

COMPLIANCE-WINDOW AND WHISTLEBLOWING SYSTEM PRIVACY NOTICE OF IBIDEN EUROPE B.V.

The aim of this privacy notice (the “**Privacy Notice**”) is to provide you, as the subject of the data processing (“**You**”) with information about processing of Your personal data and about Your data privacy rights in connection with such processing activities in accordance with regulation (EU) 2016/679 of the European Parliament and of the Council (the “**GDPR**”) and with the data privacy laws applicable in the relevant jurisdiction (the “**Local Data Privacy Laws**”).

1. Data controller

This section contains the name, firm data and contact information of the data controller.

Data controller	
IBIDEN Europe B.V.	Name: IBIDEN Europe B.V. (“ IBIDEN ”)
	Address: Polarisavenue 85 f, 2132 JH Hoofddorp, the Netherlands
	Telephone: +31 20 554 3180
	E-mail: ieu_privacy@ibiden.com

2. Data privacy rights

With any comment, question, complaint and any other request in connection with the processing of Your personal data we encourage You to contact directly IBIDEN or the IBIDEN Group DPO, who shall provide You with a response without undue delay, but no later within one month from the receipt of Your request. This reply deadline may be extended by two further months where necessary, taking into account the complexity and number of requests. If the need for such extension would occur, than IBIDEN shall inform You within the original deadline, together with the reasons for the extension.

For contact information, please see section 1 of this Privacy Notice.

You have certain rights in connection with the processing of Your personal data (data privacy rights), which might differ regarding each data processing activities. Below You will find a short description of Your possible data privacy rights, and in section 4 below we have indicated the data privacy rights you are entitled to exercise. Please note, that the GDPR and in some cases the Local Data Privacy Laws might set further conditions and/or limitations in connection with the exercising these rights. Therefore, we advise You to closely study this Privacy Notice, the GDPR and the applicable Local Data Privacy Laws before filing a request.

Link to the GDPR (*Regulation (EU) 2016/679 of the European Parliament and of the Council*): [link](#)

(a) **Withdrawal of consent** (subsection (3) of Article 7 of the GDPR)

You have the right to withdraw your consent granted for a specific data processing activity any time. Please note, that the withdrawal of Your consent does not affect the lawfulness of processing based on consent before its withdrawal.

(b) **Access** (Article 15 of the GDPR) (Article 15 of the GDPR)

You have the right to request confirmation from the data controller as to whether or not personal data concerning You are being processed, and where that is the case, access to the personal data and certain information determined in Article 15 of the GDPR.

(c) **Rectification** (Article 16 of the GDPR)

You have the right to request the controller to rectify any inaccurate personal data concerning You without any undue delay. Taking into account the purposes of the processing, You have the right to have the incomplete personal data completed, including by means of providing a supplementary statement.

(d) **Right to erasure** ('right to be forgotten') (Article 17 of the GDPR)

You have the right to request the erasure of Your personal data if any of the grounds in of Article 17(1) of the GDPR apply. If the exceptions in Article 17(3) of the GDPR do not apply and/or IBIDEN does not have any legal ground to further process Your personal data, than it shall execute the request for deletion with undue delay.

(e) **Restriction of processing** (Article 18 of the GDPR)

You have the right to request the restriction of processing where the grounds determined in Article 18 of the GDPR apply.

(f) **Data portability** (Article 20 of the GDPR)

You have the right to receive your personal data provided to IBIDEN, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from IBIDEN, if the processing is based on consent [point (a) of Article 6(1) or point (a) of Article 9(2)] or is conducted for the performance of the contract [point (b) of Article 6(1)], and the processing is carried out by automated means. In exercising your right to data portability, You have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

(g) **Objection** (Article 21 of the GDPR)

If the data processing is based on the legitimate interest of IBIDEN: You have the right at any time to object (on grounds relating to your particular situation) against processing of Your personal data based on legitimate interest, including also profiling. IBIDEN shall no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing, which override Your interests, rights and freedoms or if the data processing is necessary for the establishment, exercise or defence of legal claims.

3. **Legal remedy**

If You deem, that Your personal data is processed unlawfully and/or any of Your data privacy rights have been violated You are entitled for the following legal remedies:

(a) You have the right to contact IBIDEN, as the data controller and/or the IBIDEN Group DPO via the contact details in section 1 of this Privacy Notice.

(b) You have the right to turn directly to the national supervisory authority with Your complaint having jurisdiction in the case directly. Please see below the contact information of the national supervisory authorities.

Country	Authority	Contact
The Netherlands	Autoriteit Persoonsgegevens	address: Bezuidenhoutseweg 30, 2594 AV Den Haag, postal address: Autoriteit Persoonsgegevens, Postbus 93374, 2509 AJ Den Haag, Nederland. https://autoriteitpersoonsgegevens.nl
Germany	Landesbeauftragter für Datenschutz und Informationsfreiheit, Baden-Württemberg	address: Königstraße 10a, 70173, Stuttgart, Germany https://www.baden-wuerttemberg.datenschutz.de
France	Commission Nationale de l'Informatique et des Libertés (CNIL)	address: 3 place de Fontenoy TSA 80715, Paris cedex 07, France https://www.cnil.fr
Italy	Garante per la protezione dei dati personali	address: Piazza Venezia 11, 00187 Roma, Italy https://www.garanteprivacy.it/web/guest/home
United Kingdom	Information Commissioner's Office	address: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF https://ico.org.uk/

- (c) File a claim against IBIDEN, as data controller at the court.

You are entitled to file a claim at your local court having jurisdiction in the case, against IBIDEN, if you deem that Your personal data is processed unlawfully and/or any of Your data privacy rights have been violated.

4. Characteristics of the data processing activity

GENERAL CHARACTERISTICS OF THE PROCESSING ACTIVITY	
Title of data processing:	Operation of a whistleblowing system/compliance window
Description of the purpose of processing:	The purpose of the data processing is to receive reports of alleged misconducts and non-compliances concerning the business operations of IBIDEN and carrying out related internal investigations (future authority proceedings, or proceedings before courts, arbitration courts or other bodies) in relation to certain wrongdoings allegedly committed by the employees of IBIDEN and to take all civil law, employment law and/or criminal law related measures to the extent necessary to remedy any potential or actual damage IBIDEN suffered or could have suffered.
Joint data controller:	Ibiden Co., Ltd.
Categories of personal data processed:	Personal data submitted through the whistleblowing system/compliance window and collected in the course of the subsequent investigation:

	<ul style="list-style-type: none"> • Reports of alleged misconduct (name, position, date of the report, description of the alleged misconduct) • Emails and documents attached to emails sent and received from or to the work email addresses of the concerned employees or third party addresses. • Minutes, declarations, audio records of oral statements, and/or other documents of any employees who are interviewed in the course of the internal investigation or otherwise involved in such internal investigation. • Any additional documents provided by the concerned data subjects, third parties in the course of the internal investigation, or available at IBIDEN. • Special categories of personal data might be processed that could potentially concern criminal history and criminal activities of the data subject.
<p>Legal basis for the processing:</p>	<p>Article 6(1)(f) of the GDPR – the legitimate interest of IBIDEN</p> <p><i>You have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal data. IBIDEN shall no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.</i></p> <p>In case special categories of personal data is uncovered and processed, the legal basis for such processing is based on Article 9(2)(f) of the GDPR, as the processing is necessary for the establishment, exercise or defence of legal claims</p>
<p>Description of the legitimate interests:</p>	<p>It is a legitimate interest of IBIDEN to be able to detect any misconduct and non-compliance, which could negatively affect its business operations and to effectively conduct the internal investigation and to enforce the legal claims of the Company and/or to be able to make any necessary countermeasures as appropriate. The operation of the whistleblowing system/compliance window is an essential tool for the realisation of this purpose.</p>
<p>Retention time:</p>	<ol style="list-style-type: none"> (1) The reports, emails, minutes, audio records and other documents will be processed continuously in the course of the internal investigation until the investigation concluded and a decision is made concerning the necessary measures reflecting on the results of the investigation. (2) Personal data may be processed in the course of any subsequent authority or court proceedings, as necessary. (3) If the internal investigation is closed and no further related proceedings are initiated, all relevant data will be erased within 15 days. (4) In case of proceedings before authorities, and enforcement of legal claims, personal data will be processed until the adoption of a final court/authority decision. (5) Any personal data will be deleted as such data becomes no longer necessary and/or relevant for the purpose of the processing.

Data subject:	Employees who are concerned by the reports made using the whistleblowing system/compliance window and potential third parties (e.g. business partners, suppliers, customers and authority representatives, etc.), who have had email correspondence with the involved employees.
Source of personal data:	Directly from the data subject in case of interviews; from within IBIDEN (from other employees), or externally from third parties using the whistleblowing system/compliance window; public sources (e.g. corporate register)
Possible consequences of failure to provide such data:	–
ACCESS TO THE PERSONAL DATA	
Persons (by positions) having access to the personal data:	Managing director, internal and external legal counsel, Ibiden Co., Ltd.'s CSR and Legal departments
TRANSFER OF PERSONAL DATA	
Name of recipients:	Ibiden Co., Ltd.
Role of recipient: (Controller/ Joint controller/ Data Processor/ Other)	Joint controller
Purpose of data transfer:	If the compliance/whistleblowing report is against the Japanese management, the personal data is transferred to the Japanese parent company of IBIDEN to make decision on the necessity of any disciplinary action.
Data transfer to a third country:	Japan
Appropriate safeguards applied for the data transfer:	Appropriate joint controller agreement is in place between IBIDEN Europe B.V. and Ibiden Co., Ltd.
Name of recipients:	legal advisor/representative (attorney(s)-at-law)
Role of recipient: (Controller/ Joint controller/ Data Processor/ Other)	Controller
Purpose of data transfer:	Preparation of legal assessment, legal representation, drafting legal documentation
Data transfer to a third country:	No.

Appropriate safeguards applied for the data transfer:	N/A
DATA PRIVACY RIGHTS	
<i>(The description of certain rights and the way they might be exercised is described in the General Employee Data Privacy Notice of IBIDEN EUROPE B.V. Abbreviations: “Y”=yes / “N”=no / “Cond.” =according to the conditions of the GDPR)</i>	
Withdrawal of consent:	N
Access:	Y
Rectification:	Y
Erasure:	Cond.
Restriction of processing:	Cond.
Data portability:	N
Objection:	Y
Exemption from being a subject to a decision based solely on automated processing:	N
Complaint (with the controller):	Y
Complaint (with the supervisory authority):	Y
Filing a claim (before court):	Y

5. List of the most important applicable local laws

The Netherlands: Wetboek van Strafrecht, Wet op Economische Delicten, Wet Huis voor klokkenluiders, etc.

Germany: Strafgesetzbuch, Gesetz über Ordnungswidrigkeiten, etc.

Italy: Law no. 179/2017, Legislative decree no. 231/2012, Law no. 190/2012, etc.

The United Kingdom: Bribery Act, Public Interest Disclosure Act, etc.

France: Act no. 2016 – 1691 of 9th December, 2016 (“Sapin II Act”), Code penal

6. Version information

This Privacy Notice was published on September 30th, 2019. The current text of the Privacy Notice is the 1st edition.