



# GROUP PERSONAL DATA PROTECTION NOTICE FOR WHISTLEBLOWING PROCESS

This Data Protection Notice provides you with transparent and detailed information relating to the protection of your personal data processed by BNP Paribas SA or an entity of BNP Paribas Group ("BNP Paribas") in the present case BGL BNP Paribas S.A recipient of an alert ("us").

The purpose of this Data Protection Notice is to inform you of the personal data we collect about you; the reasons why we use and share such data; how long we keep the data; what your rights are (as to the control and management of your data) and how you can exercise your personal data rights.

This Personal Data Protection Notice is compliant with Luxembourg laws and may be supplemented, where appropriate, by other local statements, to specify certain processing or as it is required to comply with local law in the country.

## Which are the processing operations in the context of Whistleblowing ?

Personal data are processed to:

- collect and process whistleblowing alerts
- carry out the necessary checks, investigations and analyses
- defining the follow-up to be given to the report
- ensuring the protection of data subjects
- exercise or defend legal rights.

## Which types of alerts could be escalated ? To whom may the alerts be escalated to ?

Under our whistleblowing system, the whistleblower can report several types of Alerts:

- Compliance/Professional ethics alerts can be routed to:
  - BNP Paribas SA as the "Group"
  - BGL BNP Paribas S.A or Business Line /Function in which the violation took place:
  - Local entity in which the violation took place.
- Financial Sanctions alerts are automatically routed to the dedicated group channel at BNPP SA
- Respect for persons alerts are routed to:
  - Business Line/Function to which the person(s) in question is assigned : ("Alert").

Therefore, depending on the localization of the whistleblower, the entity to which the whistleblower routes the Alert and the type of Alert, the alert could be handle by BNPP SA and/or one of other entities of the Group BNP Paribas.

Consequently, BNPP SA and the entities relying on the single tool to ensure consistent approach are all acting as data controller. For EEA entities, these controllers are acting as joint controllers.

## 1. ARE YOU SUBJECT TO THIS NOTICE?

This notice is addressed to all natural persons (you) whose personal data are processed within the framework of the alert including mainly:

- The whistleblowers regardless of the channel of the alert
- Targeted person
- All persons requested to provide information on the alert, (witnesses alleged persons for instance)
- Any person mentioned in the investigation/alert



## 2. WHICH PERSONAL DATA DO WE COLLECT AND FURTHER PROCESS?

Personal data (i.e., any information that identifies or allows identifying you) collected and processed through the Navex tool, or collected through other media (email, form, by phone, in person, instant messages) and any other data held by BGL BNP Paribas S.A or transmitted by a third party) will generally be related to:

- identity and contact details of the whistleblower: only if the alert mentions such information. The whistleblower could decide to report the alert anonymously or not. If the alert is made anonymously, we will not collect any of the above data (neither identity nor contact details)
- facts (suspected or witnessed) mentioned in the alert including any piece of information, evidence provided with the alert;
- identity, functions and contact details on people mentioned in the alert (identity of the targeted person, the identity of any witnesses to the alleged misconduct or other third parties involved in the case persons subject to the alert; persons involved in the alert management; enabler persons in connection with the whistleblower).
- elements collected in the context of investigation, which includes any information needed to investigate the alleged misconduct.
- reporting elements on investigation operations.
- actions to be taken/already taken in relation with people mentioned in the alert to either protect them and/or stop the wrongdoings.

In case the information is needed for the processing of the alert, we may receive your personal data related to your ethnic origins, political opinions, religious or philosophical beliefs, data concerning your sexual orientation or sensitive data (biometric and genetic information, health data, information on criminal convictions and offences data). Also, we may collect these data if it is required by law or made public by you and necessary for the purposes for which it is intended.

In any case, only personal data strictly necessary to understand, verify, clarify, and resolve alerts facts will be processed.

## 3. WHO DO WE COLLECT PERSONAL DATA FROM?

To process the alert and investigate the alleged facts, personal data are collected directly from the whistleblower, from the concerned BNP Paribas Group entity and in certain circumstances from other sources. Data are sometimes collected (if related to the alert) from public sources such as:

- publications/databases made available by official authorities.
- websites/social media pages of legal entities or business clients containing information that you have disclosed (e.g., your own website or social media page when it is public and authorized by Terms and Conditions of the social network).
- public information such as that published in the press.

Personal data are also collected from third parties such as:

- from other BNP Paribas Group entities
- from external law firms
- from our customers
- from our business partners
- from external Investigations experts
- from witnesses alleged persons.

## 4. ON WHAT LEGAL GROUND(S) DO WE PROCESS YOUR PERSONAL DATA?

### 4.1 To comply with our regulatory obligations.

In order to comply with our legal obligations, internal and external staffs are able to raise an alert to the entity which the violation took place in order to:

- Report or disclose a crime, an offence, a threat or prejudice to the public interest, a violation or an attempt to conceal a violation of an international commitment duly ratified or approved by Luxembourg, a unilateral act of an international organization on the basis of such undertaking, European Union law, law or regulation.



If you choose to report your alert to another channel than the entity which the violation took place for the above purpose, the legal basis is the legitimate interest.

In order to comply with our legal obligations, internal and external staffs are able to raise an alert to the entity which the violation took place or to BNPP SA as a "Group" in order to:

- Report Alerts relating to the existence, or identification of, risks of serious violations of human rights and fundamental freedoms, the health and safety of persons and the environment, resulting from the activities of the company and its (directly or indirectly) controlled entities, and from the activities of subcontractors or suppliers with whom an established commercial relationship is maintained, where those activities are connected with that relationship.

If you choose to report your alert to others channel offered by BNP Paribas than the entity which the violation took place or the Group, for the above purpose, the legal basis is the legitimate interest.

The data are processed in order to comply with our legal obligations which require the implementation of a whistleblowing platform allowing internal staff of BNP Paribas :

- to report an alert relating to the existence of conducts of situations contrary to the company's code of conduct or capable of characterizing acts of corruption or influence peddling which is in Annex of the Code of Conduct of the Group.

If you choose to report your alert to other channels offered by BNP Paribas than the entity which the violation took place or the Group, for the above purpose, the legal basis is the legitimate interest.

#### **4.2 To fulfil our Legitimate Interest**

The BNP Paribas Group is particularly committed to the development and well-being of its employees and to provide them with a motivating work environment in which everyone is treated with respect, dignity and fairness. The Group's commitment is to report any proven or suspected violation of the Group's Code of Conduct in connection with the request made by Employees. The Group BNPP wants also to strengthen the protection of whistleblowers, in particular by allowing them to report alert(s) and acts of retaliation due to this alert, through a new direct access channel ensuring their anonymity.

- In order to do so, we will process personal data in order to collect whistleblowing alerts, carry out the necessary checks, investigations and analyses defining the follow-up to be given to the report and ensuring the protection of data subjects, exercise or defend legal rights.
- We collect personal data to process alerts relating to any unethical behavior and any violation of the Code of Conduct of BNP Paribas Group.
- We will process personal data to comply with, or to assess the alleged violation of foreign law (the regime of which is not expressly regulated by Luxembourgish legal rules).

The legal basis for the processing is represented by the pursuit of the legitimate interest of the Controller or third parties, represented by the right of defense itself but also its employees and by the interest in guaranteeing the effectiveness and efficiency of the Group's internal control, also in order to prevent and effectively combat fraudulent, illegal or irregular conduct.

In any case, our legitimate interests remain proportionate, and we verify according to a balancing test, that your interests and fundamental rights are preserved. Should you wish to obtain more information about such balancing test, please contact us using the contact details in section 10 "How to contact us" below.



### 4.3 Specific case of sensitive data and criminal data

In the context of alert management, we may process personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation only if:

- the processing is necessary for the establishment, exercise or defense of legal claims or whenever courts are acting in their judicial capacity;
- the processing is necessary for reasons of substantial public interest, based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Moreover, we may process personal data relating to criminal convictions and offences, or related security measures based on Article 6(1) of Regulation (EU) 2018/1725 only under the control of official authority or when the processing is authorized by the European Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects.

## 5. WHO HAS ACCESS TO YOUR PERSONAL DATA AND TO WHOM IS IT DISCLOSED?

In the BNPP whistleblowing platform, alerts will be processed by either HR (human resource-related alerts) or Compliance (all remaining alerts).

As stated at the beginning of this document, an alert could be escalated at different levels depending on the whistleblower's choice.

### 5.1 Sharing of information within the BNP Paribas Group

To fulfill the purposes set out above, we may share your personal data with the following category of recipients:

- internal duly authorized whistleblowing referents (HR / Compliance), in order to conduct investigations, on a need-to-know-basis.

For the sole purposes of checking or processing the alert, data may also be shared with other BNP Paribas entities located in or outside Luxembourg, and if access authorizations are documented and that access to the various processing operations is subject to traceability measures.

### 5.2 Disclosing information outside the BNP Paribas Group

In order to fulfil some of the purposes described in the Notice, we may disclose from time to time your personal data with third parties, including:

- other service providers and subcontractors performing services on our behalf;
- local or foreign financial, tax, administrative, criminal or judicial authorities, regulators, arbitrators or mediators, law enforcement, state agencies or public bodies, where we are required to disclose data pursuant to:
  - their request
  - defending or responding to a matter, action or proceeding
  - complying with regulation or guidance from an authority applying to us
  - certain regulated professionals such as lawyers, notaries, medical staff for the processing of the alerting under specific circumstances (e.g. litigation, audit, etc.).

## 6. INTERNATIONAL TRANSFERS OF PERSONAL DATA

In case of international transfers originating from the European Economic Area (EEA) to a non-EEA country recognized by the European Commission as providing an adequate level of data protection, your personal data will be transferred on this basis.



For transfers to non-EEA countries where the level of personal data protection has not been recognized as adequate by the European Commission, we will either rely on a derogation applicable to the specific situation or implement one of the following safeguards to ensure the protection of your personal data:

- notably by Binding Corporate Rules (BCR) and any supplementary measure as appropriate.
- standard contractual clauses (SCC) and any supplementary measure as appropriate.

To obtain a copy of these safeguards or additional details on where they are available, you can send a written request as outlined in Section 10.

## 7. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

After a final decision has been taken on the follow-up to be taken on an alert, the alert and the related elements are kept for evidentiary purposes for the applicable limitation period depending on the type of alert (statute of limitations mainly in the civil, criminal or labour law fields) with a view to a possible control or litigation.

## 8. WHAT ARE YOUR RIGHTS AND HOW CAN YOU EXERCISE THEM?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data and to object to the processing.

If you wish to exercise the rights listed below, please send a letter or e-mail to your contact as referred in article 10 of this document.

You can exercise your rights with the entity to which you have chosen to report the alert or with the BNP Paribas Group if you have routed the alert to the Group.

If you have any questions relating to our use of your personal data under this Privacy Notice, please send a letter or e-mail to your contact as referred in the article 10 of this document.

### 8.1. You can request access to your personal data

If you wish to have access to your personal data, we will provide you with a copy of the personal data you requested as well as information relating to their processing.

### 8.2. You can ask for the correction of your personal data

Where you consider that your personal data are inaccurate or incomplete, you can request that such personal data be modified or completed accordingly

### 8.3. You can request the deletion of your personal data

If you wish, you may request the deletion of your personal data, to the extent permitted by law.

### 8.4. You can object to the processing of your personal data based on legitimate interests

If you do not agree with a processing activity based on a legitimate interest, you can object to it, on grounds relating to your particular situation, by informing us precisely of the processing activity involved and the reasons for the objection. We will cease processing your personal data unless there are compelling legitimate grounds for doing so or it is necessary for the establishment, exercise or defence of legal claims.

You wish to exercise the rights listed above, please send a letter or e-mail to your contact as referred in the article 10 of this document.



## 8.5 How to file a complaint with your Data Protection Authority

In addition to the rights mentioned above, you may lodge a complaint with the competent supervisory authority. In Luxembourg, the supervisory authority is the CNPD - Commission nationale pour la protection des données - Luxembourg (public.lu).

## 9. HOW CAN YOU KEEP UP WITH CHANGES TO THIS DATA PROTECTION NOTICE?

In a world of constant regulatory and technological changes, we may need to regularly update this Notice. We invite you to review the latest version of this Notice online on the BGL BNP Paribas website.

## 10. HOW TO CONTACT US?

If you have any questions relating to our use of your personal data under this Notice, you can contact your Data Protection Officer: [DPO@bgl.lu](mailto:DPO@bgl.lu)