



Privacy Notice (Fair Processing Notice- FPN): Employees/ Contractors, Prospective Employees/ Contractors and Job Applicants

Policy Owner: Legal Department
Approved By: Chief Legal Officer
Effective Date: September 2021
Review Date: September 2022

Introduction

Formula E Operations Limited and Formula E Race Operations Limited (Formula E) is committed to maintaining the accuracy, confidentiality and security of your personal information. This Fair Processing Notice (FPN) describes the personal information that Formula E collects from or about you, and how we use and to whom we disclose that information.

1. This privacy notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).
2. We are a "data controller". This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.
3. This notice applies to prospective, current and former employees, workers and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time but if we do so, we will provide you with an updated copy of this notice as soon as reasonably practical.
4. It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.
5. We will comply with data protection law. This says that the personal information we hold about you must be:
 - i. Used lawfully, fairly and in a transparent way.
 - ii. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
 - iii. Relevant to the purposes we have told you about and limited only to those purposes.
 - iv. Accurate and kept up to date.
 - v. Kept only as long as necessary for the purposes we have told you about.
 - vi. Kept securely.

6. Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).
7. There are certain types of more sensitive personal data which require a higher level of protection, such as information about a person's health or sexual orientation. Information about criminal convictions also warrants this higher level of protection.

What Personal Information Do We Collect?

8. For all **job applicants**, we will collect, store, and use some of the following categories of personal information about you:
- i. Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
 - ii. Any other details about you contained within your CV, covering letter or social media account through which you applied for this job.
9. For **prospective employees/ contractors** put forward to interview, we will collect, store, and use all data sets specified in Section 8 above, plus the following categories of personal information about you:
- i. Details of your current or last salary.
 - ii. Details of your current notice period.
 - iii. Confirmation of your right to work in the UK.
10. For all **appointed employees/ contractors**, we will collect, store, and use data sets specified in Sections 8 and 9 above, plus some of the following categories of personal information about you:
- i. Date of birth.
 - ii. Gender.
 - iii. Marital status and dependents.
 - iv. Next of kin and emergency contact information.
 - v. National Insurance number.
 - vi. Bank account details, payroll records and tax status information.
 - vii. Salary, annual leave, pension and benefits information.
 - viii. Start date and, if different, the date of your continuous employment.

- ix. Leaving date and your reason for leaving.
- x. Location of employment or workplace.
- xi. Nationality and country of residence.
- xii. Copy of driving license.
- xiii. Copy of passport if travelling abroad with the company.
- xiv. Clothing and shoe sizes for the purposes of issuing uniform.
- xv. Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- xvi. Employment records (including job titles, work history, working hours, holidays, training records and professional memberships).
- xvii. Performance information.
- xviii. Disciplinary and grievance information.
- xix. CCTV footage and other information obtained through electronic means such as swipe card records.
- xx. Information about your use of our information and communications systems.
- xxi. Photographs.
- xxii. Results of HMRC employment status check, details of your interest in and connection with the intermediary through which your services are supplied.

11. We may also collect, store and use the following more sensitive types of personal information:

- i. Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions.
- ii. Trade union membership.
- iii. Information about your health, including any medical condition, health and sickness records, including:
- iv. where you leave employment and under any share plan operated by a group company the reason for leaving is determined to be ill-health, injury or disability, the records relating to that decision;
- v. details of any absences (other than holidays) from work including time on statutory parental leave and sick leave; and
- vi. where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.

vii. Information about criminal convictions and offences.

12. We may collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

13. We may also collect personal information from the trustees or managers of pension arrangements operated by a group company.

14. We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

Why Do We Collect Personal Information?

15. We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- i. Where we need to perform the contract we have entered into with you.
- ii. Where we need to comply with a legal obligation.
- iii. Where it is necessary for legitimate interests pursued by us or a third party and your interests and fundamental rights do not override those interests.

16. We may also use your personal information in the following situations, which are likely to be rare:

- i. Where we need to protect your interests (or someone else's interests).
- ii. Where it is needed in the public interest or for official purposes.
- iii. We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with

17. We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. In some cases we may use your personal information to pursue legitimate interests provided your interests and fundamental rights do not override those interests. The situations in which we will process your personal information are listed below.

- i. Making a decision about your recruitment or appointment.
- ii. Determining the terms on which you work for us.

- iii. Checking you are legally entitled to work in the UK.
- iv. Paying you and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs).
- v. Enrolling you in a pension arrangement in accordance with our statutory automatic enrolment duties.
- vi. Administering the contract we have entered into with you.
- vii. Business management and planning, including accounting and auditing.
- viii. Conducting performance reviews, managing performance and determining performance requirements.
- ix. Making decisions about salary reviews and compensation.
- x. Assessing qualifications for a particular job or task, including decisions about promotions.
- xi. Gathering evidence for possible grievance or disciplinary hearings.
- xii. Making decisions about your continued employment or engagement.
- xiii. Making arrangements for the termination of our working relationship.
- xiv. Education, training and development requirements.
- xv. Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- xvi. Ascertaining your fitness to work.
- xvii. Arranging your foreign travel.
- xviii. Managing sickness absence.
- xix. Complying with health and safety obligations.
- xx. To prevent fraud.
- xxi. To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- xxii. To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- xxiii. To conduct data analytics studies to review and better understand employee retention and attrition rates.
- xxiv. Equal opportunities monitoring.

18. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

Monitoring

- 19.** The work output of Formula E employees/ contractors, whether in paper record, computer files, or in any other storage format belongs to us, and that work output, and the tools used to generate that work output, are always subject to review and monitoring by Formula E.
- 20.** In the course of conducting our business, we may monitor employee/ contractor activities and our premises and property. For example, some areas of our premises, or at our events, are equipped with CCTV. Where in use, CCTV cameras are there for the protection of employees/ contractors and third parties, and to protect against theft, vandalism and damage to Formula E goods and property. Recorded images are routinely erased after one month and not shared with third parties unless there is suspicion of a crime, in which case they may be turned over to the police or other appropriate government agency or authority. Pursuant to the Formula E IT Security Policy and your contract of employment, we have the capability to monitor all employees/ contractors'/ contractors' computer, mobile phone and e-mail use, if they are given access to our IT systems and mobile phones.
- 21.** This section is not meant to suggest that all employees/ contractors will in fact be monitored or their actions subject to constant surveillance. It is meant to bring to your attention the fact that such monitoring may occur and may result in the collection of personal information from employees/ contractors (e.g. through their use of our resources). When using Formula E equipment or resources employees/ contractors should not have any expectation of privacy with respect to their use of such equipment or resources.

How Do We Use Your Personal Information?

- 22.** "Special categories" of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation or trade union membership, require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required bylaw to maintain when processing such data. We may process special categories of personal information in the following circumstances:
- i. In limited circumstances, with your explicit written consent.
 - ii. Where we need to carry out our legal obligations or exercise rights in connection with employment.
 - iii. Where it is needed in the public interest, such as for equal opportunities monitoring.

- 23.** Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- 24.** We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.
- 25.** Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:
- i. Where we have notified you of the decision and given you 21 days to request a reconsideration.
 - ii. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
 - iii. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.
- 26.** If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.
- 27.** We may have to share your data with third parties, including third-party service providers and other entities in the group.
- 28.** We require third parties to respect the security of your data and to treat it in accordance with the law. We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.
- 29.** We have put in place measures to protect the security of your information. Details of these measures are available upon request.

30. Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure. This includes the following data processors:

- Smartsheet, Inc.- which provides a data repository used to maintain details of all employees;
- SAP- which supplies our financial system that is used to process payments to employees; and
- MoorePay- which operates as Formula E's payroll provider.

31. Where your consent is required this will always be captured in a clear unambiguous way to ensure you are fully informed as to what you are consenting to. Where your consent is required for our collection, use or disclosure of your personal information, you may, at any time, subject to legal or contractual restrictions and reasonable notice, withdraw your consent. All communications with respect to such withdrawal or variation of consent should be in writing and addressed to the Data Protection Officer.

How is Your Personal Information Protected?

32. Formula E endeavours to maintain physical, technical and procedural safeguards that are appropriate to the sensitivity of the personal information in question. These safeguards are designed to protect your personal information from loss and unauthorized access, copying, use, modification or disclosure.

How Long is Your Personal Information Retained?

33. Except as otherwise permitted or required by applicable law or regulatory requirements, Formula E will retain your personal information only for as long as it believes is necessary to fulfil the purposes for which the personal information was collected (including, for the purpose of meeting any legal, accounting or other reporting requirements or obligations). We may, instead of destroying or erasing your personal information, make it anonymous such that it cannot be associated with or tracked back to you.

34. If you have applied to work for Formula E and have been unsuccessful, we may retain your data but it will be deleted after 6 months.

35. For appointed employees/ contractors, in most cases your data will be deleted 6 years after you have left the company.

36. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

Updating Your Personal Information

37. It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Your Legal Rights

38. Under certain circumstances, by law you have the right to:
- i. **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
 - ii. **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
 - iii. **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
 - iv. **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
 - v. **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
 - vi. **Request the transfer** of your personal information to another party.
39. If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact Formula E's Data Protection Officer in writing. You will not have to pay a fee to access your personal information (or to exercise any of the other

rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

- 40.** Any questions you may have regarding the processing of your personal data should be directed at the Data Protection Officer of Formula E.
- 41.** We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.
- 42.** In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Data Protection Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.
- 43.** We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.