

## BNY MELLON PERSONAL INFORMATION BRAZIL EMPLOYEE, SERVICES PROVIDER, AND CONTRACTOR PRIVACY NOTICE

Last Updated: August 15, 2020

The BNY Mellon affiliate responsible for your personal information will be the BNY Mellon affiliate identified in your employment contract or contract for services signed directly with you or with your employer/contracting company (“**BNY Mellon**”, “**we**”, “**us**”), and will be the data controller of your personal information. In addition, where the personal information is processed by other members of BNY Mellon for their own independent purposes, those BNY Mellon members will be independent controllers of your personal information.

This Brazil Personal Information Privacy Notice (“**Notice**”) explains how we collect, use and share personal information of employees, contractors and service providers, including:

- What personal information do we process?
- How BNY Mellon collects personal information
- The purposes for which personal information is processed and our legal basis for carrying out the processing
- Retention of personal information
- Security of personal information
- Disclosure and international transfer of personal information
- Your rights as a data subject

We may amend this Notice from time to time to keep it up to date with legal requirements and the way in which we operate our business. If we make changes to this Notice, we will seek to inform you by notice on the BNY Mellon intranet or email (“**Notice of Change**”).

### WHAT INFORMATION DO WE PROCESS?

**Where permitted by laws applicable to us, or the law of the jurisdiction in which your employer/contracting company is located**, we may collect the following personal information about you for the purposes described in this Notice, whenever applicable:

- **Personal details:** your title, name, previous or maiden name, gender, nationality, civil/marital status, date of birth, age, personal contact details (e.g. address, telephone or mobile number, e-mail), national ID number, immigration and eligibility to work information, driving licence, languages spoken, next-of-kin/dependant/emergency contact information, details of any disability and any reasonable adjustments required as a result;
- **Recruitment and candidate selection information:** skills and experience, qualifications, references, CV and application, interview and assessment data, background and verification information (e.g. results of credit reference check, financial sanction check and a basic disclosure criminal record check relating to unspent convictions), right to work verification, information related to the outcome of your application, details of any offer made to you;

- **Information related to your engagement:** contract of employment or engagement, work contact details (e.g. corporate address, telephone number, e-mail), employee or payroll number, photograph, work location, default hours, default language, time zone and currency for location, your worker ID and various system IDs, your work biography, your assigned business unit or group, your reporting line, your employee/contingent worker type, your hire/contract begin and end dates, terms and conditions of engagement, your cost centre, your job title and job description, your working hours, locations and patterns, whether you are full or part time, your termination/contract end date, the reason for termination, your last day of work, exit interviews, references to be provided to prospective employers, status (active/inactive/terminated), position title, the reason for any change in job and date of change;
- **Regulatory information:** records of your registration with any applicable regulatory authority, your regulated status, including any criminal record or credit background checks which may be necessary, and any regulatory certificates and references;
- **Remuneration and benefits information:** your remuneration information (including salary/hourly plan/contract pay/fees information as applicable, allowances, overtime, bonus and commission plans), payments for leave/absence (e.g. holiday pay, sick pay, family leave pay), bank account details, grade, social security number, tax information, third party benefit recipient information (e.g. expression of wish and dependants information), details of any benefits you receive or are eligible for, benefit coverage start date, expense claims and payments, loans, deductions, salary sacrifice arrangements, childcare vouchers, share scheme participation, information and agreements;
- **Leave information:** attendance records, absence records (including dates and categories of leave/time-off requests and approvals), holiday dates, requests and approvals and information related to family leave or other special or statutory leave;
- **Absence management information:** absence history, fit notes, details of incapacity, details of work impact and adjustments, details of treatment and prognosis, manager and Human Resources (HR) communications, return to work interviews, meeting records, medical reports, occupational health reports;
- **Flexible working procedure information:** requests, consideration, correspondence, meeting notes and outcome records;
- **Restructure and redundancy records:** change plans, organization charts, consultation records, selection and redeployment information;
- **Performance management information:** colleague and manager feedback, your appraisals and performance review information, outcomes and objectives, talent programme assessments and records, succession plans, formal and informal performance management process records;
- **Training and development information:** data relating to training and development needs or training received or assessments completed;
- **Disciplinary and grievance information:** allegations, complaints, investigation and proceeding notes, records and outcomes;
- **Health and safety information:** health and safety audits, health and safety screening requests and results, risk assessments, incident reports;
- **Monitoring information:** closed circuit television footage, system and building login and access records including badge swipe records, download and print records, call or meeting recordings, information captured by IT security programmes and filters;

- **Employee claims, complaints and disclosures information:** subject matter of employment or contract based litigation and complaints, pre-claim conciliation, communications, settlement discussions, claim proceeding records, employee involvement in incident reporting and disclosures;
- **Equality and diversity information (where authorised by law and provided voluntarily):** information regarding gender, age, race, nationality, religious belief and sexuality (reported anonymously for equal opportunities monitoring purposes);
- **Judicial information:** including the results of criminal or police records checks which can include details of offences, alleged offences and sentences and information from other intelligence sources (subject to relevant local laws and record retention periods); and
- Any other personal information that you choose to provide to us during the course of your employment, whether verbally or in written form.

### **SENSITIVE AND SPECIAL CATEGORIES OF PERSONAL INFORMATION**

**Where permitted by laws applicable to us, and the law of the jurisdiction in which your employer/contracting company is located,** we may collect and process a limited amount of the following personal information falling into special categories, sometimes called "sensitive personal information", whenever applicable:

- health-related details, including any reasonable adjustments that we may be required by law to make to your working arrangements;
- information revealing racial or ethnic origin;
- political opinions, religious beliefs or other similar beliefs and sexual orientation, should you choose to provide any such information to us;
- employee representative body membership; and
- biometric information for access management and employment related matters.

### **HOW DOES BNY MELLON COLLECT INFORMATION?**

We collect your personal information from a variety of sources, but in most circumstances directly from you. You will usually provide this information directly to your managers or local HR contact, if you are an employee, or to the focal point of your services agreement or your employer/contracting company, if you are a services provider/contractor, or enter it into our systems (for example, through Employee Self Service (eSS), your participation in HR processes, emails and instant messages which may be recorded electronically or manually). In addition, further information about you will come from your managers, HR, if you are an employee, or from the focal point of your services agreement or your employer/contracting company, if you are a services provider/contractor or occasionally from your colleagues.

**Where permitted by laws applicable to us or the law of the jurisdiction in which your employer/contracting company is located,** we may also obtain some information from third parties, e.g. references from a previous employer, medical reports from external professionals, information from tax authorities, benefit providers or where we employ a third party to carry out a background check or, occasionally, from clients.

In some circumstances, personal information may be collected indirectly from monitoring computers, laptops, mobile devices, emails, phone services, instant messaging, file transfers, collaboration tools, intranets, computer networks, and other systems and equipment provided to you by BNYM Mellon, (as well as personal devices used to access the secure BNY Mellon network); or by other means (for example, building

and location access control and monitoring systems, including badge swipe records, CCTV, telephone logs and recordings, instant message logs, email and Internet access logs, web and removable media (e.g. USB) upload logs and printer logs, including information sent from the secure BNY Mellon network to home printers), if and to the extent authorised by applicable laws. In these circumstances, the personal information may be collected by BNY Mellon or a third party provider of the relevant service. This type of personal information is generally not accessed on a routine basis but access is possible. Access may occur, for instance, in situations where BNY Mellon is investigating possible violations of Company policies.

Where we ask you to provide personal information to us on a mandatory basis, we will inform you of this at the time of collection and in the event that particular information is required by the contract or statute this will be indicated. The failure to provide mandatory information will mean that we cannot carry out certain HR processes. For example, if you do not provide us with your bank details, we will not be able to pay you. In some cases it may mean that we are unable to continue with your employment or engagement, as BNY Mellon will not have the personal information we believe to be necessary for the effective and efficient administration and management of our relationship with you.

Apart from personal information relating to you, you may also provide BNY Mellon with personal information of third parties, notably your dependants and other family members, for purposes of HR administration and management, including the administration of benefits and someone to contact in an emergency. Before you provide such third party personal information to BNY Mellon you must first inform these third parties of any such information that you intend to provide to BNY Mellon and of the processing to be carried out by BNY Mellon, as detailed in this Notice.

#### **WHAT ARE THE PURPOSES FOR WHICH PERSONAL INFORMATION IS PROCESSED AND WHAT IS OUR LEGAL BASIS FOR CARRYING OUT THE PROCESSING?**

Your personal information is collected and processed for various purposes, in accordance with laws applicable to us, or the law of the jurisdiction in which your employer/contracting company is located and/or any applicable collective bargaining agreements. We have set out in this Notice the purposes for which we may use your personal information. Personal information may occasionally be used for purposes not obvious to you where the circumstances warrant such use, e.g. in investigations or disciplinary proceedings, if applicable. We may, where we think it is necessary, provide you with additional information in relevant HR policies to ensure that you understand how your personal information may be used.

#### **The legal basis on which we process your personal information**

We will only collect, use and share your personal information where we are satisfied that one or more of the following lawful bases apply (subject to any local law derogations stated herein):

- The processing is necessary for compliance with a legal obligation under law to which BNY Mellon is subject, for example, disclosing information to local tax authorities, making statutory payments, avoiding unlawful termination, avoiding unlawful discrimination, meeting statutory record keeping requirements or health and safety obligations;
- The processing is necessary for the performance of a contract to which you are a party or in order to take steps, at your request, prior to entering into such a contract, for example collecting bank details to pay your salary, if applicable, or processing information to provide you with the contractual benefits to which you are entitled, if applicable;
- The processing is necessary for the legitimate interests pursued by BNY Mellon or (in limited circumstances) by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal information. BNY Mellon considers

that it has a legitimate interest in processing personal information for the purposes set out below, and to support the achievement of its immediate and long-term business goals and outcomes; or

- The processing is based on your consent. Consent will be used where there is voluntary processing for special category data where no other legal justification applies, where the processing is at request of an employee, services provider or contractor or where the processing is required under laws applicable to your employer/contracting company. Where consent is required for the processing in question, it will be sought from you separately to ensure that it is freely given, informed and explicit. Information regarding such processing will be provided to you at the time that consent is requested. You should be aware that it is not a condition or requirement of your employment or engagement to agree to any request for consent from BNY Mellon, and that there will be no negative impact if you do not agree.

## **Consent**

**Where permitted by laws applicable to us or the law of the jurisdiction in which your employer/contracting company is located**, the processing of your personal information may, in specific circumstances, be based on your consent. Consent will be used where there is voluntary processing for special category data where no other legal justification applies, where the processing is at the request of an employee or contractor or where the processing is required under laws applicable to us or the law of the jurisdiction in which your employer/contracting company is located. Where consent is required for the processing in question, it will be sought from you separately to ensure that it is freely given, informed and explicit. Information regarding such processing will be provided to you at the time that consent is requested. You should be aware that it is not a condition or requirement of your employment to agree to any request for consent from BNY Mellon, and that you have a right to revoke your consent at any time, by contacting your local HR representative, if you are an employee, or the focal point of your services agreement or your employer/contracting company, if you are a services provider/contractor.

## **Additional legal basis we rely on where we process sensitive personal information**

We will only collect, use and share your sensitive personal information where one of the following additional lawful bases applies:

- The processing is necessary for the assessment of the working capacity of the employee/services provider/contractor, medical diagnosis, the provision of health or social care or treatment;
- The processing is necessary for the purpose of exercising or performing a right, or obligation, conferred or imposed by law on us in the context of your employment or engagement;
- The processing is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent (for example in exceptional emergency situations, such as a medical emergency);
- The processing is necessary for purposes permitted by laws applicable to us or the law of the jurisdiction in which your employer/contracting company is located for specific purposes, such as preventing fraud, preventing terrorist financing, diversity monitoring;
- The processing is necessary for the establishment, exercise or defence of legal claims;
- In exceptional circumstances the processing is carried out subject to your explicit consent (as explained above); or
- The processing is necessary to identify and authenticate registration in electronic systems

**The purposes for which we use your personal information and the lawful bases which apply**

We have identified a number of purposes for collecting and processing your personal information, whenever applicable. These are set out below together with the lawful bases which apply for each case:

	<b>What we use your information for (if and to the extent permitted by LGPD or the law of the jurisdiction in which your employer/contracting company is located)</b>	<b>Lawful Basis</b>	<b>Our legitimate interests</b>
<b>Recruitment and candidate selection</b>	<ul style="list-style-type: none"> <li>• Evaluate applications for employment or engagement and make decisions in relation to on-boarding of employees/contractors /service provider</li> <li>• Appropriate pre-employment or pre-engagement screening including, where relevant and appropriate, identity check, right to work verification, reference check, credit check, financial sanction check, criminal record checks.</li> <li>• Making job offers, providing contracts of employment or engagement and preparing to commence your employment or engagement where you accept an offer from us</li> <li>• To contact you if you are not successful in your initial application should another potentially suitable vacancy arise</li> <li>• To deal with any query, challenge or request for feedback received in relation to our recruitment decisions</li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>• Legal obligation</li> <li>• Legitimate interests</li> <li>• Employment/necessary for contract</li> <li>• Consent (where required)</li> </ul>	<ul style="list-style-type: none"> <li>• Assessing the suitability of applicants to recruit the best person for each vacancy</li> <li>• Ensuring that candidates for employment or engagement do not pose an unacceptable security risk to BNY Mellon or its clients</li> <li>• Maintaining an appropriate pool of talent who have shown an interest in working for BNY Mellon and who are potentially suitable candidates for employment</li> <li>• Providing feedback to candidates and defending a challenge or claim made in connection with our recruitment decision</li> </ul>

	<b>What we use your information for (if and to the extent permitted by LGPD or the law of the jurisdiction in which your employer/contracting company is located)</b>	<b>Lawful Basis</b>	<b>Our legitimate interests</b>
	<ul style="list-style-type: none"> <li>Monitoring programmes to ensure equality of opportunity and diversity</li> </ul>		
<b>Ongoing management of all aspects of employees' relationships with BNY Mellon</b>	<ul style="list-style-type: none"> <li>To manage and maintain HR records, files and systems, including technical support and maintenance for HR systems and managing electronic and hard copy records in line with BNY Mellon's retention schedules</li> <li>Providing and administering remuneration, benefits, pensions and incentive schemes</li> <li>Reimbursement of business costs and expenses</li> <li>Making appropriate tax and social security deductions and contributions</li> <li>Allocating and managing duties and responsibilities and the business activities to which they relate, including business travel</li> <li>To set and change building and system access permissions</li> <li>Identifying and communicating effectively with employees</li> <li>Including personal information in Group directories, skills</li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>Employment/necessary for contract</li> <li>Legal obligation</li> <li>Legitimate interests</li> <li>Consent (where required)</li> <li>Exercise of rights in judicial or administrative proceedings</li> </ul>	<p>Managing BNY Mellon's workforce and operating our business</p> <ul style="list-style-type: none"> <li>Ensuring effective employee remuneration and management</li> <li>Ensuring the effective allocation and organization of work amongst employees</li> <li>Ensuring clarity of employee duties and responsibilities</li> <li>Facilitating access to appropriate locations and systems</li> <li>Ensuring appropriate protection of BNY Mellon assets and third party assets we may hold</li> <li>Facilitating effective communication and collaboration with, and between, employees and clients</li> <li>Measuring and reporting on financial management and business performance</li> <li>Setting objectives for employees</li> <li>Setting appropriate standards of attendance, behaviour and performance, and taking appropriate action where standards are not met or</li> </ul>

	<b>What we use your information for (if and to the extent permitted by LGPD or the law of the jurisdiction in which your employer/contracting company is located)</b>	<b>Lawful Basis</b>	<b>Our legitimate interests</b>
	<p>databases and management information reporting</p> <ul style="list-style-type: none"> <li>• Where appropriate, publishing appropriate internal or external communications or publicity material, including via social media in appropriate circumstances</li> <li>• Managing and operating performance reviews, capability, attendance and talent programmes</li> <li>• Managing grievances, disciplinary and performance, allegations (e.g. whistleblowing, harassment), complaints, investigations and disciplinary processes, and making related management decisions</li> <li>• Training, development, promotion, career and succession planning and business contingency planning</li> <li>• Consultations or negotiations with employees or representatives of employees</li> <li>• Where required by local law, processing details of membership of trade unions, works councils and other employee representative bodies</li> </ul>		<ul style="list-style-type: none"> <li>• Supporting career development and succession planning</li> <li>• Supporting fair, consistent, objective performance related reward</li> <li>• Addressing employee related concerns and issues</li> <li>• Seeking the views of its workforce and those that represent them on proposals which will impact on employees such as the development of new policies or working practices</li> <li>• Seeking the views of its workforce and giving them the opportunity to raise concerns or suggest improvements</li> <li>• Taking action to prevent discrimination and promote an inclusive and diverse workplace</li> <li>•</li> </ul>

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	<p>and, with employee consent, to administer any associated subscriptions paid direct from salaries</p> <ul style="list-style-type: none"> <li>• Conducting surveys for benchmarking and identifying improved ways of working and employee relations and engagement at work (these will often be anonymous and/or optional but may include profiling information such as age to support analysis of results)</li> <li>• Monitoring programmes to ensure equality of opportunity and diversity</li> <li>• Defending a challenge or claim made in connection with employment</li> </ul>		
<b>Absence management and health and safety</b>	<p>To the extent authorised by applicable laws:</p> <ul style="list-style-type: none"> <li>• Processing information about absence</li> <li>• Processing medical information regarding physical or mental health or condition to: <ul style="list-style-type: none"> <li>– assess eligibility for incapacity or permanent disability related remuneration or benefits;</li> <li>– determine fitness for work;</li> </ul> </li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>• Employment/necessary for contract</li> <li>• Legal obligation</li> <li>• Legitimate interests</li> <li>• Processing is necessary assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment</li> <li>• Consent (where required)</li> </ul>	<ul style="list-style-type: none"> <li>• Managing safety risks</li> <li>• Supporting the welfare of employees, including referral to occupational health advisers</li> <li>• Taking steps to identify and mitigate risks to employees' health, safety or welfare</li> <li>• Ensuring fitness for work</li> <li>• Managing absence and incapacity impacting on the ability of employees to perform their roles</li> </ul>

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	<ul style="list-style-type: none"> <li>– facilitate a return to work;</li> <li>– make adjustments or accommodations to duties or the workplace;</li> <li>– make management decisions regarding employment or engagement or continued employment or engagement or redeployment; and</li> <li>– conduct related management processes</li> </ul>		
<b>Compliance monitoring, security and systems use</b>	<ul style="list-style-type: none"> <li>• Measuring the performance analytics of BNY Mellon IT systems, monitor usage of BNY Mellon resources and systems, analyse times, locations and activities whilst logged into the network and improve the usability of BNY Mellon technology and tools in accordance with applicable local laws (and subject to local works council approval where necessary)</li> <li>• Ensuring the security of BNY Mellon IT systems and information assets</li> <li>• Auditing, monitoring, investigation and compliance monitoring activities in relation to BNY Mellon policy, the BNY Mellon’s Code of</li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>• Protection of credit</li> <li>• Legal obligation</li> <li>• Legitimate interests</li> <li>• Consent (where required)</li> </ul>	<ul style="list-style-type: none"> <li>• Putting in place appropriate policies and procedures for employees, and contractors/service providers, measuring compliance, detecting breaches and taking action to address non-compliance</li> <li>• Carrying out risk assessments, detecting and preventing crimes or criminal activity or other unlawful or unethical activity</li> <li>• Ensuring compliance with other legal or regulatory requirements placed upon us or related official guidance</li> <li>• Providing ways for employees, contractors/service providers and others to</li> </ul>

	<b>What we use your information for (if and to the extent permitted by LGPD or the law of the jurisdiction in which your employer/contracting company is located)</b>	<b>Lawful Basis</b>	<b>Our legitimate interests</b>
	<p>Conduct, applicable law, the prevention and detection of criminal activity and to protect BNY Mellon's assets and premises</p> <ul style="list-style-type: none"> <li>• Accessing, monitoring, recording, and using information contained in emails, instant messages, telephone calls and other electronic communications, as well as internet access and use via BNY Mellon systems in accordance with local laws</li> <li>• Preventing and investigating crime against employees, clients, BNY Mellon property and premises (which includes CCTV monitoring)</li> <li>• Undertaking ongoing criminal record checks where legally required, e.g. as part of financial services certification regimes</li> <li>• Transaction monitoring to prevent and detect financial market abuse, in accordance with local laws</li> </ul>		<p>report conduct or compliance issues</p> <ul style="list-style-type: none"> <li>• Considering and investigating matters drawn to BNY Mellon's attention</li> <li>• Protecting BNY Mellon's IT network, systems and business devices to maintain the integrity and security of data and business information and facilitating records management</li> <li>• Locating information through searches where required for a legitimate business purpose</li> <li>• Ensuring the safety and security of employees, contractors/service providers, clients and the public</li> </ul>
<b>Business transformation, business development and supplier management</b>	<ul style="list-style-type: none"> <li>• Planning, managing and carrying out restructuring or redundancies or other change programmes including appropriate consultation, selection, alternative</li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>• Employment/necessary for contract</li> <li>• Legal obligation</li> <li>• Legitimate interests</li> </ul>	<ul style="list-style-type: none"> <li>• Managing BNY Mellon's business operations in the most effective and efficient way</li> <li>• Making decisions relating to the future of the business</li> </ul>

	<b>What we use your information for (if and to the extent permitted by LGPD or the law of the jurisdiction in which your employer/contracting company is located)</b>	<b>Lawful Basis</b>	<b>Our legitimate interests</b>
	<p>employment searches and related management decisions</p> <ul style="list-style-type: none"> <li>• Planning, due diligence and implementation in relation to a commercial transaction or service transfer involving BNY Mellon that impacts on your relationship with BNY Mellon, e.g. mergers and acquisitions or a transfer of your employment under applicable automatic transfer rules</li> <li>• For tenders for work or client team records or to operate the relationship with clients or support client delivery or vetting requirements including the use of contact or professional CV details or photographic images</li> <li>• To operate the relationship with other third parties such as suppliers including disclosure of information to data processors for the provision of services to BNY Mellon</li> </ul>	<ul style="list-style-type: none"> <li>• Consent (where required)</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring appropriate workforce engagement in transformation or change proposals</li> <li>• Ensuring fair and effective implementation of BNY Mellon decisions impacting workforce</li> <li>• In the event of an outsourcing, acquisition or business transfer transaction, ensuring that the workforce, employee costs and liabilities are sufficiently understood prior to committing to the transaction and ensuring a smooth transition of employees if a transaction goes ahead</li> <li>• Ensuring effective business development and building/maintaining successful client relationships</li> <li>• Ensuring effective communication with, and engagement of, suppliers</li> </ul>
<b>Responding to legal and regulatory requests</b>	<ul style="list-style-type: none"> <li>• To comply with lawful requests by public authorities, discovery requests, or where otherwise required or authorised by applicable laws, court</li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>• Employment/ necessary for contract</li> <li>• Legal obligation</li> </ul>	<ul style="list-style-type: none"> <li>• Co-operating with relevant public authorities, government bodies or regulators for the provision of information, subject to</li> </ul>

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	orders, government regulations, or regulatory authorities (including without limitation data protection, tax and employment), whether within or outside your country	<ul style="list-style-type: none"> <li>• Legitimate interests</li> <li>• Exercise of rights in administrative or judicial proceedings</li> </ul>	the appropriate internal controls and approvals and after considering the impacted individuals' privacy rights. BNY Mellon wishes to maintain its reputation as a good corporate citizen and to act ethically and appropriately in all the countries in which it does business
<b>Termination of employment and managing post-employment relationships</b>	<ul style="list-style-type: none"> <li>• Complying with reference requests where BNY Mellon is named by the individual as a referee</li> <li>• Administering termination and post-termination matters, e.g. outplacement services, liaison with employee legal representatives, enforcing restrictive covenants, loan repayments, overpayments, expense reimbursements, employee benefits</li> <li>• Conduct termination and post-termination litigation</li> </ul>	<p>Subject to any local law derogations stated herein the following lawful bases shall apply:</p> <ul style="list-style-type: none"> <li>• Legal obligation</li> <li>• Employment/necessary for contract</li> <li>• Legitimate interests</li> <li>• Exercise of rights in administrative or judicial proceedings</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests of a new employer to receive confirmation of basic employment details from BNY Mellon for the purposes of confirming a former employee's employment history including dates of employment and role</li> <li>• Ensuring an effective exit process for employees lodging or defending a challenge or claim made in connection with employment termination</li> </ul>

## RETENTION OF PERSONAL INFORMATION

BNY Mellon endeavours to keep personal information as current as possible and to delete or anonymize irrelevant or excessive personal information as soon as reasonably practicable. The retention of personal information relating to both current and former employees, service providers and contractors will endure in

accordance with the Global Records Management Policy I-D-200 that provide a framework for managing BNY Mellon records and applicable laws.

## **SECURITY OF PERSONAL INFORMATION**

BNY Mellon takes the protection of your personal information very seriously. BNY Mellon has appropriate organizational and technical measures in place, as required by the laws applicable to us or the law of the jurisdiction in which your employer/contracting company is located, to ensure the security of the personal information it collects. Further details in relation to the control, processing, storage, transmission and communication of information, including personal information, can be found on the Compliance and Information Risk Management intranet sites.

## **DISCLOSURE AND INTERNATIONAL TRANSFER OF PERSONAL INFORMATION**

For the above purposes and subject to the laws applicable to us or the law of the jurisdiction in which your employer is located, personal information may be transferred within or outside of the jurisdiction where you are employed or perform work, either within BNY Mellon or to third parties, including, but not limited to:

- any holding company, subsidiary, affiliate or any other associated entity of BNY Mellon, where such disclosure is necessary to provide employment related services or to manage our business;
- certain third party including suppliers and service providers including; labour law consultants; government departments; travel agencies; actuaries; fund managers; banks; insurers; insurance brokers; credit reference agencies; credit institutions; pension providers; trustees; auditors; legal and tax advisers; investigators; medical practitioners; IT personnel; business consultants or professional advisors; courts and tribunals; law enforcement agencies; relevant regulatory authorities; prospective employers; employment and recruitment agencies; educators and examining bodies; mentors; counsellors; your immediate family, associates or authorised representatives and outplacement service providers.

BNY Mellon may disclose personal information when required by law or court order, or as requested by any government or regulator or law enforcement authority or agency, or if it determines in good faith that disclosure is otherwise necessary or advisable, including and without limitation to protect BNY Mellon's rights or property or in circumstances which BNY Mellon or its advisers consider it to be appropriate or related to any of the purposes for which the personal information is collected.

Where permitted by the laws applicable to us or the law of the jurisdiction in which your employer/contracting company is located, BNY Mellon may also disclose personal information to a third party where it is necessary to do so in order to protect or pursue BNY Mellon's legitimate interests (ensuring this is proportionate and limited to that information which is strictly necessary in the circumstances). This may include, but not be limited to, disclosure to a party with whom BNY Mellon is in negotiation for the sale or transfer of a business, assets or services. BNY Mellon will take appropriate steps to ensure that the recipient of personal information in such circumstances puts in place an adequate level of protection for such personal information in accordance with applicable legal requirements.

BNY Mellon operates on a global basis. Accordingly, your personal information may be transferred and stored in countries outside of your jurisdiction (such as the USA and India), that are subject to different standards of data protection. Where BNY Mellon transfers personal information internally within BNY Mellon or to any third party between different jurisdictions, for the purposes outlined in this document, it will take appropriate steps to ensure that transfers are in accordance with applicable law and carefully managed to protect your privacy rights and interests, and that transfers are limited to countries which are recognized as providing an adequate level of legal protection or where we can be satisfied that alternative arrangements are in place to protect your privacy rights. To this end:

- transfers within BNY Mellon entities will be conducted in a manner that adheres to data protection laws;
- where we transfer your personal information outside BNY Mellon, or to third parties who help provide our products and services, we obtain contractual commitments from them to protect your personal information with equivalent standards; or
- where we receive requests for information from law enforcement or regulators, we carefully validate these requests before personal information is disclosed.

## **YOUR RIGHTS AS A DATA SUBJECT**

Please note that in certain circumstances, as provided the law of the jurisdiction in which your employing legal entity/contracting company is located, your rights may be subject to some extensions or limitations.

### **Right to access, correct and delete your personal information**

- You have the right to be informed about the collection and use of your personal data, including the public and private entities with which BNY Mellon has shared personal information.
- BNY Mellon aims to ensure that all personal information is correct and updated, subject to changes to personal information and personal circumstances (for example, change of address and bank accounts) being notified promptly.
- You have the right to request access to or solicit a copy of any of your personal information that BNY Mellon may hold, and to request correction of any inaccurate or outdated information relating to you. You furthermore have the right to request deletion of any irrelevant information we hold about you.
- You can see and update some of this information yourself via Employee Self Service. However, to correct/update other information, you will need to contact local Human Resources and/or the focal point of your services agreement or your employer/contracting company.

### **Right to confirm processing of your personal information**

As part of the right to access, data subjects have the right to confirm whether BNY Mellon processes the personal information of a particular data subject.

### **Right to restrict/block or anonymize processing:**

You have the right to restrict/block or anonymize our processing of your personal information, only if:

- the processing of personal information is unnecessary or excessive; or
- the processing of personal information is unlawful

### **Right to withdraw consent**

- Where we have relied on your consent to process particular information and you have provided us with your consent to process the information, you have the right to withdraw such consent at any time. You can do this by (i) in some cases deleting the relevant information from the relevant HR system (although note that in this case it may remain in back-ups and linked systems until it is deleted in accordance with our Global Records Management Policy I-D-200 and in accordance to local record retention schedules or

(ii) contacting your local Human Resources contact and/or the focal point of your services agreement or your employer/contracting company..

### **Right to complain**

- If you have any questions, concerns or complaints regarding our compliance with this notice and applicable data protection laws, or if you wish to exercise your rights, we encourage you to first contact your local HR representative and/or the focal point of your services agreement or your employer/contracting company, or our Chief Privacy Officer. We will investigate and attempt to resolve complaints and disputes and will make every reasonable effort to honour your wish to exercise your rights as quickly as possible and in any event, within the timescales provided by data protection laws.
- You may also have certain legal rights if you suffer damage as a result of a breach of data protection laws.
- The Chief Privacy Officer can be contacted in the following ways:

**By email:** [trmglobalprivacy@bnymellon.com](mailto:trmglobalprivacy@bnymellon.com)

### **ADDITIONAL FAIR PROCESSING NOTICES**

We may undertake certain processing of personal information which is subject to additional Fair Processing Notices and we shall bring these to your attention.