

## DAVIDSON KEMPNER

### EMPLOYEE AND PROSPECTIVE EMPLOYEE PRIVACY NOTICE

In this notice, “we”, “us” and “our” means Davidson Kempner (“**DK**”), as the entity employing or proposing to employ you on the date that you receive this notice. DK and its affiliates are collectively referred to herein as the “Firm”.

#### About this Privacy Notice

For the purposes of any applicable data protection legislation (including the General Data Protection Regulation (EU) 2016/679 (the "**EU GDPR**"), the EU GDPR, as transposed into UK law by the European Union (Withdrawal) Act 2018 (the "**UK GDPR**") and the UK Data Protection Act, 2018), we are a data controller in respect of your personal data. We are responsible for ensuring that we use your personal data in compliance with the UK / EU GDPR. Under the UK / EU GDPR, 'personal data' is defined as any data relating to a living EU individual who can be identified directly from that data or indirectly in conjunction with other information.

This privacy notice applies to employees, prospective employees, former employees, partners, members, former partners or members, interns, consultants, temporary employees and secondees of our organisation (collectively referred to herein for convenience as “**Employees**”) and sets out the basis on which any personal data about you will be processed by us. Please take the time to read and understand this privacy notice.

Where we refer to 'employee personal data,' 'employment' or 'contract of employment' in this notice, we do so for convenience only, and this should not be interpreted as purporting to confer employment status on non-employees to whom this notice also applies. This notice does not form part of any contract of employment and does not confer any contractual right on you, or place any contractual obligation on us.

This privacy notice applies with respect to all personal data collected, maintained, transmitted, stored, retained, or otherwise used (i.e. processed) by us regardless of the media on which that personal data is stored. We may update this notice at any time and will notify you in writing of any changes.

#### Personal Data that We Collect About You

We may collect and process the following personal data about you:

- **Information that you provide to us or one of our affiliates.** This includes information that you give to us by filling in forms or communicating with us, whether face-to-face, by phone, email or otherwise through the recruitment process and during your employment with us. This information may include:
  - contact/identification information, including your full name (including surname prior to marriage), date and place of birth, gender, current and prior home addresses, home and mobile telephone numbers, signature, personal email address, national insurance number, marital status, nationality, citizenship status, driver's licence and passport details, next of kin, and emergency contact details;

- career and personal background information, including education and qualification details, academic transcripts, curriculum vitae and previous employment background;
  - salary and benefit information, including bank account details for the transfer of your salary and other benefits, tax details including PAYE forms (e.g. P45), and the names, dates of birth and genders of your family members who will be covered by any of the benefits offered by the Firm;
  - information about outside activities and personal investments of you or your family members;
  - health information about you or your family including symptoms and medical test results; and
  - information such as equal opportunities/diversity and inclusion monitoring information including information about your race, national or ethnic origin, sexual orientation, sex, gender identity and religion or beliefs, and military veteran status. Where any such information is "special category" data as specified in Article 9 of the UK GDPR, we will ensure it is collected and processed in accordance with the UK GDPR
- **Information we collect or generate about you.** This includes:
    - work-related details such as your job position, dates of employment, contact details, performance at work, absences (including information and documentation in connection with any statutory leave, sick leave, maternity and paternity leave, vacation days, etc.), pay and benefits information, service history, a copy of your employment agreement, photograph(s), health information, pregnancy and/or disability status, compensation history at the Firm, data relating to training and development needs, records of training and termination arrangements and payments;
    - information relating to grievance and/or disciplinary processes, misconduct or performance issues, data arising in connection with litigation and complaints, and involvement in incident reporting and disclosures;
    - personal data that we collect through your use of our information technology resources, including:
      - email (including but not limited to your full name, email address and the content, date and time of your email correspondence);
      - other usage of your computer, including the internet (including but not limited to news groups and worldwide websites), intranet, communications through instant messaging applications, video-conferencing and any other third party applications and approved systems that we track;
      - telephone calls and voicemail;

- mobile phone activity as it relates to the Firm's or any other third party's mobile applications, such as use of voice calls, the mobile email service, instant messaging, benefits services or GPS-enabled apps;
  - Firm-issued devices (Company Owned Mobile Devices) or Personally Owned Mobile Devices or other removeable media using Citrix (or such other platform as may from time to time be in use) under the "Bring Your Own Device" Policy, including when wiping those devices;
  - communications or information which have been deleted from email, voicemail, instant messaging systems, the internet or the intranet;
  - system login, passwords and access records;
  - downloading, uploading, streaming, data sharing (or other data distribution or transmission) and printing records;
  - information obtained through call recording, telephone calls or video-conferencing;
  - closed-circuit TV images captured through the legitimate use of CCTV in the office; and
  - premises access and attempted access records;
- information obtained through interviews and assessments with you;
  - information obtained through an exit interview with you upon your departure from the Firm, including your reasons for leaving and information about your next job; and
  - information obtained from your disclosure of medical test results and symptoms.
- **Information we obtain from other sources.** This includes:
    - information we collect in conducting a background check on you at hire and from time to time during your employment, such as criminal and civil litigation history, personal credit history based on reports from any credit reference agencies, identity verification, employment history confirmation, media statements and mentions (including social media), outside business activities, academic qualification verification, bankruptcy filings, evidence of financial probity, driving history (including road traffic offences), drug test results and medical fitness to work results;
    - information from references in connection with your hiring;
    - brokerage account statements, including information relating to family members or other accounts under your control; and

- information from third party benefits and health care providers (for example, in relation to the administration of medical tests, or information regarding fitness to work or potential workplace adjustments).

## Uses of Your Personal Data

Your personal data may be stored and processed by us for the following purposes:

- to meet our legal obligations as an employer and perform our obligations and exercise our rights under your contract of employment with us. For example, we use your personal data to pay you, to evaluate your individual performance, and to provide benefits in connection with your employment;
- to discharge our legal, regulatory and health and safety obligations;
- to establish, exercise or defend our legal rights or for the purpose of legal proceedings;
- for the purposes of occupational health, health and safety assessments, and to make decisions regarding your initial and ongoing fitness for work and workplace adjustments and to maintain systems in connection with these, including third party supplier systems such as WorkDay (or other similar systems); and
- for our legitimate business interests (or the legitimate interests of one or more of our affiliates), such as:
  - allowing us to effectively, efficiently and consistently administer and manage our Employees and the operation of our business on a global basis;
  - ensuring a consistent approach to (i) the collection, use, disclosure, transfer and processing of personal data of the Firm's Employees, and (ii) the Firm's recruitment of Employees;
  - monitoring and promotion of equal opportunities/diversity and inclusion;
  - maintaining compliance with internal policies and procedures;
  - allowing us to effectively assess your skills and qualifications and your suitability for the role for which you have applied, and otherwise considering you for employment at DK (which may include verifying your qualifications and references with third parties you name);
  - investigating and responding to complaints from personnel, clients, counterparties or regulators;
  - preventing personal use of the Firm's property;

- being able to contact you or your family in connection with the recruitment process or in the event of an emergency; and
- to maintain contact with you in the future and to notify you of relevant job vacancies with the Firm that you might be interested in. If you do not want us to retain your contact information for this purpose or if you would like us to update it at any stage, please send such request in writing to the contact listed at the end of this notice. We may be required by law to retain your personal data (for example, for regulatory referencing purposes).

Please note that if you are a prospective employee and you accept an offer of employment at DK, the information we collect during the application and recruitment process will become part of your employment record.

### Disclosure of Your Information to Others

We may disclose your personal data to our affiliates for the purposes of:

- the management and administration of our business and our affiliates' businesses on a global basis, including the maintenance of one or more centralised databases storing personal data;
- carrying out the functions that each of them may perform relating to regional or global HR decisions;
- assessing compliance with applicable laws, rules, regulations and internal policies and procedures across our business and our affiliates' businesses;
- where your personal data is held as part of an internal directory, enabling adequate communication with you for the performance of employment duties or for emergency reasons; and
- the administration and maintenance of the databases storing personal data relating to our Employees or to Employees of our affiliates.

We will take steps to ensure that your personal data is accessed only by Employees of our affiliates that have a need to do so for the purposes described in this notice.

We may also share your personal data with third parties outside of the Firm for the following purposes:

- to third party agents and contractors for the purposes of providing services to us, including IT and communications service providers, law firms, accountants, auditors, administrators, payroll service providers, benefits providers, reference providers, human resource management providers and background check and healthcare providers. These third parties will be subject to confidentiality obligations and they will only use your personal data as described in this privacy notice (or as otherwise notified to you);
- to the extent required by law, regulation or court order (for example, if we are under a duty to disclose your personal data in order to comply with any legal obligation or to establish, exercise or defend our legal rights);
- to regulators (including but not limited to the Financial Conduct Authority) where the Firm or regulator may deem appropriate in the context of the regulatory regimes in which it operates;

- in connection with the sale of our business or assets or an acquisition of our business by a third party; and

to provide relevant information to public health authorities and any others that may be explicitly designated to receive and process this data in the future.

### **Necessity of Personal Data for Employment**

The provision of certain personal data is necessary for the Firm to effectively assess your skills and qualifications and your suitability for the role for which you have applied or are employed, as well as for compliance by the Firm with its legal, tax and regulatory obligations. Accordingly, if certain personal data is not provided when requested, DK may not be able to offer you employment or may not be able to continue to employ you.

### **Transfers of Personal Data Outside the United Kingdom or European Economic Area**

The personal data that we collect from you may be transferred to, and stored at, a destination outside the United Kingdom ("**UK**") or the European Economic Area ("**EEA**"). It may also be processed by individuals operating outside of the UK or EEA who work for the Firm or for one of our service providers.

Where we transfer your personal data outside the UK or EEA, we will ensure that it is protected in a manner that is consistent with how your personal data will be protected by us in the UK and EEA. This can be done in a number of ways, for instance:

- the country that we send the data to might be approved by the European Commission as offering a sufficient level of protection; or
- the recipient might have signed up to a data transfer agreement based on "model contractual clauses" approved by the European Commission, obliging them to protect your personal data.

In other circumstances the law may permit us to otherwise transfer your personal data outside the UK or EEA. In all cases, however, we will ensure that any transfer of your personal data is compliant with data protection law.

### **Retention of Personal Data**

How long we hold your personal data will vary. The retention period will be determined by various criteria, including the purpose for which we are using your personal data (we will need to keep the data for as long as is necessary for that purpose) and legal obligations (laws or regulation may set a minimum period for which we have to keep your personal data).

### **Your Rights**

You have a number of legal rights in relation to the personal data that we hold about you. These rights include:

- the right to obtain information regarding the processing of your personal data and access to the personal data which we hold about you;
- the right to withdraw your consent to our processing of your personal data at any time. Please note, however, that we may still be entitled to process your personal data if we have another legitimate reason (other than consent) for doing so;

- in some circumstances, the right to receive some personal data in a structured, commonly used and machine-readable format and/or to request that we transmit that data to a third party where this is technically feasible. Please note that this right only applies to personal data which you have provided to us;
- the right to request that we rectify your personal data if it is inaccurate or incomplete;
- the right to request that we erase your personal data in certain circumstances. Please note that your right to be forgotten that applies in certain circumstances under the UK / EU GDPR is not likely to be available in respect of the personal data we hold, given the purposes for which we collect such data, as described above. Additionally, please note that there may be circumstances where you ask us to erase your personal data but we are legally entitled to retain it;
- the right to object to, and the right to request that we restrict, our processing of your personal data in certain circumstances. Again, there may be circumstances where you object to, or ask us to restrict, our processing of your personal data but we are legally entitled to continue processing your personal data and/or to refuse that request; and
- the right to lodge a complaint with the data protection authority (details of which are provided below) if you think that any of your rights have been infringed by us.

## Contacting Us

If you would like further information on the collection, use, disclosure, transfer or processing of your personal data or the exercise of any of the rights listed above, please address questions, comments and requests to Kathryn Melrose at [kmelrose@dkp.com](mailto:kmelrose@dkp.com).

You can find out more information about your rights by contacting the data protection authority in your jurisdiction. A list of the EU data protection authorities and contact details is available at [http://ec.europa.eu/newsroom/article29/item-detail.cfm?item\\_id=612080](http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080).

In the UK, the data protection authority is the Information Commissioner's Office (available at <https://ico.org.uk>).

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