



PORSCHE

Privacy Notice regarding

Compliance and Internal Investigations

Dr. Ing. h.c. F. Porsche AG and Porsche Digital España, S.L. ("**Porsche**" or "**we**") have implemented a business model oriented compliance organization, legally compliant processes and preventive and repressive measures to ensure compliance with applicable laws. We hereby inform you according to Art. 13, 14 EU General Data Protection Regulation (GDPR) about the processing of your personal data ("**data**") in connection with internal investigations and other measures which shall ensure compliance with applicable laws.

Porsche will only process your data in the course of compliance measures in accordance with the relevant data protection regulations. These regulations result in particular from the GDPR and supplementary regulations adopted at a national level. This Privacy Notice contains further information on data processing for the purpose of conducting internal investigations and for compliance measures ("**compliance purposes**"). It supplements our general data privacy notice for the employment relationship.

1. Background information regarding the processing of your data

Porsche must ensure compliance with applicable laws in the course of its business operations. This applies, for example, to provisions of criminal law, regulatory offences law, tax law, data protection law, stock corporation law, labor law, antitrust law and other binding legal provisions. If Porsche AG does not sufficiently comply with these legal requirements, there is a risk of disadvantages, such as monetary or prison penalties, fines, claims for damages or damage to reputation. In order to fulfill its legal obligations, Porsche therefore takes appropriate measures to ensure compliance within the group. This also includes the processing of your data for compliance purposes. Violations of applicable laws or internal company guidelines, including the Porsche Code of Conduct, will not be accepted, but will be consistently punished.

Typical compliance measures may include, among other things:

- Cooperation with public prosecutors, police and other local and international authorities,
- Analysis of e-mails or other relevant documents or hard drives,
- Compare findings with those achieved by internal auditors or engaged external auditors,

- Evaluations of documents and IT systems, e.g. the time recording system of Porsche,
- Verification of payments, submitted statements and receipts, e.g. travel expense reports,
- Interviewing employees or third parties and obtaining information from external third parties,
- Video surveillance and on-site inspections, e.g. locker and bag checks,
- Evaluation of incoming tips (Whistleblowing),
- Use of service providers, e.g. lawyers, auditors, private investigators (“Detective”), IT specialists or tax consultants.

2. For what purposes do we process your data?

Porsche processes your data in compliance with applicable laws, in particular for the following specific compliance purposes:

- **Investigation of misconduct:** Compliance measures can be used to detect and investigate possible breaches of contractual obligations or criminal offences by employees of Porsche and other irregularities within the company, such as the investigation and sanctioning of fraud, corruption, tax offences, antitrust violations, money laundering or other economic crimes;
- **Prevention of future misconduct:** Furthermore, compliance measures are typically intended to prevent or at least make it more difficult for employees of Porsche to violate their duties under the employment agreement or commit crimes in the future;
- **Exercising rights:** Compliance measures can also serve to compensate for and ward off imminent economic or other damage or disadvantages for Porsche and thus to effectively defend, exercise and enforce rights. For example, Porsche will take, as the case may be, compliance measures in preparation for labor court proceedings or other legal disputes;
- **Relief of employees:** Porsche will also take appropriate compliance measures to detect and investigate possible accusations against employees of Porsche who are wrongly suspected of having committed an offence and to relieve the burden on them (rehabilitation);
- **Implementation of legal obligations:** Porsche is subject to comprehensive legal supervisory and compliance obligations. Compliance measures are typically intended to implement those legal and other obligations. For example, we carry out investigatory measures to ensure that our products comply with legal and official requirements (product compliance) and to identify possible conflicts of interest within the group.

- **Implementation of obligations to cooperate:** Compliance measures may also help Porsche to comply with its statutory cooperation obligations in criminal investigations or other official proceedings.

In addition, the possible purposes of data processing are those stated in the general Privacy Notice for the employment relationship.

3. Which data or data categories are affected by compliance measures?

As part of compliance measures, we may process the following data or data categories about you:

- **Personal data:** We may process your personal data (e.g. name, private address, private telephone number, private e-mail address) as part of compliance measures;
- **Operational data:** In addition, we may also process operational information about you as part of compliance measures (e.g., position in the company, job title, possible supervisor position, business e-mail address, business telephone number);
- **Information on relevant facts:** Compliance measures often refer to concrete facts. The determination and evaluation of relevant information on the respective facts may allow conclusions to be drawn about your behavior or actions taken by you. In individual cases, this may also include breaches of duty or criminal offences;
- **Business-related documents:** Porsche will also evaluate business-related documents as part of compliance measures. In individual cases, these may include travel expense reports, time sheets or hourly time sheets, contracts, performance records, logbooks or invoices. These documents may also contain your personal data;
- **Communication behavior:** In addition, compliance measures may allow conclusions to be drawn about your communication behavior when using company communication systems. For example, Porsche AG may also access the contents of e-mails in your company's e-mail inbox for the purposes of e-mail analysis. In addition, Porsche AG will, to the extent necessary, evaluate log data or metadata;
- **Private contents:** In individual cases, some of the data records to be evaluated may also contain private content about you. This applies, for example, in the context of e-mail evaluations. However, Porsche will take appropriate technical and organizational measures to ensure that data records with purely private content are not evaluated;
- **Data on criminal convictions and offences:** As part of compliance measures, we may also have to collect data about you that may allow conclusions to be drawn about crimes or criminal convictions affecting you. However, Porsche AG will only process this data in accordance with the relevant data protection regulations, in particular Art. 10 GDPR;
- **Special categories of personal data:** In individual cases, we may also collect special categories of personal data as defined in Art. 9 (1) GDPR as part of compliance

measures. These include health data, data on possible union membership, biometrical data or data on political or religious affiliations. However, Porsche will only process such data in accordance with the applicable data protection regulations, in particular Art. 9 (2) GDPR.

4. On what legal basis do we process your data?

Porsche will only process your data as part of compliance measures to the extent permitted by applicable law. This includes in particular the provisions of the GDPR, local regulations on data protection and other relevant legal regulations.

Porsche AG will base data processing within the context of compliance measures in particular on the following legal bases:

- **Implementation of legal obligations (Art. 6 (1) lit. c GDPR):** As already described under Sections 1 and 4, Porsche is subject to comprehensive legal supervisory and compliance obligations. Compliance measures shall help Porsche, among other things, to ensure compliance with these legal obligations of Porsche;
- **Protection of legitimate interests (Art. 6 (1) lit. f GDPR):** Porsche may also process your data in order to protect your or a third party's legitimate interests. These legitimate interests may include, among other things:
 - **Legal defense:** One of the reasons why Porsche carries out compliance measures is to prevent damage to its own company. In this respect, data processing also serves the legitimate interests of Porsche in the form of assertion, defense and exercise of legal claims.
 - **Improving compliance structures:** Compliance measures can also serve to improve Porsche AG's internal compliance structures. For example, Porsche AG can use compliance measures to identify and eliminate possible weaknesses in its internal compliance organization. This is also a legitimate interest of Porsche AG and other Porsche Group companies.
 - **Support for suspected employees:** Compliance measures can also serve to relieve the burden of suspected employees. This is basically a legitimate interest of a third party.
 - **Implementation of foreign legislation:** In addition to national and EU regulations, Porsche is also subject to comprehensive legal regulations of countries outside the EU in the area of compliance. These include, for example, anti-corruption or competition guidelines under US law. The implementation of such foreign legal regulations is also generally recognized as a legitimate interest.

Porsche will ensure that compliance measures are only implemented to the extent that conflicting legitimate interests and rights of the affected employees do not outweigh.

5. To which parties will we transfer your data?

Access to the data contained in the whistleblower systems shall be limited exclusively to persons carrying out internal controls and compliance-related functions, including processors designated for this purpose.

Porsche will only transfer your data to third parties as part of compliance measures based on a need-to-know principle (whenever necessary for the adoption of disciplinary measures or to face legal proceedings) and, therefore, if there is a valid legal basis to do it.

Porsche may transfer your data in the course of investigatory measures particularly to the following recipients:

- **Other group companies:** We may also may need to share your information with other Volkswagen AG or Porsche AG group companies to investigate compliance issues based on our legitimate interest on reaching a correct and effective whistleblowing system. Such intra-group data transfer may be necessary in particular if compliance measures are based on facts that affect several group companies.
- **Courts, authorities and other public bodies:** Porsche may also disclose the results of compliance measures to public authorities, when recommended to protect the company and/or mandatory in view of applicable legislation. This may involve Spanish or foreign public prosecutors, courts or other authorities. Such disclosure may be necessary in particular if Porsche is legally obligated to disclose the relevant data. This may be the case, for example, in the context of criminal investigations.
- **Service providers:** When carrying out compliance measures, we may also use the support of external service providers, such as law firms or auditing companies, based on our legitimate interest consisting on the defense and exercise of legal claims or in obtaining advice on a specific situation. We will take appropriate measures to ensure that these service providers process your data only in accordance with the applicable data protection regulations.
- **Processors who are bound by instructions:** In the context of compliance measures, we may also involve processors within the meaning of Art. 28 GDPR, e.g. in the context of document management. Porsche will ensure that these processors only process data for Porsche on the basis of an effective data processing agreement.
- **Other third parties:** To the extent necessary to fulfill the purposes stated in this Privacy Notice and provided that no conflicting interests of data subjects prevail, your personal data may also be transferred to opposing parties or insurance companies.

The general Privacy Notice for the employment relationship contains a more detailed list of possible recipients of your personal data, as well as information on the relevant legal basis.

If we have not collected your personal data processed for compliance purposes directly from you, we will typically receive it from the entities as mentioned above in this section of

the Privacy Policy as well as from internal or external whistleblowers, business partners or similar sources.

6. What data protection rights do you have?

As a data subject, you can exercise various data protection rights. In order to exercise your rights, you can contact Porsche using the contact details given in Section 2.

These rights include in particular:

- Right to access (Art. 15 GDPR);
- Right to rectification (Art. 16 GDPR);
- Right to deletion (Art. 17 GDPR);
- Right to restrict processing (Art. 18 GDPR);
- Right to appeal to a data protection supervisory authority;

The general Privacy Notice for the employment relationship explains the prerequisites and the scope of the individual rights in Section 8 in more detail.

7. How long do we store your data?

Personal data of the person that communicated the incident, of the employees, as well as of the affected third parties, will be kept in the whistleblower system only for the time necessary to decide on the relevance of initiating an investigation into the reported tips, in accordance with Article 24.4 of the Organic Law 3/2018, of December 5, on the Protection of Personal Data and guarantee of digital rights (LOPDgdd, in spanish).

In any case, all personal data related to an incident that had been reported shall be deleted within three months of its inclusion into the reporting system, except when the purpose of its retention is to leave evidence of the operation of the company's whistleblowing system. Once this period has expired, the data may still be processed in the context of the investigation without being retained in the whistleblowing system. In this case, legal retention obligations as well as Porsche's legitimate interest may justify a longer retention period for your personal data. For example, Porsche may retain your data in the course of litigation resulting from investigations carried out.

Personal data relating to claims that have not been processed will be recorded in anonymized form.

It must be taken into account that storage periods and deletion routines are determined in each individual case according to the storage interests of Porsche, taking into account the importance of storage for Porsche, applicable regulations, considering the relevance of the communicated facts, the legitimate interests of those affected in the deletion and the probability that a suspicion reported in the Whistleblower System proves to be true.

The general Privacy Notice for the employment relationship contains further information on the relevant requirements for the storage of personal data of employees.

8. To what extent are automated individual decision-making or profiling measures taken?

Neither automated individual decision-making nor profiling measures within the meaning of Art. 22 GDPR take place in the context of compliance measures.

9. Who is responsible for processing your data?

Notwithstanding the Porsche Group companies involved in the infringements communicated through the whistleblowing system, Porsche Group companies shall be the data controllers in accordance with Art. 4.7 GDPR (for instance, the company that determines the purposes and means for data processing) as established in the relevant joint controllership agreement.

For your convenience, below you can find the contact details of Porsche Digital España:

Porsche Digital España, S.L.

La Rambla 124

08002 Barcelona

Spain

<https://bcn.porsche.digital/>

You can contact our Data Protection Officer in the following email address:
dpo_porscheiberica@porsche.es

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