

DavidsonKempner

Employee and Prospective Employee Privacy Notice

About this Privacy Notice

Your privacy is very important to us. In this notice (this "**Privacy Notice**"), "**we**", "**us**" and "**our**" means the Davidson Kempner entity employing or proposing to employ you on the date that you receive this Privacy Notice ("**Davidson Kempner**"). Davidson Kempner and its affiliates are collectively referred to herein as the "**Firm**". 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**"), the UK Data Protection Act 2018 (the "**DPA**"), the Irish Data Protection Acts 1988 to 2018 (the "**Irish DPAs**") and the Personal Data (Privacy) Ordinance in Hong Kong (the "**PDPO**") (the "**Data Protection Laws**"), we are a data controller in respect of your Personal Data. 'Personal Data' is defined as any data relating to a living 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 workers and secondees of our organisation (collectively referred to herein for convenience as "**Staff**") 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 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 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.

For the purposes of the Data Protection Laws, Davidson Kempner is a "data controller" in respect of your personal data or the "business" responsible for ensuring that we hold and use your Personal Data in compliance with Data Protection Laws.

Personal Data that we collect about you

We may collect and process the following Personal Data about you:

- (a) **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:
 - (i) 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, identity card and passport details, next of kin, and emergency contact details;
 - (ii) career and personal background information, including education and qualification details, academic transcripts, curriculum vitae and previous employment background;
 - (iii) 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;

- (iv) information about outside activities and personal investments of you or your family members;
- (v) health information about you or your family including symptoms and medical test results; and
- (vi) where allowed under the applicable Data Protection Laws, 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.

(b) Information we collect or generate about you. This includes:

- (i) 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) or video images, 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;
- (ii) 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;
- (iii) Personal Data that we collect through your use of our information technology resources, in accordance with the applicable Data Protection Law 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 or personally owned mobile devices or other removeable media using mobile device management software 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;
 - premises access and attempted access records;

- (iv) information obtained through interviews and assessments with you;
- (v) 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
- (vi) information obtained from your disclosure of medical test results and symptoms.

(c) Information we obtain from other sources. This includes:

- (i) 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;
- (ii) information from references in connection with your hiring;
- (iii) brokerage account statements, including information relating to family members or other accounts under your control; and
- (iv) 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, in accordance with applicable Data Protection Law:

- (a) 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;
- (b) to discharge our legal, regulatory and health and safety obligations;
- (c) to establish, exercise or defend our legal rights or for the purpose of legal proceedings;
- (d) 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; and
- (e) for our legitimate business interests (or the legitimate interests of one or more of our affiliates), such as:
 - (i) allowing us to effectively, efficiently and consistently administer and manage our Staff and the operation of our business on a global basis;
 - (ii) ensuring a consistent approach to (i) the collection, use, disclosure, transfer and processing of Personal Data of the Firm's Staff, and (ii) the Firm's recruitment of Staff;
 - (iii) monitoring and promotion of equal opportunities/diversity and inclusion;
 - (iv) maintaining compliance with internal policies and procedures;
 - (v) 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 Davidson Kempner (which may include verifying your qualifications and references with third parties you name);

- (vi) investigating and responding to complaints from personnel, clients, counterparties or regulators;
- (vii) preventing personal use of the Firm's property to the extent permitted under the applicable Data Protection Law;
- (viii) being able to contact you or your family in connection with the recruitment process or in the event of an emergency; and
- (ix) to maintain contact with you in the future (for example, 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 Privacy Notice. We may be required by law to retain your Personal Data (for example, for regulatory referencing purposes).

Your image will be used by us for the following purposes, in accordance with applicable Data Protection Law:

- (a) general security reasons;
- (b) our HR systems; and
- (c) our communication systems (e.g. email, telephone, intranet, televisions displaying internal communications in our offices).

In addition, we may, subject to your prior consent, use photographs or videos including your image online, including on our website, social media platforms and other websites or platforms linked to the Firm, and in electronic or hard copy promotional materials. You are not obliged to consent to the use of your image in this manner; it is entirely optional and voluntary. If you do provide consent, you are free to withdraw it at any time by updating your chosen response within your Workday profile. There are no consequences if you decline to provide consent or if you subsequently withdraw it. It should be noted that if your consent is withdrawn, the Firm will not use your image again, however, it may not always be possible to recall documents or remove historic records (e.g. internet archives) in which your image has already been used.

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

How we may share your Personal Data

We may from time to time, in accordance with the purposes described above and as permitted by the applicable Data Protection Laws, disclose your Personal Data to our affiliates for the purposes of:

- (a) 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;
- (b) carrying out the functions that each of them may perform relating to regional or global HR decisions;
- (c) assessing compliance with applicable laws, rules, regulations and internal policies and procedures across our business and our affiliates' businesses;
- (d) where your Personal Data is held as part of an internal directory, enabling adequate communication with you for the performance of your duties or for emergency reasons; and
- (e) the administration and maintenance of the databases storing Personal Data relating to our Staff or to Staff of our affiliates.

We will take steps to ensure that your Personal Data is accessed only by Staff of our affiliates that have a need to do so for the purposes described in this Privacy Notice.

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

- (a) 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);
- (b) 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);
- (c) to regulators where the Firm or regulator may deem appropriate in the context of the regulatory regimes in which it operates;
- (d) in connection with the sale of our business or assets or an acquisition of our business by a third party; and
- (e) 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.

International data transfers

Davidson Kempner is headquartered in New York in the United States and, with its affiliates, has offices globally. Your Personal Data may be transferred to, or be stored by, our affiliates or service providers in other countries that may not have a similar level of data protection or privacy laws to your home country. We take measures to protect your data in transit and wherever it is stored.

Where we transfer your Personal Data outside your home country, we will ensure that your Personal Data is protected as required under applicable Data Protection Laws, including, where appropriate, under an agreement on terms approved for this purpose by the relevant government or data protection supervisory authority.

You can obtain more details of the protection given to your Personal Data when it is transferred outside of your home country by contacting us using the details set out under "**Contacting us**" below.

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, Davidson Kempner may not be able to offer you employment or may not be able to continue to employ you.

Automated decision-making

We do not currently use any processing systems which make decisions and produce legal effects for you, or which may otherwise significantly affect you, based solely on automated processing of your Personal Data.

We will not use such automated decision-making processing systems unless we have considered the proposed processing system in a particular case and concluded in writing that it meets the requirements of the applicable Data Protection Laws.

Retention of Personal Data

How long we hold your Personal Data for will vary. The retention period will be determined based on 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

Depending on your home country, you have a number of legal rights in relation to the Personal Data that we hold about you. These rights include the following:

- (a) the right to obtain information regarding the processing of your Personal Data and access to the Personal Data which we hold about you;
- (b) in some circumstances, the right to require us to transfer your Personal Data to you or to a new service provider in a structured, commonly used and machine-readable format where this is technically feasible. Please note that this right only applies to Personal Data which you have provided to us;
- (c) the right to request that we rectify your Personal Data if it is inaccurate or incomplete;
- (d) the right to request that we erase your Personal Data in certain circumstances. Please note that there may be circumstances where you ask us to erase your Personal Data but we are legally entitled to retain it or such erasure is prohibited by law;
- (e) The right to object to, and the right to request that we restrict, our processing of your Personal Data in certain circumstances. Please note that 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 or to refuse such request;
- (f) the right not to be subject to solely automated decisions, including profiling, which have a legal or similarly significant effect on you;
- (g) the right to withhold / 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; and
- (h) the right to lodge a complaint with the relevant data protection authority.

You can exercise your rights by contacting us using the details set out under "**Contacting us**" below. When exercising any of these rights, we may request specific information from you to prove your identity to our satisfaction so that we can safeguard your Personal Data from unauthorized access by someone impersonating you.

Protection of Personal Data

We have in place appropriate technical and organisational measures to safeguard the Personal Data that we hold about you.

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, or otherwise have any questions, requests or complaints, please address your inquiry to privacy@dkp.com.

Changes to this Privacy Notice

From time to time, we may change this Privacy Notice. Any changes we make to this Privacy Notice in the future will be posted to our website (<https://www.davidsonkempner.com/>) or intranet.

Last reviewed: June 2023