and of employees for FMC business purposes, including to manage the centralisation of data processing activities and performing background checks and screenings, to the extent there is a legitimate interest 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.

3. Transfer And Use of Personal Information

Due to the global nature of FMC's operations, FMC may disclose Personal Information to personnel and departments throughout FMC to fulfil the purposes described at the end of this Notice. This may include transferring Personal Information to other 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). If you are located in the European Economic Area (the "EEA") this may include countries outside of the EEA. For a list of the companies that may jointly process and use Personal Information see Fresenius Medical Care AG & Co. KGaA annual report. 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 the EEA is based on a strict data processing agreement including EU standard contractual clauses, which ensure adequate contractual measures for safeguarding your personal data.

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

In some cases, FMC may also use a third party recruiter/head-hunter or a service provider to help on recruiting. In that case, FMC may need to make Personal Information available to such unaffiliated third party. 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 the United States. 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 will only use Personal Information for the provision of services to the Company and its affiliates, and are contractually obligated 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.

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.

Even in case the application does not result in a hire, we will keep and store your application documents and Personal Information for 6 months after completion of the respective application or staffing procedure. We may also ask for your consent to store your application documents in the so-called candidate or talent pool and kept for a further 3 months. If you do not respond to such a request within 14 days, your application documents - as mentioned above - will be stored for 6 months after completion of the respective application or recruitment process.

If you agree to a retention in the candidate or talent pool, you will be asked again by e-mail after 3 months whether your application documents should be retained for another 3 months. If you confirm this request, your application documents will be stored for a further 3 months. If you do not respond to such a request within 14 days, your application documents will be deleted.

6. Applicants' Rights

You have the right to access your Personal Information, the right to correct inaccurate Personal Information, the right to erase your Personal Information in certain circumstances, and 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 FMC. If you wish to exercise any of these rights, please contact our local privacy officer by emailing privacy@fmc-na.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.

To the extent your data are processed under application of European Union rules, you also can file for a complaint with the competent data protection supervisory authority (i.e., https://edpb.europa.eu/about-edpb/board/members_en).

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 FMC, any previous employment history with FMC and /or relationship with current FMC 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 FMC 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 FMC May Share Personal Information:

- **Professional Advisors:** outside professional advisors , such as outside counsel
- **Service Providers:** Companies that provide products and services to FMC 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 FMC such as regulatory authorities, law enforcement, public bodies, and judicial bodies especially in case of enquiries from these authorities.

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Option 3 (additional and to be always included, unless specific reasons exists for not doing so): In all cases where FMC wants to retain applicants' data for matching future vacancies/positions (to be kept separate and to supplement existing consent, if required by local law):

JOB APPLICANT TEMPLATE NOTICE

I understand and expressly agree to be added to FMC's candidate or talent pool, and the Company may collect, use, transfer and disclose Personal Information about me as described in the Notice for the purposes of matching other available job opportunities and vacancies, even if different from the one for which I applied. Such data will be retained for a period of three (3) months from the date of my application and subsequently erased.