

APPLICANT PRIVACY POLICY

This privacy policy contains important information as it sets out how we, Incooling, handle personal data of applicants (“user” or “you”). Please read this policy carefully. If you have any questions, please feel free to contact us.

ARTICLE 1. ABOUT US

1.1 Incooling B.V. (“Incooling”, “we”, “us” or “our”) attaches great importance to the protection of its users' privacy and personal information. We collect and use your personal data when you use our products and/or services. This privacy policy explains to you how we collect, use, save, share, transfer or otherwise process your personal data.

ARTICLE 2. SCOPE

2.1 The scope of this privacy policy is limited to processing activities to which the General Data Protection Regulation (“GDPR”) and its national implementation acts apply.

ARTICLE 3. RESPONSIBILITY

3.1 We will only process personal data in accordance with the applicable privacy legislation and as described in this privacy policy.

ARTICLE 4. HOW WE OBTAIN YOUR PERSONAL DATA

- 4.1** We obtain your personal data in various ways:
- a. We obtain information actively provided by you. For example, if you apply for a position with us directly or if your application has been submitted by a referral.
 - b. We also obtain information from third parties. For example, we may request information about you from previous employers, social media, company physicians or referrals.
- 4.2** It may be that providing certain personal data to us is a statutory or contractual requirement or that you are otherwise obliged to provide the data to us. If that is the case, we will inform you thereof separately, and will also explain the possible consequences if you fail to provide such personal data to us.

ARTICLE 5. DETAILS OF PROCESSING

5.1 It depends on the processing activity which personal data we process about you, for which purposes and based on which legal ground(s). Please find an overview below.

Activity: applicants	Categories of personal data processed	Legal ground(s) for processing and purposes for processing
Applying for a position with us	<ul style="list-style-type: none"> • Name, initials, gender, nationality and title • Contact information such as telephone number, email address, and home address • Work experience • Information regarding education, courses, and internships • Information regarding past positions and reasons for leaving these past positions • Results of assessments and grade lists (if applicable) • Referrals (if applicable) 	<p>We collect these personal data on the basis of your consent or, in case we are not legally required to obtain consent, on the basis of our legitimate interests, namely assessing your suitability as an applicant.</p> <p>We process your personal data for the purpose of the assessment of the applicant.</p>
Other general purposes	<ul style="list-style-type: none"> • Any type of information we possibly have of you that is necessary for the relevant purpose of processing. 	<p>We collect these personal data as this might be necessary for compliance with a legal obligation that is applicable to us as a data controller or for purposes of our legitimate interests, namely carrying out our regular business activities and protecting our interests in case of conflicts.</p> <p>We process your personal data for</p>

		purposes of (i) following requests of public authorities, (ii) mergers and acquisitions, (iii) conducting statistical or academic research, or (iv) other circumstances as stipulated by relevant laws and regulations.
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5.2 If and insofar your personal data is processed on the basis of legitimate interests, information can be obtained by you as to the so-called *balancing test* that was carried out to allow us to rely on this processing ground. This test shows why our legitimate interests outweigh your right to privacy in those specific cases. Please find our contact details below.

5.3 It may be that we intend to further process your personal data for a purpose other than those for which the personal data have been collected. In such case, we will provide you with information about the(se) other purpose(s) and all relevant further information prior to that further processing.

ARTICLE 6. SHARING WITH THIRD PARTIES

6.1 For the provision of our services we share your personal data on a strictly need-to-know-basis with:

Activity	Recipients	Location
Applying for a position with us	Data processors engaged by us, such as hosting and cloud providers.	The EU
Other general purposes	Relevant recipients depend on the applicable purpose for processing. Where relevant, we will inform you of the applicable recipients and their respective locations separately.	

ARTICLE 7. TRANSFER TO COUNTRIES OUTSIDE THE EEA

7.1 We do not involve parties that are located outside the European Economic Area (“EEA”) for the processing of your personal data. If this will be the case in the future, we will duly inform you of that matter and the procedure as explained below will apply.

ARTICLE 8. SECURITY

8.1 We take appropriate organizational and technical security measures to protect your personal data and to prevent misuse, loss, or alteration thereof. In addition, we limit access to personal data to those employees and other third parties who need to have access in view of their work/services. Also, the aforementioned persons involved are bound by a confidentiality obligation, either in their employment agreements or (data processing) agreements.

8.2 Examples of technical security measures taken by us are:

- a. logical and physical security (e.g. cybersecurity and firewall, network segmentation);
- b. technical control of the authorizations (as limited as possible) and keeping log files;
- c. management of the technical vulnerabilities (patch management) by HTC;
- d. keeping software up-to-date (e.g. browsers, virus scanners and operating systems);
- e. making local back-ups to safeguard availability and accessibility of the personal data;
- f. encryption of personal data and encryption of computers.

8.3 Examples of organizational security measures taken by us are:

- a. using a protocol for handling data breaches and other security incidents;
- b. conclude confidentiality, data processing and data protection agreements;
- c. assess whether the same objectives can be achieved with less personal data;
- d. provide access to personal data to as few people within the organization as possible.

ARTICLE 9. RETENTION PERIODS

9.1 We have the following retention terms in place:

Activity	Retention term
Applying for a position with us	<ul style="list-style-type: none">• 4 weeks after the end of the application procedure; or• If approved by you, 1 year after the end of the application procedure; or• If requested by you, immediately upon your request
Other general purposes	Relevant retention terms depend on the applicable purpose for processing. Where relevant, we will inform you of the applicable retention terms separately.

ARTICLE 10. YOUR RIGHTS

10.1 In relation to our processing of your personal data, you have the below privacy rights. For more information on your privacy rights, please be referred to [this webpage](#) of the European Commission.

- a. **Right to withdraw consent:** In so far as our processing of your personal data is based on your consent (see above), you have the right to withdraw consent at any time.
- b. **Right of access:** You have the right to request access to your personal data. This enables you to receive a copy of the personal data we hold about you (but not necessarily the documents themselves). We will then also provide you with further specifics of our processing of your personal data.
- c. **Right to rectification:** You have the right to request rectification of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected.
- d. **Right to erasure:** You have the right to request the erasure of your personal data. This enables you to ask us to delete or remove personal data where: (i) the personal data are no longer necessary, (ii) you have withdrawn your consent, (iii) you have objected to the processing activities, (iv) the personal data have been unlawfully processed, (v) the personal data have to be erased on the basis of a legal requirement, or (vi) where the personal data have been collected in relation

to the offer of information society services. We do not have to honour your request to the extent that the processing is necessary: (i) for exercising the right of freedom of expression and information, (ii) for compliance with a legal obligation which requires processing, (iii) for reasons of public interest in the area of public health, (iv) for archiving purposes, or (v) for the establishment, exercise or defence of legal claims.

- e. **Right to object:** You have the right to object to the processing of your personal data where we are relying on legitimate interests as processing ground (see above). Insofar as the processing of your personal data takes place for direct marketing purposes, we will always honour your request. For processing for other purposes, we will also cease and desist processing, unless we have compelling legitimate grounds for the processing which override your interests, rights and freedoms or that are related to the institution, exercise or substantiation of a legal claim.
- f. **Right to restriction:** You have the right to request the restriction of processing of your personal data in case: (i) the accuracy of the personal data is contested by you, during the period we verify your request, (ii) the processing is unlawful and restriction is requested by you instead of erasure, (iii) we no longer need the personal data but they are required by you for the establishment, exercise or defence of legal claims, or (iv) in case you have objected to processing, during the period we verify your request. If we have restricted the processing of your personal data, this means that we will only store them and no longer process them in any other way, unless: (i) with your consent, (ii) for the establishment, exercise or defence of legal claims, (iii) for the protection of the rights of another natural or legal person, (iv) or for reasons of important public interest.
- g. **Right to data portability:** You have the right to request to transfer of your personal data to you or to a third party of your choice (right to data portability). We will provide to you, or such third, your personal data in a structured, commonly used, machine-readable format. Please note that this right only applies if it concerns processing that is carried out by us by automated means,

and only if the our processing ground for such processing is your consent or the performance of a contract to which you are a party (see above).

- h. **Automated decision-making:** You have the right not to be subject to a decision based solely on automated processing, which significantly impacts you (“which produces legal effects concerning you or similarly significantly affects you”). In this respect, please be informed that when processing your personal data, we do not make use of automated decision-making.
- i. **Right to complaint:** In addition to the above mentioned rights you have the right to lodge a complaint with a supervisory authority, in particular in the EU Member State of your habitual residence, place of work or of an alleged infringement of the GDPR at all times. Please be referred to this webpage for an overview of the supervisory authorities and their contact details. However, we would appreciate the chance to deal with your concerns before you approach the supervisory authority so please contact us beforehand.

10.2 The exercise of the abovementioned rights is free of charge and can be carried out by phone or by e-mail via the contact details displayed below. If requests are manifestly unfounded or excessive, in particular because of the repetitive character, we will either charge you a reasonable fee or refuse to comply with the request.

10.3 We may request specific information from you to help us confirm your identity before we comply with a request from you concerning one of your rights.

10.4 We will provide you with information about the follow-up to the request without undue delay and in principle within one month of receipt of the request. Depending on the complexity of the request and on the number of requests, this period can be extended by another two months. We will notify you of such an extension within one month of receipt of the request. The applicable privacy legislation may allow or require us to refuse your request. If we cannot comply with your request, we will inform you of the reasons why, subject to any legal or regulatory restrictions.

ARTICLE 11. CONTACT DETAILS

11.1 For any questions, comments or requests, you may contact us via our HR Manager: careers@incooling.com or 0031 (0) 623462039.

ARTICLE 12. MISCELLANEOUS

12.1 If provisions from this privacy policy are in conflict with the law, they will be replaced by provisions of the same purport that reflect the original intention of the provision, all this to the extent legally permissible. In that case, the remaining provisions remain applicable unchanged.

12.2 We reserve the right to change this privacy policy on a regular basis. Where required, we will inform you of updates made to this privacy policy. The current version is always available via our Careers page. This privacy policy was last amended and revised in August 2022.

ARTICLE 13. DEFINITIONS

13.1 In this privacy policy, the following definitions apply:

Applicable privacy legislation	All applicable privacy legislation, including the General Data Protection Regulation (“GDPR”) and the relevant national implementation acts.
Privacy policy	This present privacy policy.
Company name	Incooling B.V. High Tech Campus 29 5656 AE Eindhoven Chamber of Commerce number: 74327356

13.2 Other terms that are defined in the applicable privacy legislation, such as personal data, (joint) controller, processor, data subject and processing will have the meaning as described in the applicable privacy legislation.