

Fresenius Medical Care
Applicant Privacy Notice & Consent

1. Introduction

FRESENIUS MEDICAL CARE AG & CO. KGaA, 63146 Bad Homburg, Germany and its affiliated entities (together “**FMC**”) value the trust of their applicants and are committed to protecting the personal information of applicants. This information helps FMC in contingency planning and external talent searches, in addition to supporting routine Human Resources and operational processes.

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 our applicants. We take these obligations very seriously, and we are committed to protecting the privacy of our current and former applicants. The purpose of this Applicant Privacy Notice (the “**Notice**”) is to give you information about what personal information we collect, use, transfer and disclose, and why.

If you have any further questions, please contact your local privacy officer or privacy contact by emailing the Data Protection Officer at sscmnl.dpo@fmc-asia.com or the HR Department at sscmnl.hrd@fmc-asia.com.

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

In the course of your application with [**Fresenius Medical Care Solutions Services (Phils.) Inc.**] (the “Company”), the Company may have collected or will collect information about you and your working relationship with your previous company and your spouse, domestic/civil partner or dependants (“**Dependants**”). 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.

The Company uses of Personal Information are those necessary to have an informed decision on the hiring process, or where required by law, (including employment law obligations) or those purposes important to the legitimate performance of our business interests in cases where there is no unwarranted impact on applicants. The Company will not use Personal Information for any other purpose incompatible with the purposes described in this Notice, unless it is required or authorised by law, authorised by you, or is in your own vital interest (e.g. in the case of a medical emergency).

3. Transfer And Joint Use of Personal Information

Due to the global nature of FMC's operations, the Company 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 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 [\[https://confluence.intra.fresenius.de/display/GAAP/List+of+Affiliates\]](https://confluence.intra.fresenius.de/display/GAAP/List+of+Affiliates). The Company and FRESENIUS MEDICAL CARE AG & CO. KGaA will remain jointly responsible for Personal Information about you that is transferred and jointly used. Please note that an adequacy decision may not exist for every country data might be transferred to, based on your consent to such transfers.

Access to Personal Information within FMC will be limited to those who have a need to know the information for the purposes described at the end of this Notice, and may include your managers and their designees, personnel in HR, IT, Compliance, Legal, Finance and Accounting/Supply Chain, Sales/Marketing, Operations, and Internal Audit.

All HR personnel within FMC will generally have access to your business contact information such as name, position, telephone number, postal address and email address.

From time to time, FMC may need to make Personal Information available to other unaffiliated third parties. For a list of the categories of unaffiliated third parties, please see the end of this Notice. Some of the unaffiliated third parties will be located outside of your home jurisdiction, including the United States. Third party service providers and professional advisors are expected to protect the confidentiality and security of Personal Information, and only use Personal Information for the provision of services to the Company and its affiliates, and in compliance with applicable law.

4. 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 Retention

The Company will take 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. The Company will retain Personal Information for the period necessary to fulfil the purposes outlined in this Notice unless a longer retention period is required or permitted by law.

6. Employees' Rights

You have the right to object at any time to the processing of your Personal Information. You can exercise this right by contacting your local Human Resources Representative or Data Protection Officer.

You also 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 your local Human Resources Representative or Data Protection Officer. 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.

You also can file for a complaint with the competent data protection supervisory authority (i.e., National Privacy Commission).

7. Applicant's Obligations

Please keep Personal Information up to date and inform us of any significant changes to Personal Information. You agree to inform your Dependents whose Personal Information you provide to the Company about the content of this Notice, and to obtain their consent (provided they are legally competent to give consent) for the use (including transfer and disclosure) of that Personal Information by the Company as set out in this Notice. You further agree to follow applicable law and both the Company's and FMC's policies, standards and procedures that are brought to your attention when handling any Personal Information to which you have access in the course of your relationship with the Company. In particular, you will not access or use any Personal Information **and Confidential Information** for any purpose other than in connection with and to the extent necessary for your work with the Company. You understand that these obligations continue to exist after termination of your relationship with the Company.

“**Confidential Information**” means all information relating to FMC’s business, including, but not limited to, research, developments, product plans, products, services, diagrams, formulae, processes, techniques, technology, firmware, software, know-how, designs, ideas, discoveries, inventions, improvements, copyrights, trademarks, trade secrets, customers, suppliers, markets, marketing, finances disclosed by FMC either directly or indirectly in writing, orally or visually, to the Applicant.

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

- **Personal Details:** Includes contact information like name, work and home email and phone numbers, physical address, emergency contact information, demographic information such as gender, date of birth and nationality, financial information including social security number, bank account information, payroll tax classification, and information related to taxation and reporting, including marital/civil partnership status, domestic partners, dependants, disability status, veteran status and ethnicity. Photographs or other visual images may also be collected
- **Documentation related to Immigration Laws and citizenship:** Citizenship(s), national identification number and identity card data, passport data, details of residency or work permit and information necessary to obtain or extend a residency or work permit.
- **Position:** Description of current position, job title, corporate status, management category, job code, salary plan, pay grade or level, job function(s) and subfunction(s), company name and code (legal employer entity), branch/unit/department, location, employment status and type, full-time/part-time, terms of employment, employment contract, work history, hire/re-hire and termination date(s) and reason, length of service, retirement eligibility, promotions and disciplinary records, date of transfers, and reporting manager(s) information.
- **Compensation-related information from your previous companies** like base and variable pay, benefits and allowances, stock options and grants, other equity or cash awards, other regular or irregular payments, currency, compensation type, salary step within assigned grade, salary plan, pay grade or level pay frequency, deductions, data related to external savings, insurance or benefit plans contributed to by or via your former companies.
- **Work-related information, from your previous companies** including employment status and type, job and work history (e.g. hire/re-hire and termination date(s) and reason, length of service, promotions and disciplinary records, date of transfers), work location, working time records (including vacation and other absence records, compensation accounts, leave status, hours worked, working time classification), description of position, job title (internal/external), management category, job code, job family and level, job function(s), responsibilities and activities, company name and code (legal employer entity), organizational unit (such as region/division/unit/department and sub- or related categories), terms of employment and employment contract, retirement eligibility, reporting manager(s) information, industrial hygiene/public health & safety information, work restrictions and accommodations

- **Information related to future employee development:** Details contained in letters of application and resume/CV (previous employment background, education history, professional qualifications and other relevant skills and competencies), certification details, references, information necessary to complete reference and background checks and results of such checks, patent holder information, details on performance measurements and ratings, development plans and history, performance and development reviews and evaluations, development and other test records, interview records and evaluations, willingness to relocate, career aspirations, feedback and survey results, and information used to populate employee biographies including data publicly available information from networks like LinkedIn and other third parties.
- **Travel Information:** driver's license data,
- **Compliance Data:** compliance allegations, investigations, reports from previous companies if applicable.
- **Similar or related non-sensitive information to any of the above.**
- **Sensitive Information:** We may collect certain types of sensitive information only when permitted by local law, such as health/medical information, work related injury and illness information, place of birth, trade union membership information, religion, and race or ethnicity. We collect this information for specific purposes, such as health/medical information in order to accommodate a disability or illness and to provide benefits; religion or church affiliation in countries such as Germany where required for statutory tax deductions; and diversity-related Personal Information (such as gender, race or ethnicity) in order to determine your physical suitability for the position being applied for and to comply with legal obligations and internal policies relating to diversity and anti-discrimination. Please be assured that, as explained in the following section, we will only use such sensitive information for the following purposes and as provided by law.

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

Manage Contact with Applicants : Manage contact with you all through out the application process.

- To further contact you for the status of your application (contact number & address)
- To retain your personal details for at least one (1) year for pooling purposes which will enable FMC to contact you for any possible employment opportunity for which you may be qualified

Determine Your Suitability for the Post : Gather relevant information that will determine your work experience suitability for a role in FMC

- To assess your suitability and fitness for the role (educational background, work experience and detailed job duties, professional licenses)
- To align salary expectations (previous salary history and expected salary)

Manage References: Make an over-all background information check to further determine your suitability for the post

- To provide basis for character reference (reference list and name of supervisors, reasons for leaving, any applicable foreign employment, criminal offense) or any other vetting processes required during application process and while employed as deemed necessary by FMC.
- To assess any potential conflict of interests (information on degree of consanguinity/affiliation with any employee of FMC)

Deployment Information: In the event that you would be successfully hired, the information would be used for benefits and payroll enrolment.

- To collate payroll-related and benefits-related information that would form part of the employee database should you be hired (statutory numbers, dependents' information and emergency contact details)
- To obtain information that would be useful on onboarding/deployment should you be hired (mobility if willing to travel/relocate, expected start date)

Hiring Metrics : To gather a comprehensive report on our various sourcing channels for future recruitment planning

- To obtain statistics on source of hiring (referral information mode)

The Categories Of Unaffiliated Third Parties With Whom FMC May Share Personal Information:

- **Professional Advisors:** Accountants, auditors, lawyers, insurers, bankers, and other outside professional advisors in all of the countries in which FMC operates.
- **Service Providers:** Companies that provide products and services to FMC such as payroll, pension scheme, benefits providers; human resources services, performance management, training, expense management, IT systems suppliers and support, travel agencies, third parties assisting with equity compensation programs, credit card companies, medical or health practitioners, trade bodies and associations, and other service providers.
- **Public and Governmental Authorities:** Entities that regulate or have jurisdiction over FMC such as regulatory authorities, law enforcement, public bodies, and judicial bodies.
- **Corporate Transaction:** A third party in connection with any proposed or actual reorganisation, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of FMC business, assets or stock (including in connection with any bankruptcy or similar proceedings).

Acknowledgement and Consent

I have read and expressly agree to this Notice. I understand and expressly agree that the Company may collect, use, transfer and disclose Personal Information about me as described in the Notice. I also acknowledge that under applicable law, some Personal Information can be collected, used, transferred, or disclosed without my consent and that the Company reserves the right to undertake that activity when appropriate, and that the Personal Information might be transferred and disclosed to other entities both within and outside the country in which I am based. To the extent that I have provided (or will provide) Personal Information to the Company about Dependants, I certify by signing below that I have obtained their consent to the use (including transfer and disclosure) of that Personal Information consistent with this Notice and, for any individuals not legally competent to give consent, I consent on their behalf and confirm that I have the authority to do so.

Applicant Name

Signature

Date