

Employee Privacy Notice

1. Introduction

This Employee Privacy Notice (**Notice**) explains how Nestlé in the US Processes Your Personal Data. Processing shall be conducted in accordance with the Nestlé Privacy Policy, Nestlé Privacy Standard, this Notice and all applicable laws.

2. Key Definitions

This Notice uses the following defined terms:

“Personal Data” means any information concerning an identified or identifiable individual (e.g., name, address, telephone number, employee ID number, Nestlé network (pu) address, e-mail address, etc.).

“Process, Processing” or “Processed” means all activities involving the handling of Personal Data, such as the access, collection, storage, transfer, use, disclosure, retention, amendment and other operation involving Personal Data (e.g., passive storage, or mere consultation of Personal Data).

“Sensitive Personal Data” means Personal Data needing greater safeguards, such as gender, racial or ethnic origin, social security number, age, date of birth, medical and disability information, marital status, bank and financial information, the commission of a legal offense and related proceedings and the outcome thereof pursuant to the lawful request of criminal history information, and drug screening information.

“We”, “Us”, “Our”, “Company” or “Nestlé” means all Nestlé operating companies and businesses in the US.

“You” or “Your” means the employee.

3. Processing purposes and categories

3.1 We may Process Your Personal Data:

- (a) for the purposes of Your employment, and reasonable secondary purposes connected with Your employment;
- (b) in connection with investigations, litigation and court proceedings, including litigation matters in which Nestlé is a party and relevant third party litigation matters, and other court proceedings;
- (c) in order to comply with requirements of governmental entities and requests from law enforcement agencies;
- (d) as required or permitted by applicable law;
- (e) when You disclose Personal Data for the purpose of voluntarily participating in various employee programs; and
- (f) for any other purposes that We provide You with notice of before starting the relevant Processing, subject to compliance with applicable laws.

3.2 We may Process Your Sensitive Personal Data:

- (a) for the purposes of diversity reporting statistics and equal opportunities monitoring;
- (b) in order to keep track of, and properly manage, requests for and decisions relating to family leave or other Company authorized leave, medical absences from work, disability related accommodations;
- (c) in order to detect and prevent fraud, other criminal activities, and violation of company policies;
- (d) as required or permitted by applicable law; and

- (e) for any other purposes that We provide You with notice of before starting the relevant Processing, subject to compliance with applicable law.
- 3.3 We will only Process Your Personal Data and Sensitive Personal Data for the purposes set out in the Appendix and in accordance with the purposes described in, or notified to You under, paragraphs 3.1 and 3.2 (each a “**Purpose**”).
- 3.4 The categories of Personal Data that We may Process in connection with Your employment or during Your application for employment process include:
- (a) all information that You provide to Us (for example: contact details; bank details for payroll purposes; medical records in connection with medical absences; requests for and decisions relating to family leave or other Company authorized leave or accommodations; dependent and domestic partner information in connection with employer benefits etc.);
 - (b) all information that We obtain from third parties (for example: employment references; tax codes and other governmental information; applicant background check and drug screening information, etc.);
 - (c) all information created during the course of Your application process or employment (for example: employment records; disciplinary records; employment history and background check information etc.); and
 - (d) all information that We may be required or permitted to Process in accordance with applicable law (for example: information relating to diversity reporting and equal opportunities monitoring).

4. **Your consent**

We will request Your consent to Process Your Personal Data or Sensitive Personal Data in connection with Your participation in voluntary employee programs and activities. You do not have to give Your consent for these voluntary programs. If You decide to give Your consent, You may later withdraw Your consent at any time by notice in writing to your HR Representative.

If You withdraw Your consent, it will not affect: (i) Processing that has already occurred; or (ii) Processing that is not based on Your consent. We will take no disciplinary action, and impose no sanction or penalty of any kind, as a result of any decision to refuse to give Your consent, or any decision to subsequently withdraw Your consent.

Please note, there are certain requests where Processing Your Personal Data or Sensitive Data is necessary and if Your consent is not given or withdrawn, We will not be able to complete the request (for example, processing family or medical leave of absence requests, requests for a reasonable accommodation, requests for direct deposit banking, vaccination or flu shot requests, or requests for other employee benefits. Additionally, please know that your Personal Data will otherwise be processed by the Company in compliance with applicable laws.

5. **Quantity and quality of data**

5.1 **No excessive data**

We restrict the processing of Personal Data and Sensitive Personal Data to the data that is reasonably adequate for and relevant to the Purpose, and take reasonable steps to delete all data that is not required for the applicable business purpose.

5.2 **Retention period**

We will retain Your Personal Data and Sensitive Personal Data only for the time that is necessary for the relevant Purposes (in most cases for the employment relationship) or to the extent reasonably necessary to comply with applicable legal requirements. Information relating to Your employment

may be retained for the duration of Your employment, plus a certain period as provided in the applicable Nestlé record retention policy and will thereafter be securely erased, destroyed or anonymized when the prescribed record retention policy period expires. To view the applicable record retention policy, please go to the Legal page on the Nest.

5.3 Quality of data

We take all reasonable steps to keep the Personal Data We hold about You accurate, complete and up-to-date. Please notify Us if Your personal details change or if You become aware of any inaccuracies in the Personal Data We hold about You. You may also update Your employee details directly on *the Nest < Employee Tab < Self Service* or Your Human Resources Representatives.

6. Keeping Your Personal Data secure

We have appropriate technical and organizational security measures in place to protect Your Personal Data against unlawful or unauthorized Processing. This includes having secure operating systems and processes to help ensure that Your Personal Data is only accessible to Nestlé employees, agents and contracted staff on a need-to-know basis and following industry-standards for security and protection of Personal Data.

7. Disclosure to third parties

- 7.1 As Nestlé is present in many countries all over the world, and in order to undertake Our daily business, We may disclose Your Personal Data:
- (a) to any party as required or permitted by applicable law;
 - (b) to any other member of the Nestlé corporate group, and to third party service providers (including but not limited to payroll service providers; benefits providers; data hosting companies; background check and drug screening service providers, etc.) in connection with any Purpose;
 - (c) to any third parties whom We may contact, in connection with Your current and/or past employment or engagements, to solicit feedback during the application process; and
 - (d) to a prospective buyer, in the event that We anticipate the sale of all, or the relevant portion, of Our business.
- 7.2 We may transfer Your Personal Data to recipients located in countries outside the country in which You are located, for any Purpose, in accordance with applicable law.

8. Access and rectification

As an active Employee, you may make certain requests of Us in relation to Your Personal Data:

- (a) Access. You may request access to, or copies of, Your Personal Data that is Processed by Us or on Our behalf. You may also request information regarding the source of Your Personal Data, if that Personal Data was not collected directly by You;
- (b) Rectification. You have the right to request corrections to inaccuracies as to Your Personal Data. Changes to your Address, Bank, and Emergency Contact Information may be made on the *Nest < Employee Tab < Self Service*. For changes to other Personal Data, please contact your HR Representative;

- (c) Deletion. You may request that Your Personal Data be deleted. This applies to Personal Data that is no longer necessary for the purposes for which it was collected by Nestlé only. This does not apply to Personal Data that Nestlé has a legitimate reason for keeping, such as to comply with applicable laws; and
- (d) Complaint. You have the right to object, on legitimate grounds, to the Processing of Your Personal Data, the right to request that the Processing of Your Personal Data is restricted to certain limited purposes and the right to complain about the Processing of Your Personal Data to the Data Protection Champion or Data Protection Officer.

None of the above is an absolute right and requests may be limited or denied by Nestlé. Such requests will be considered against all legal or regulatory requirements and privacy considerations concerning the identity or the Personal Data of other employees or third parties, and business considerations including but not limited to the protection of intellectual property or trade secrets, and certain Human Resources records (e.g. investigation or organizational records). Requests may also be limited or denied depending on the technological capabilities and/or limitations of the applicable systems.

The rights set out in this Clause 8.1 do not affect any statutory rights You may otherwise have. Your decision to take any of the actions enumerated above with respect to Your Personal Data will not adversely affect Your employment and retaliation for exercising these options is prohibited by Company policy.

For questions regarding the use of your Personal Data by Nestlé, please contact your HR representative.

9. Application of Other Company Policies

While this Notice sets forth how We will Process Your Personal Data and Sensitive Personal Data and actions You may take with respect to such data, employees do not have a right of privacy in electronic communications or workplace property subject to company policies including but not limited to the Nestlé in the Market Business Conduct and Conflict of Interest Policy Statement and applicable laws and regulations.

This Notice does not create a promise nor is intended to create a contract, including without limitation a contract of continued employment for any specified duration.

10. CHANGES TO THIS NOTICE

If We materially change the way We handle Your Personal Data, We will update this Notice. We reserve the right to make changes to this Notice and Our practices at any time.

Appendix – List of Processing Purposes (updated 12.01.18)

- a) **Personnel management** - including administration and management of the employee relationship, including employee discipline, career development management, employee time management, attendance, personal evaluation/development, recruitment and applications management, background checks, drug screening, record management, staffing (headcount planning, recruitment, termination, succession planning), compensation benefits and payments, workforce management, conducting disciplinary proceedings, addressing labour relations issues, coaching, internal complaints and grievances, and outplacement services etc. This may also include the processing of Your family's personal data (e.g. spouse, children) for administrative purposes such as benefits management, medical claims and voluntary participation of a family member in any event or program.
- b) **Operations management** – including official email ID creation, phone/email and organisation lists of employees, calculation of mobile phone expenses, company car management, employee car fuel management, internal ticket management, medical care treatment, travel management, processing health insurance claims, conducting internal audits and investigations, defining and controlling the work organisation, implementing business controls, maintaining and monitoring usage of internal networks and IT systems and security management.
- c) **People and organizational analysis and reporting** – including conducting employee surveys and opinion polls, HR analytics, managing mergers and acquisitions, conducting internal audits/ investigations and management reporting and analysis.
- d) **Legal and compliance** – including obtaining and releasing employee personal data as required by law (tax, master ID card creation, pension funds, employee insurance), prevention of fraud and protection of company's assets, parental or other family leave, medical leave, requests for or decisions regarding requests for reasonable accommodations, corruption and misconducts, disclosures in response to court proceedings and public authorities requests and other legal or regulatory requirements.
- e) **Communications and other** – including employee communications, team-building activities, marketing and provision of company news and updates, inclusion in Nestlé publications (e.g. The Workplace by Facebook, the Nest, to conduct demographic studies or audits and maintain the day-to-day operation and security of Nestlé sites.