

## PRIVACY POLICY

### - concerning personal data of candidates -

#### 1. Who are we and how to find us?

The Controller of personal data is LUXOBESOLUX Sarl with its registered office in Luxembourg (address: 8 rue de Beggen, L-1220 Luxembourg), Company Registration Number (RCS Luxembourg): B203 271

(hereinafter: "LUXOBESOLUX").

You can contact us by e-mail: [GDPR@besolux.com](mailto:GDPR@besolux.com)

#### 2. Why do we process your personal data?

**Where we consider you to be a good candidate to work or cooperate with us, we process your personal data in order to ensure your inclusion in the recruitment process.**

We will process your personal data to:

- 1) contact you for the purposes of the recruitment process,
- 2) assess your qualifications for the position you are applying for,
- 3) assess your abilities and skills needed for the position you are applying for,
- 4) select the right candidate.

#### RECRUITMENT INITIATED BY THE CANDIDATE

It is possible that your application arrived to us directly with documents (such as CV, portfolio, or cover letter) sent by you through e-mail, or through specialised job portals in response to job offers published by us. We process your personal data only for the purposes of the recruitment indicated in the job offer and, should you have given your consent in your application, for the purposes of future recruitment.

The legal basis for the processing of your personal data that you provide to us on your own by applying for job offers published by us, to the extent indicated in the labour law, is Article 6(1)(b) of the 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, hereinafter referred to as: "**GDPR**"), which applies when the processing is necessary for the conclusion of a contract. Other data will be processed on the basis of your consent (Article 6(1)(a) of the GDPR, i.e. *the data subject has given consent to the processing of his or her personal data for one or more specific purposes*), which can be revoked at any time.

However, you should be aware that in this case we may sometimes supplement the personal data you have provided to us by reviewing your publicly available business or professional social media profiles. Therefore, on the basis of Article 6(1)(f) of the GDPR (*processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party*), we have a legitimate interest in supplementing this information on our own, from publicly available sources.

If there are any sensitive data among the data you have provided to us, we may only process them on the basis of your explicit and separate consent. The consent may be revoked at any time. In absence thereof, the data will be deleted by us without delay.

### **RECRUITMENT INITIATED BY BESO LUX**

In this case, the recruiting process is divided into two stages, which are important from the point of view of the protection of your personal data. At the initial stage, we search for you. At that point you do not know yet that we are processing your data, but we have to do so – otherwise we could not assess whether you might be interested in the position, nor could we contact you. Therefore, the processing is necessary for the purposes of the legitimate interests pursued by the controller (us) (Article 6(1)(f) of the GDPR, i.e. *processing is necessary for the purposes of the legitimate interests pursued by the controller*). We do our best to keep this first stage of our work as short as possible, to avoid involving excessive data and to not surprise you. At the next stage of recruitment you are participating in a fully informed manner. We contact you, write an email, invite you for an interview. With the first contact, we provide you with all the information contained in this privacy policy (e.g. by sending you a link by e-mail).

### **OTHER RECRUITMENT**

Should you wish your CV (and other data contained in your recruitment application and collected due to your participation in the recruitment process for a specific position) to be used for the purposes of future recruitment or other recruitment carried out by us at the moment, your data will be processed on the basis of your voluntary consent i.e. on the basis of Article 6(1)(a) of the GDPR (*the data subject has given consent to the processing of his or her personal data for one or more specific purposes*).

### **CONTACT**

By contacting us, you provide us with your personal data, including the data contained in your correspondence. These are most commonly data such as email address, telephone number, and name. While providing these data is voluntary, it is sometimes necessary to contact us. The legal basis for such processing of your personal data that you provide on your own when contacting us is Article 6(1)(f) of the

GDPR (*processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party*). In this case, the legitimate interest is the need to answer questions addressed to LUXOBESOLUX.

## **HANDLING OF CLAIMS**

The content of any correspondence you may have with us may be archived and we are unable to determine when it will be erased. You have the right to request the history of any correspondence you have had with us (if archived), as well as to request its erasure, unless archiving is justified on the grounds of our overriding interests. The legal basis for the processing of your personal data after your communication with us has ended is also our legitimate interest in archiving your correspondence to ensure that we can prove certain facts in the future. Therefore, we may process your personal data for the purpose of investigating and defending against claims on the basis of Article 6(1)(f) of the GDPR (*processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party*).

## **3. What kinds of personal data do we process?**

We process the following personal data of candidates:

- 1) first name and surname,
- 2) service address,
- 3) e-mail address,
- 4) telephone number,
- 5) image (CV photograph),
- 6) education,
- 7) employment history,
- 8) professional specialisation,
- 9) data publicly available on business or professional social media,
- 10) financial expectations with regard to remuneration at the new employer,
- 11) level of foreign language skills,
- 12) notice period for termination of employment with the current employer,
- 13) other data as required by law regulations.

## **5. Whom do we disclose your personal data to?**

Your personal data are processed in an IT system, parts of which are located in the so-called public cloud, for the purposes of storing data on a server and operating a mail server. Some of the operations described above involve the transfer of your personal data to so-called third countries (outside the European Economic Area), where the GDPR does not apply. This is always done, however, on the basis of the legal instruments provided for in the GDPR, which guarantee adequate protection of your rights and freedoms.

#### **6. For how long we will process your personal data?**

Your personal data are processed until the recruitment for the position you have applied for is completed.

As regards personal data processed for the purposes of future recruitment processes, based on your consent, your personal data will be stored for a period of 24 (twenty-four) months as of the date of your consent or until you revoke it.

Sensitive data that we have received from you, and for which you have not provided us with explicit and separate consent for processing, will be deleted without delay.

However, please keep in mind that we may also store your personal data for the purposes of establishing, investigating or defending against claims related to the recruitment process for a period of 3 years as of the end of the recruitment process in which you participated.

#### **6. How do we make it possible for you to exercise your rights?**

We are committed to ensuring that you are happy cooperating with us. However, you should be aware that you have a number of rights which will allow you to have your say on how we process your personal data, and in some cases to have such processing ceased. These rights are as follows:

- **right of access (governed under Article 15 of the GDPR)**

Article 15

*Right of access by the data subject*

1. *The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:*
  - (a) the purposes of the processing;*
  - (b) the categories of personal data concerned;*
  - (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;*
  - (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;*

*(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;*

*(f) the right to lodge a complaint with a supervisory authority;*

*(g) where the personal data are not collected from the data subject, any available information as to their source;*

*(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.*

- 2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.*
  - 3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.*
  - 4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.*
- **right to rectification (governed under Article 16 of the GDPR)**

#### *Article 16*

##### *Right to rectification*

*The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.*

- **right to erasure (governed under Article 17 of the GDPR)**

#### *Article 17*

##### *Right to erasure ('right to be forgotten')*

- 1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:*
  - (a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;*

*(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing;*

*(c) the data subject objects to the processing pursuant to Article 21(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2);*

*(d) the personal data have been unlawfully processed;*

*(e) the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;*

*(f) the personal data have been collected in relation to the offer of information society services referred to in Article 8(1).*

*Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the personal data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that the data subject has requested the erasure by such controllers of any links to, or copy or replication of, those personal data.*

*Paragraphs 1 and 2 shall not apply to the extent that processing is necessary:*

*(a) for exercising the right of freedom of expression and information;*

*(b) for compliance with a legal obligation which requires processing by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;*

*(c) for reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3);*

*(d) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) in so far as the right referred to in paragraph 1 is likely to render impossible or seriously impair the achievement of the objectives of that processing; or*

*(e) for the establishment, exercise or defence of legal claims.*

– **right to restriction of processing (governed under Article 18 of the GDPR)**

*Article 18*

*Right to restriction of processing*

1. *The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:*

*(a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data;*

- (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;*
- (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;*
- (d) the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.*
2. *Where processing has been restricted under paragraph 1, such personal data shall, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.*
  3. *A data subject who has obtained restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.*
- **right to object (governed under Article 21 of the GDPR)**

#### Article 21

##### Right to object

1. *The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.*
2. *Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.*
3. *Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.*
4. *At the latest at the time of the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be explicitly brought to the attention of the data subject and shall be presented clearly and separately from any other information.*
5. *In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the data subject may exercise his or her right to object by automated means using technical specifications.*
6. *Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her,*

*unless the processing is necessary for the performance of a task carried out for reasons of public interest.*

- **right to data portability (governed under Article 20 of the GDPR)**

*Article 20*

*Right to data portability*

1. *The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:*
  - (a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) or on a contract pursuant to point (b) of Article 6(1); and*
  - (b) the processing is carried out by automated means.*
2. *In exercising his or her right to data portability pursuant to paragraph 1, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.*
3. *The exercise of the right referred to in paragraph 1 of this Article shall be without prejudice to Article 17. That right shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.*
4. *The right referred to in paragraph 1 shall not adversely affect the rights and freedoms of others.*

To exercise any of the described rights, please contact us by e-mail to the address we use for contacting you, or to the following address: [GDPR@besolux.com](mailto:GDPR@besolux.com).

**1. Right to lodge a complaint with a supervisory authority**

Pursuant to Article 77 of the GDPR, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data relating to you infringes the GDPR. In Luxembourg, the supervisory authority is the President of the Commission Nationale pour la Protection des Données – you can lodge a complaint, for instance, by traditional mail to the address: 15, Boulevard du Jazz L-4370 Belvaux, or by e-mail to [info@cnpd.lu](mailto:info@cnpd.lu), or you can obtain more detailed information (including current telephone numbers) on the following website: <http://www.cnpd.lu/>.

If you wish to contact another supervisory authority responsible for the protection of personal data – go to the website of the European Data Protection Board: [https://edpb.europa.eu/about-edpb/about-edpb/members\\_en](https://edpb.europa.eu/about-edpb/about-edpb/members_en)

**8. Is it necessary for you to provide your data in order to enter into a contract with us?**



We do not enter into any contract with you at this stage. You need to provide your data to take part in the recruitment.

#### **9. Where do we get your personal data from?**

It is probable that you have responded to our job offer yourself by using a dedicated application form or a specialised job portal, or by writing to us by email. In this case, we received the first set of data from you.

There is also a possibility that we have searched for your publicly available details on business or professional social media sites, or someone has recommended you to us as a good professional.

#### **10. Automated processing and profiling**

We do not process your data by automated means and we do not carry out profiling within the meaning adopted in the GDPR.