

FEPP Privacy Policy

1. Introduction

1.1 Scope of this Privacy Policy

This Privacy Policy is issued by FIDELITY EUROPEAN PENSION PLAN, a pension savings association (*association d'épargne-pension*), incorporated and validly existing under the laws of the Grand Duchy of Luxembourg, having its registered office at 2a, rue Albert Borschette, L-1021 Luxembourg, under registration process with the Luxembourg Trade and Companies Register (*Registre de Commerce et des Sociétés*) ("**FEPP**").

FEPP is the data controller, meaning we determine why and how your personal data is processed.

At FEPP, we take your privacy very seriously. We have developed this privacy policy (the "**Privacy Policy**") to explain how we collect, use and disclose personal data when you interact with us.

Personal data provided to FEPP will always be processed in compliance with the requirements of the EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ("**GDPR**") and with any applicable implementing legislation, and processing systems will be designed to ensure the highest level of protection for the personal data.

Our Privacy Policy does not apply to information collected on any third-party website that may link to or be accessible from our website.

We aim to be transparent about what personal data we process and why. For further information on our processing activities, please review the relevant sections below.

1.2 Definitions and Interpretation

For the purpose of this Privacy Policy:

- the terms "controller", "personal data", "data subject" and any other term expressly defined in Article 4 of the GDPR shall have the meaning given to these terms in Article 4 of the GDPR;
- any reference to "you" and "your" shall be construed to include the FEPP pension plan members and any and all of the other individuals whose personal data are processed by FEPP in the context of the administration of the pension plan, as further specified below;
- any reference to "we" and "us" shall refer to the FEPP.

2. Who do we hold personal data about?

We collect information about the following categories of data subjects:

- members/pensioners;
- representatives of sponsors of members/pensioners;
- individuals related to members/pensioners (e.g. their spouse or partner, children);
- members/pensioners beneficiaries;

- non-members, other than beneficiaries, who may receive benefits from the pension plan; and
- non-members who have submitted enquiries.

3. **What personal data do we collect?**

The categories of personal data that we collect and process to ensure that the pension plan is administered properly are:

- personal details such as your name, national social security number, date and place of birth, gender, marital status;
- personal or professional contact details (e.g. address, phone number, email address, country of residence);
- information used to verify your identity such as bills, bank statement or government documents;
- employment details such as your employment history, pensionable service records, salary information;
- contribution records and additional voluntary contribution contract;
- financial information such as your bank account and tax information;
- personal details about your designated beneficiary (e.g. spouse or family member);
- benefits under management;
- information obtained through cookies when you connect on our web platform such as your identifier, password and references (e.g., preferred language). The processing of such technical information is described in more detail in our Terms of Use; and
- any other personal data in relation with the provision of our services to our members.
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In some instances, certain personal data we collect may be considered as falling within a special category of personal data as defined by applicable data protection laws. The special category of your personal data that we may hold is information about your health, including any medical conditions (for example, if you apply for ill-health early retirement). This special category of personal data will only be processed for the purpose of establishing eligibility for benefits, the calculation and payment of those benefits and demonstrating our past compliance with our duties.

4. **Where we obtain data from**

We will collect information about you from a number of sources, including from you directly, as further detailed below.

4.1 Information that you give us directly:

We process the personal data that you provide to us directly, and that we obtain from our dealings with you during the course of our relationship, including:

- when you join the pension plan;
- when you provide it to us, or interact with us directly, for instance when engaging with our staff by email, secure messaging, letters, telephone calls; and
- when you provide us with additional information, for example through the online portal.

4.2 Information that we obtain from others, and who those others are:

We also collect and process your personal data that we receive from, among others, the main following sources:

- your employer;
- as the case may be, other pension plans administrators;
- public or regulatory authorities such as the pensions regulator;
- medical staff (e.g. your doctor) you instruct to communicate information to us; and
- service providers.

When we indirectly receive personal data relating to third party individuals, the person providing FEPP with such personal data undertakes to do so in compliance with the applicable data protection laws and, in particular, to inform such third party individuals of the processing performed by us and, as the case may be, to provide them with this Privacy Policy.

5. Update of personal data

We will endeavour to keep your personal data accurate. Data subjects providing personal data are however responsible for promptly informing us of any change to their personal data.

6. Refusal to provide your personal data

Where we collect personal data from you, we will indicate:

- if the provision of your personal data is necessary for our compliance with a legal, regulatory or contractual obligation; or
- if the provision of your personal data is purely voluntary, in which case there will be no implications for you if you do not wish to provide us with it.

Unless otherwise indicated, you should assume that we require the personal data for legal, regulatory or contractual purposes.

Some of the personal data we request is necessary for us to perform our contract with you or to comply with our legal obligations. You have the right to refuse to provide us with your personal data, but you are informed that not providing us with certain personal data (e.g. data requested in the course of providing you with access to the website member portal) will prevent us providing you with a pension plan and services, entering into an agreement or maintaining any ongoing agreement with you.

7. Purposes and legal basis for the processing of personal data

We will only process personal data where we have a lawful reason for doing so. The lawful basis for the processing of personal data performed by us will always be one of the following:

7.1 For the performance of a contract to which you are a party:

1.1.1 In regards to members:

- where it is necessary for us to take measures at your request prior to entering into a contract with your sponsor;
- to communicate with you and provide you with appropriate information; and
- for the performance of any contractual obligations towards you.

1.1.2 In regards to other categories of data subjects:

- we process personal data of the representatives of the sponsor in order to enter into contact and take steps towards and execute contracts with the sponsor.
- to communicate with you (or your employer) and provide you (or your employer) with appropriate information; and
- for the performance of any contractual obligations towards you.

7.2 Where it is necessary for us to be able to comply with legal obligations:

- to comply with our legal and regulatory obligations under the Luxembourg law of 13 July 2005 on institutions for occupational retirement provision in the form of pension savings companies (SEPCAV) and pension savings associations (ASSEP) as amended and the Luxembourg law of 8 June 1999 on occupational pension schemes as amended;
- to comply with our legal obligations under the Luxembourg law of 10 August 1915 (as amended) on commercial companies and other legislations applicable to commercial companies generally to the extent as applicable;
- to comply with our legal and regulatory obligations under anti-money laundering legislation by carrying out verification, know your client (KYC) and anti-money laundering checks to verify your identity, addresses, source of wealth and, if applicable your ultimate beneficial owner(s);
- to comply with any applicable tax requirements;
- to maintain the register of members of the pension plan;
- to provide you with the relevant financial information and reports in relation to the pension plan and your membership in the pension plan;
- to register beneficial owners with the Luxembourg Register of Beneficial Owners;
- to comply with accounting obligations;

- to comply with audit requirements;
- to provide relevant information and reporting to the CSSF where we are under a legal obligation to do so; and
- to comply with an order of a competent court.

7.3 Where it is necessary for the purposes of the legitimate interests pursued by us or by a third party:

- to allow you to participate to the pension plan and administer it the pension plan;
- to maintain and update our records of who is eligible to receive benefits;
- to decide or advise upon the investment of the pension plan's assets and to implement decisions;
- to calculate and pay those benefits, including any tax that may be payable.
- to carry out actuarial valuations and calculations of the pension plan;
- to respond to members and third-party queries;
- to manage our relationship with you, to provide and improve our services to you;
- for the adequate functioning of our web platform, including auditing and monitoring its use;
- for the establishment, exercise or defence of legal claims or for obtaining legal advice; and
- in the context of mergers, acquisitions and divestitures.

7.4 Where you have given your prior consent to the processing of your personal data:

- to contact you and send you communications for direct marketing purposes.
- process personal data which relates to your health (including any medical conditions) for the purpose of establishing eligibility for benefits, the calculation and payment of those benefits and demonstrating our past compliance with our duties.
- You have the right to withdraw your consent at any time. The withdrawal of the consent shall not affect the lawfulness of processing based on consent before its withdrawal.

8. Data recipients

To achieve the purposes listed in section 7 above, we may share and disclose personal data internally (including, but not limited to, our employees) for performance of their roles.

Beyond that, the following categories of recipients may receive your personal data:

- other companies of the Fidelity group;
- FEPP's service providers including third party administrators and depositary;

- other service providers including pension consultancies and IT services providers;
- third parties with whom you put us in contact with (another pension plan administrator or your financial adviser);
- professional advisers, for example lawyers and tax advisers;
- auditors;
- banks;
- insurance companies who are selected to provide you with guaranteed investments or pension benefits;
- actuaries;
- the Luxembourg Register of Beneficial Owners;
- parties involved in connection with any business reorganization, transfer, disposal, merger or acquisition on the level of the FEPP and/or group companies;
- in exceptional circumstances: courts, regulatory authorities, and taxation and supervisory bodies, if applicable (e.g. for the purposes of anti-money laundering, sanctions, terrorism financing, the prevention and detection of crime as amended and applicable tax legislations).

8. Data transfers

You are informed that certain of the above-listed recipients may be located outside the European Economic Area (the **EEA**) in countries that do not offer a level of protection equivalent to the one granted in the European Union.

Personal data may be transferred to the following countries located outside the EEA: United Kingdom and India.

Any personal data transfer to such recipients will be covered by appropriate safeguards, for example standard contractual clauses approved by the European Commission, in which case you may obtain a copy of such safeguards by contacting us at the email address provided in this Privacy Policy;

9. Retention

We will store your personal data only for as long as necessary for the relevant processing activity to be completed and/or for the retention period permitted or required under applicable laws.

When we no longer require your personal data for our business use, we consider whether it is appropriate to delete it, for example where you cease to be a member or you have withdrawn your consent to the processing of your personal data (if we were to rely on consent as the legal basis for that processing). Frequently, however, there are legal and/or regulatory obligations, which require us to retain our business information and records (including personal data comprised within those) for a specified period. These could include tax laws, audit obligations, anti-financial crime law (money laundering, bribery and corruption, the facilitation of tax evasion), other regulatory requirements relating to our investment business.

We have established a data retention schedule in accordance with the GDPR requirements. For instance, and in general terms, we will retain your personal data according to the prescription period of Article 189 of the Luxembourg Commercial Code, which provides for a general retention period of 10 years. In most cases, your personal data will be kept for 10 years following the termination of your relationship with us.

The following other prescription also periods apply:

- personal data contained in the documents listed by Article 16 of the Luxembourg Commercial Code (namely accounting documents) will be kept for ten (10) years after the closing of the end of the financial year to which they relate.
- personal data processed for AML and KYC purposes will be retained for five (5) years after the end of the business relationship with you.

Also, we may need to retain information and records for a certain period of time to protect our business, and defend ourselves against potential legal claims, or allegations of wrongdoing.

These retention periods are examples only. For any questions on how long we retain your personal data, you may contact us at the email address provided in this Privacy Policy.

For each processing activity (including personal data processed as a result of that activity) we have considered carefully how long we will need to process the relevant personal data for the intended processing activity, and whether any legal and/or regulatory requirements stipulate a mandatory minimum retention period for the relevant information, documentation and records (including personal data) to be retained.

10. Use of automated-decision making or profiling

In general, we do not use automated individual decision-making or profiling in the course of the relationship with you. If we should rely on such processing in a particular situation, we will inform you separately, insofar we are legally required to do so.

11. Your rights

In relation to your personal data, you have the right to:

- a. access the personal data held about you and receive additional information about how it is processed;
- b. rectify or complete any inaccurate or incomplete personal data about you;
- c. seek the erasure of your personal data: (i) when your personal data are no longer necessary in relation to the purposes for which they are collected or otherwise processed; (ii) you feel that your personal data is not being processed lawfully, (iii) in the event that we will process your personal data based on consent, and you withdraw your consent, and there are no other legal grounds to process your personal data, (iv) when your personal data needs to be deleted to comply with a legal obligation in Union or Member State law to which we are subject; or (v) when you object to us processing your personal data based on one of our legitimate interests, in this case we will no longer process your personal data unless we demonstrate compelling legitimate grounds for said processing;

- d. object to the use of your personal data only where processing is based on FEPP's legitimate interest or a third party's interests, including for direct marketing purposes, in such a case FEPP will no longer process your personal data unless FEPP or the third party has compelling legitimate grounds for the processing which override your interests, rights and freedoms for the establishment, exercise or defence of legal claims;
- e. receive your personal data in a structured, commonly used and machine-readable format and the right to transmit it to another data controller. However, please note that this right to data portability only arises where: (i) the processing is based on consent or on a contract; and (ii) the processing is carried out by automated means, and (iii) it does not adversely affect the rights and freedoms of others. This data portability right also only applies to the data that you have provided to us;
- f. restrict the processing of your personal data in cases where the accuracy of the personal data is contested, the processing is unlawful, or where you have objected to the processing of your personal data. This means that personal data will, with the exception of storage, only be processed for the establishment, exercise or defence of legal claims, for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or of an EU Member State. In case a processing is restricted, you will be informed before the restriction of processing is lifted;
- g. withdraw any consent given to the processing at any time to the extent that your consent justified such processing. This will not affect the lawfulness of processing based on consent before its withdrawal, such withdrawal only affects future processing;

We will respond to individual complaints and questions relating to privacy and will investigate and attempt to resolve all complaints. We will only be able to respond positively to the above requests related to the right of opposition, the right of erasure and the right of restriction if they do not interfere with or contradict a legal obligation to which we are subject (e.g. a retention obligation). We will handle each request free of charge and within a reasonable timeframe, provided it is not excessive or clearly unfounded.

- h. lodge a complaint:

You have the right to ask questions or lodge a complaint about our processing of your personal data with the relevant data protection authority. You can complain in the EU member State where you live or work, or in the place where the alleged breach of data protection law has taken place.

In Luxembourg, the data protection authority is the *Commission Nationale pour la Protection des Données* (the "**CNPD**"). The CNPD can be contacted as follows:

Telephone: (+352) 26 10 60 - 1

Website: <https://cnpd.public.lu/en.html>

Web form: <https://cnpd.public.lu/en/particuliers/faire-valoir/formulaire-plainte.html>

Address: 15, Boulevard du Jazz, L-4370 Belvaux

12. **Technical and organisational security measures**

Ensuring that your personal data are kept securely is a priority for us. We implement adequate technical and organisational security measures to ensure a level of security appropriate to the risks represented by the processing and the nature of the personal data to be protected.

Access to personal data is permitted to our staff for the sole purpose of performing their professional duties. They are subject to a confidentiality obligation and are provided with training to improve their practical skills and knowledge on data protection issues.

13. **Amendment**

FEPP reserves the right to change, add to and/or amend this Privacy Policy at any time. In this event, you will be notified by email, or any other methods chosen by us and allowed under applicable law.

14. **Contact and exercise of your rights**

FEPP has appointed a Data Protection Officer to manage and monitor our compliance with data protection requirements. You can contact our Global Head of Data Protection Compliance at:

- FidelityEuropeanPensionPlan@fil.com

You may also directly reach out to FEPP by courier at the following address:

- Fidelity European Pension Plan, 2a rue Albert Borschette, B.P. 2174, L-1021 Luxembourg

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