

GLOBAL PERSONAL DATA PRIVACY NOTICE FOR EMPLOYMENT AND CONTRACTOR CANDIDATES

Last revised July 7, 2023

Purpose and Scope

The purpose of this Personal Data Privacy Notice for Employment and Contractor Candidates is to inform those persons who apply for employment opportunities or contract engagements (“**you**” or “**your**”) with Arcesium LLC and its subsidiaries including Arcesium UK LLP and Arcesium India Private Limited (collectively, “**Arcesium**”, “**we**”, “**us**”, or “**our**”), about how we collect, use, share and protect your personal data. This notice applies to all applicants worldwide. Although this notice may be translated into other languages for convenience, the English language version is the controlling version.

Privacy and data protection laws vary around the world and among the individual states, provinces, and districts or zones within certain countries. In some jurisdictions, privacy laws grant you, the data subject, certain specific rights regarding your personal data. We refer to these types of privacy laws as “**Comprehensive Privacy Laws.**” Examples of Comprehensive Privacy Laws include the European Union’s General Data Protection Regulation, the Data Privacy Act of 2018 in the United Kingdom, Thailand’s Personal Data Protection Act, and the consumer privacy laws of several U.S. states, such as California. We therefore also use this notice to inform you of certain specific rights you have under the Comprehensive Privacy Laws with respect your personal data.

When we refer to “**personal data**” in this notice, we mean any information, data, or data element, whether in electronic or other form, that, alone or in combination with other elements, can be used to distinguish, trace, or discover your identity. Certain data privacy laws include specific elements or defined terms for what they consider to be personal data (sometimes also referred to as “personal information” or a variation thereof). Where such data privacy laws apply to our processing of your personal data, then the term “personal data” includes the specific elements and defined terms required by such laws.

What are the sources from which we collect your personal data?

We may collect personal data in the following ways:

- Directly from you (online or in-person), such as through the application, hiring, or contracting process;
- From other parties to which you direct us, such as former employers identified in your application materials, and companies or persons you may list as references;
- From external third party sources such as:
 - publicly available information;
 - social media platforms; and
 - other third parties, such as background check agencies, law enforcement authorities (if and to the extent permitted by applicable law), and applicant tracking tools and services.

What categories of personal data do we collect?

If you apply for employment or a contract engagement, we may, subject to the requirements of local law, collect some or all of the following personal data about you:

- General Identifiers – such as contact details like name, email address, and phone number and your relevant education and professional work experience;
- Government Identifiers – such as passports, national identification numbers, and proof of your ability to work in the relevant jurisdiction;

- Protected Characteristics – such as demographic/diversity data which may include gender, nationality, language preference, and/or age;
- Inference Data – such as inferences about your working style, interpersonal skills and the like drawn from the application or interview process
- Audio/Visual Data – such as video recordings either from CCTV on premise or during the job interview process where applicable;
- Internet Activity Data – such as browsing history and related information regarding your interaction with our websites or candidate portals; and
- Background Data – such as potentially sensitive data generated by background checks including past criminal history, credit history and whether you are subject to sanctions.

Why do we process your personal data?

The provision of personal data by you is necessary in order for us to: (a) fulfil our legal obligations (e.g., verify your eligibility to work in the applicable location), and (b) process your application and consider you for a position with us including by conducting interviews, collecting references, and undertaking certain types of background checks all to make the most appropriate recruitment decisions for our business. Except as specifically identified below, **the lawful basis for our processing is compliance with our legal obligations and protecting our legitimate interests.**

Processing personal data from applicants allows us to:

- Review and manage candidate applications and supporting materials;
- Administer and manage employment and engagement offers and communications with candidates;
- Meet our obligations with respect to any recruiting agencies that are acting on your behalf; and
- Administer, manage, and improve our recruiting operations.

Unless you expressly give us your permission to do so, we will not use your personal data for any purposes unrelated to the purposes we describe in this notice.

Processing based on your consent:

In certain limited cases involving applicants from certain jurisdictions, we will not rely on the above-described lawful basis, and will instead ask for the affected data subjects' express consent to allow us to process their personal data when:

- we perform background checks related to your credit history or criminal records; or
- the personal data in question is specifically designated as "sensitive" or being in a "special category" under applicable Comprehensive Privacy Laws (generally speaking this is similar to the "Protected Characteristics" data described [here](#))

When so required, we will provide those applicants with an opportunity to consent by sending, to the email address you provided to us, links to applicable notices and disclosures, and a mechanism for providing or declining to provide consent. **In such cases, or where we may otherwise indicate that the lawful basis on which we have collected and processed your personal data is your consent, you can withdraw your consent at any time by contacting us using the contact information in this notice.** Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal data conducted in reliance on lawful processing grounds other than consent. For the avoidance of doubt, it is not a condition of any prospective contract with us that you agree to any request for consent to process personal data. If you fail to provide certain information when requested, however, please note that we may not be able to continue with your application or conclude an agreement with you or we may be prevented from complying with our legal obligations.

In addition to the circumstances described above, we may disclose your personal data for the purposes described in this notice to recipients (including our subsidiaries, service providers, and advisors identified in the next section) that are located in a country outside of the country from which it was originally collected. For instance, we routinely transfer applicant data to the United States and India. Not all countries have equivalent data protection laws. **You hereby expressly consent to the transfer of your personal data to recipients that are located outside your home jurisdiction, including the United States or India.** Under no circumstances do we sell personal data.

With whom do we share personal data?

Though Arcesium does not sell any candidate personal data, we do share certain personal data with the following in connection with the activities described in this notice:

- our subsidiaries;
- our service providers (e.g., applicant tracking software) and trusted third party partners and advisors (e.g., recruitment agencies, background check agencies);
- third parties that acquire, or interested in acquiring or securitizing, all or part of our assets, shares, partnership interests, and/or membership interests, or that succeed us in carrying on all or a part of our businesses, whether by merger, acquisition, reorganization, or otherwise; or
- fraud prevention and/or law enforcement agencies, regulators, courts, and others having competent authority over our business, as required or permitted by law, including to comply with a legal order such as a subpoena or similar legal process or government request or when we believe in good faith that disclosure is legally required such as where necessary to protect our rights and property.

IMPORTANT NOTICE OF CERTAIN ADDITIONAL RIGHTS

When we collect personal data from data subjects to whom certain Comprehensive Privacy Laws apply, we become subject to those laws, and those data subjects have rights under them. This section of our notice is used explain your rights under those laws. For purposes of this section, the words “**you**” and “**your**” mean only residents protected by applicable Comprehensive Privacy Laws.

In the circumstances and under the conditions, and subject to the exceptions, set out in the Comprehensive Privacy Law applicable to you, you have the right to:

- Access – the right to obtain a confirmation that your personal data is being processed, receive access to your personal data (if we are in fact processing it), and other information about the processing of your personal data and a copy of your personal data we are processing.
- Correction/Rectification – the right to have your personal data corrected if it is inaccurate, and depending on the purposes of processing, you may also ask to have your incomplete personal data completed.
- Erasure – also known as the “right to be forgotten,” the right to request your personal data be deleted under certain circumstances such as if it is no longer needed for the original purpose it was collected for or if you withdrew your consent. The right of erasure does not apply under certain circumstances including if the processing is necessary for our compliance with a legal obligation.
- Restrict processing – the right to restrict processing of your personal data under certain circumstances, such as if you contest the accuracy of your personal data

(and only for so long as it takes to verify that accuracy), the processing is unlawful and you have requested restricting the processing rather than erasure, or if we no longer need the personal data but you need it to establish, exercise, or defend a legal claim.

- Portability – the right to receive your personal data that you provided to us (and not any other information) under limited circumstances, such as if the basis for processing your personal data was consent or necessary for the performance of a contract with you, or the processing is carried out by automated means.
- Automated processing – the right to not be subject to a decision based solely on automated processing, including profiling.
- Object to processing – the right to object to the processing of your personal data to the extent our basis for processing is our legitimate interests or in the performance of a task carried out in the public interest. If you object, we will stop processing your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights, and freedoms or we require the personal data to establish, exercise, or defend a legal claim.

If we collected your personal data while you were in the European Economic Area, you also have the right to complain to your data protection authority about our collection and use of your personal data. Please contact your local data protection authority for more information. Contact information for data protection authorities can be found [here](#). Your other rights under this notice can be exercised by contacting privacy@arcesium.com. Data subjects protected by certain Comprehensive Privacy Laws in the United States also may contact us by phone at 1-888-733-8017 and may further have the right to appeal decisions we make under this section by notifying us of such appeal using the email information above. Depending on the type of personal data requested, Arcesium may require additional forms of identification for proof of verification. Exercising your rights under this section will not result in any discrimination by Arcesium.

How long will we retain your Personal Data?

We retain personal data in accordance with our data retention and destruction procedures. The criteria that we use to determine retention periods include: (a) how long the personal data is needed for our prospective recruiting activities; (b) the categories of personal data collected; and (c) whether we are subject to any legal, contractual or similar obligation to retain the data (e.g., mandatory data retention laws, government orders to preserve data relevant to an investigation, or data that must be retained for the purposes of litigation or disputes). If you do not agree to the use and retention of your personal data in this manner, or if you would like more information about applicable data retention policies, please contact us using the contact details provided below. If your application for employment or an engagement is successful, your personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment/engagement.

Updates to this notice

We periodically review and may modify this notice. If we make modifications, we will continue to uphold our commitment to keeping your personal data secure.

Contact Us

If you have any questions about this notice, please contact us at privacy@arcesium.com.