

## DAVIDSON KEMPNER INVESTMENT ADVISORS INDIA PRIVATE LIMITED

### EMPLOYEE AND PROSPECTIVE EMPLOYEE PRIVACY NOTICE - INDIA

In this notice, “we”, “us” and “our” means Davidson Kempner Investment Advisors India Private Limited (“**DK India**”). DK India and its affiliates are collectively referred to herein as the “**Firm**.”

#### About this Privacy Notice

As the body corporate collecting, receiving, possessing, storing, dealing with and handling your information (personal information, including sensitive personal data or information, as detailed below), we are responsible for ensuring that we use your personal information in compliance with the (Indian) Information Technology Act, 2000 (“**IT Act**”), along with the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 (“**SPDI Rules**”).

Under the SPDI Rules, 'personal information' is defined as any information that relates to a natural person which, either directly or indirectly, in combination with other information available or likely to be available with a body corporate, is capable of identifying such person. A subset of this personal information is ‘sensitive personal data or information’ which is defined as personal information which consists of information relating to, - (i) password; (ii) financial information, (iii) physical, physiological, and mental health condition; (iv) sexual orientation, (v) medical records and history; (vi) biometric information, (vii) any detail relating to any of the above types of information as provided to the body corporate for providing service; and (viii) any such information received by the body corporate for processing, or which is stored or processed under lawful contract or otherwise.

This privacy notice applies to employees, prospective employees, former employees, partners, members, former partners or members, interns, consultants, temporary employees and secondees of the Firm (collectively referred to herein for convenience as “**Employees**”) and sets out the basis on which any personal information about you will be collected, received, stored, dealt with and/or handled 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 privacy 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 privacy notice also applies. This privacy 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 information collected, received, maintained, transmitted, stored, retained, or otherwise used (i.e. processed) by us, regardless of the media on which that personal information is stored. We may update this privacy notice at any time. The latest version of this privacy notice is available on the Firm’s website at: <https://www.davidsonkempner.com/>.

Your express consent in relation to the collection, storage, handling, disclosure, processing and transfer of your sensitive personal information (or, if necessary under applicable law or regulation, other personal information) in accordance with this privacy notice, has been or will be taken where appropriate via your executed offer letter or such other documentation/steps as you may be asked to submit as part of your application process or employment with the Firm.

The Firm shall make all reasonable efforts to ensure that your personal information is kept secure to prevent unauthorized access, use, disclosure, copying or loss. The Firm shall implement and maintain reasonable security practices and procedures that are commensurate with the sensitivity and nature of your personal information.

## Personal Information that We Collect About You

We may collect and process the following personal information 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 license, Aadhaar number, PAN number, 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, 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 your outside activities and personal investments and those of your family members;
  - health information about you or your family, including symptoms and medical test results etc; and
  - information such as equal opportunities/diversity and inclusion monitoring information including information about your ethnic origin, sexual orientation, sex and religion or beliefs.
- **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, annual leave, 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:
  - e-mail (including but not limited to your full name, e-mail address and the content, date and time of your e-mail 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;
  - Mobile Devices or other removable media using mobile device management software under the Firm's "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 collected, stored and processed by us for the following purposes:

- to meet and perform our legal obligations as an employer, and exercise our rights under your contract of employment with us. For example, we use your personal information to pay you, to evaluate your individual performance, and to provide benefits to you 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 including carrying out background checks and confirming proof of identity;
  - 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 India (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 India, the personal information we collect during the application and recruitment process will become part of your employment record.

### **Disclosure of Your Personal Information to Others**

We may disclose or share your personal information with 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 information;
- 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 information 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 information relating to our Employees or to Employees of our affiliates.

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

We may also disclose or share your personal information 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 information 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 information in order to comply with any legal obligation or to establish, exercise or defend our legal rights);
- to regulators, 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 or any other M&A transaction involving the Firm; 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 Information for Employment**

The provision of certain personal information 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 India may not be able to offer you employment or may not be able to continue to employ you.

### **Transfers of Personal Data Outside India**

The personal data that we collect from you may be transferred to, and stored at, a destination outside India. It may also be processed by individuals operating outside of India, who work for the Firm, or for one of our service providers. Where we transfer your personal data outside India, we will ensure that it is protected in a manner that is consistent with how your personal information will be protected by us in India. In all cases, we will ensure that any transfer, and subsequent processing, of your personal information is compliant with the IT Act and the SPDI Rules.

### **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 withdraw your consent to our processing of your personal information at any time by giving DK India notice in writing. However, please note that your consent to processing and acceptance of this privacy notice are an integral condition and pre-requisite for your continued employment with the Firm;

- the right to request to review your personal information held by DK India, and to request that we rectify your personal information if it is inaccurate or incomplete; and
- the right to lodge a complaint with Grievance Officer (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 [privacy@dkp.com](mailto:privacy@dkp.com).

Should you have any complaints, discrepancies or grievances with respect to your personal information, you may notify the designated Grievance Officer, and the details are as provided below:

- Name: Marianne Walsh
- Contact Number: +353 (0) 1 553 2920
- E-mail address: [mwalsh@dkp.com](mailto:mwalsh@dkp.com)
- Postal address: 47-49 St. Stephen's Green, Ground Floor, Dublin 2, D02 W634

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