

FLSmidth Group Policy for Online Data Protection in connection with Recruitment

1 Generally

1.1 This Online Data Protection Recruitment Policy ("Policy") applies to all personal data which you provide to us or is provided to us by a recruitment agency and/or which we collect about you in connection with your application for a position with a company in the FLSmidth Group of companies or your creation of a job agent.

1.2 In this Policy, you can read more about the data we collect, how we handle your data and how long we will retain your data etc. It makes you aware of how and why your personal data will be used, namely for the purposes of the recruitment exercise, and how long it will usually be retained. It also provides you with certain information that must be provided under the EU General Data Protection Regulation. Please read this Policy and contact us if any aspect of the Policy is unacceptable to you. The current version of the Policy is always available at www.flsmidth.com.

1.3 "FLSmidth" refers to FLSmidth A/S, its subsidiaries and other entities, which are authorised to use the name "FLSmidth". An overview of the companies currently part of the FLSmidth Group is accessible [here](#). See "Data Controller" below for more information on the entities that control and process personal data in FLSmidth.

2 Data Controller

2.1 The FLSmidth entity with which you are applying for a position will be the data controller responsible for the processing of your personal data. If the recruitment process, the review of applications, the main decisions connected hereto, etc. are conducted by another FLSmidth entity than the entity with the open position, then this other FLSmidth entity will be the data controller responsible for the processing of your personal data. If we get your application data from a recruitment agency you have applied with for an open position with FLSmidth, then this FLSmidth entity as well as the recruitment agency data controller.

2.2 If you have not applied for a specific position but merely created a job agent, FLSmidth A/S will be the data controller responsible for the processing of your personal data as the relevant IT system is operated and controlled by FLSmidth A/S.

- 2.3 We use “we”, “us”, and “our” (and other similar terms) to refer to the FLSmidth entity with an open position, the FLSmidth entity processing your application (both applicable for applications submitted by the candidate and applications submitted by a recruitment agency on behalf of the candidate).
- 2.4 Please visit <http://www.flsmidth.com/en-US/Contact/Global+addresses> for details of FLSmidth subsidiaries and entities.
- 2.5 All questions concerning this Policy, the processing of your data and any suspected non-compliance should be directed to FLSmidth A/S. E-mails can be sent to recruitment@flsmidth.com

3 Definitions

- 3.1 Some of the most important data protection terms are defined below:

Data Controller	The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.
Data Processor	The natural or legal person, public authority, agency or other body that processes Personal Data on behalf of the Data Controller
Personal Data	Any information relating to an identified or identifiable natural person. This means all information which, directly or indirectly, alone or when combined, can identify a particular natural person.
Processing	Any operation or set of operations which is performed on Personal Data or on sets of Personal Data such as collection, recording, structuring, alteration, consultation, combination, disclosure by transmission or transfer to persons, public authorities, companies, etc. outside the Company.

GDPR

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, and the attendant rules.

4 Purpose of Processing

4.1 We process your Personal Data for the purposes of reviewing and assessing your application with a view to potentially offering you a position with FLSmidth. If you create a job agent your personal data will be processed for the purpose of alerting you of any open positions that match your indicated qualifications, interests or preferences.

5 Personal Data we process about you

5.1 In connection with your application, we will collect, store, and process the following categories of Personal Data about you:

- The information you have provided to us in your curriculum vitae and covering letter.
- The information you have provided on our application form, including name, title, address, telephone number, personal email address, date of birth, gender, employment history, qualifications, etc.
- Any information you provide to us during an interview.
- Depending on the position, personality, ability and safety tests.

5.2 We may also collect, store and process special categories of Personal Data of a more sensitive nature if necessary in light of the character of the open position or if e.g. mandatory subject to local legislation in the country of establishment of an FLSmidth entity. Such special categories of Personal Data may include:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- Information about your health, including any medical condition, health and sickness records.
- Information about criminal convictions and offenses.

5.3 Depending on the position, we may collect Personal Data about candidates from the following sources:

- You, the candidate.
- Recruitment agencies, from which we collect the following categories of Personal Data: Name, address, contact info email and phone number, curriculum vitae, Test/assessment results, picture, date of birth, salary information, references, gender, nationality
- Criminal records provided by you or subject to your consent.
- Your named referees, from whom we collect the following categories of Personal Data: Personal Data related to personality, performance and competencies.

- Job oriented networks such as LinkedIn from where we collect various Personal Data made public by you via such platforms.

6 Why we process your Personal Data

6.1 We process your Personal Data for the purposes described below:

- Assess your skills, qualifications, and suitability for the position or role.
- Carry out background and reference checks, where applicable.
- Communicate with you about the recruitment process.
- Keep records related to our hiring processes.
- Comply with legal or regulatory requirements.
- Notify you of open positions matching the job agent created by you.

7 Legal basis for processing your Personal Data

7.1 It is necessary for us to process your Personal Data to decide whether to offer you a position with FLSmith for which you have applied or to alert you of job openings matching your qualifications as indicated in your job agent, see GDPR Article 6 (1)(b).

7.2 It is also in our legitimate interests to process your Personal Data when deciding whether to appoint you to a position or role as the interests of our business in connection with the appointment of the right employees override your interest, cf. GDPR Article 6 (1)(f).

7.3 All candidates are required to give consent (Art 6 (1) (a) GDPR) to the following processing activities before submitting an application:

- to alert you of job openings matching your qualifications as indicated in your job agent,
- to share your data with other FLSmith entities within and outside of Europe
- to share your data with other third parties for the purposes of processing your application: for example test vendors, public authorities, travel agencies, background check agencies

In case we need to process a criminal record as part of a recruiting process, we will ask the candidate for consent on a case-by-case basis.

8 Sharing your Personal Data

8.1 We will only share your Personal Data with the following third parties for the purposes of processing your application: for example test vendors, public authorities, travel agencies, background check agencies.

8.2 We may share your Personal Data with the suppliers and business partners assisting us with IT management, hosting, and other IT-related services.

8.3 All our third-party service providers are required to take appropriate security measures to protect your Personal Data in line with our policies and we do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

9 Transferring your data with non-EU/EEA recipients

9.1 Some of our service providers are located outside the EU/EEA. Furthermore, many of the FLSmidth entities are located outside the EU/EEA. Thus, your Personal Data may be transferred to non-EU/EEA recipients. However, this will require that:

- The country in question or the international company provides an adequate level of protection as determined by the European Commission;
- The standard contractual clauses on data protection adopted by the European Commission have been entered into between us and the recipient of your Personal Data;
- The recipient in question is certified in accordance with Article 42 of the GDPR; or
- That the recipient in question has adopted a set of Binding Corporate Rules.

9.2 If you are applying for a position with an FLSmidth entity located outside the EU/EEA the transfer of your personal data to that FLSmidth entity is necessary for the review and assessment of your application. Such transfer is therefore necessary for the performance of an agreement with you or the implementation of pre-contractual measures taken at your request. In other cases, it may be necessary to collect your consent to a transfer subject to the conditions for and requirements to valid consent in the GDPR. Such derogations for specific situations are governed by Article 49 of the GDPR.

9.3 You are entitled to information about or a copy of any appropriate safeguards which form the basis of the transfer of Personal Data to non-EU/EEA recipients.

10 Retention and erasure of your Personal Data

10.1 We will retain your Personal Data for a period of up to 12 months after we have communicated to you our decision about whether to appoint you to the position. We retain your Personal Data for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your Personal Data in accordance with our data retention policy and applicable laws and regulations.

10.2 You can delete your job agent at any time. If you do not delete your job agent for a period of 12 months we may send you an email asking you to confirm your preferences and our continued processing.

10.3 We will delete your criminal record immediately after we have read it.

11 Your rights

11.1 Access

11.1.1 You have the right to access the Personal Data we process about you. You may request access to the Personal Data we hold about you, including the purposes for which the data were collected.

11.2 Rectification and erasure

11.2.1 You have the right to request rectification, supplementary Processing, erasure or blocking of the Personal Data we process about you.

11.3 Restriction of Processing

11.3.1 In certain circumstances, you have the right to restrict the Processing of your Personal Data.

11.4 Data portability

11.4.1 You have the right to receive your Personal Data (only data about you which you yourself have provided to us) in a structured, commonly used and machine-readable format (data portability).

11.5 Withdrawal of consent

11.5.1 If the Processing of your Personal Data is based on your consent, you have the right to withdraw consent at any time. If you withdraw consent, this will not affect the legality of the Processing that was carried out before such withdrawal.

11.5.2 If the position is still visible in our Vacancies on www.flsmidth.com/careers - you can directly withdraw your application in Workday (under 'Submitted Applications' in your Workday Candidate account). Otherwise you can just contact the recruiter or the hiring manager listed in the job advert.

11.6 Your exercise of the above rights may be subject to conditions or restrictions. For example, you may not be entitled to data portability in all situations - this will depend on the circumstances of the relevant Processing activity in each case.

11.7 Please refer any data subject rights requests to:

FLSmidth A/S - Att.: Group HR
Vigerslev Allé 77
2500 Valby
Denmark

12 Any consequences of not providing your Personal Data

12.1 If you fail to provide information, which is necessary for us to consider your application (such as evidence of qualifications or work history), when requested, we will not be able to process your application successfully. For example, if we require references for this role and you fail to provide us with relevant details, we will not be able to take your application further.

13 Use of automated decision making

13.1 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

14 Security

14.1 At FLSmidth, our Processing of Personal Data is governed by our Information Security Policy. Our Information Security Policy also lays down how to carry out risk assessments and impact analysis of existing as well as new or changed Processing activities. We have implemented internal rules and procedures to provide and maintain appropriate security from collection to erasure of Personal Data, and we will only engage Data Processors to process our Personal Data if they maintain a similar appropriate security level.

15 Complaints to supervisory authority

15.1 Any complaint about our Processing of your Personal Data may be submitted to the Danish Data Protection Agency or to the data protection authority of the relevant Data Controller of your Personal Data.

16 Updating this Policy

16.1 FLSmidth is required to comply with the fundamental principles of data protection and privacy law. Therefore, we will review this Policy on a regular basis to keep it up to date and ensure compliance with applicable principles and law. This Policy is subject to change without notice. Material changes, and an updated version of the Policy will be made available on [this webpage](#).

This policy is last updated in February 2021