



## PRIVACY STATEMENT

Version

1.4

Date

NOVEMBER 2022

Owner

HR DIRECTOR

Classification

INTERNAL

## INTRODUCTION

At Action, we continuously work with all sorts of information, including Personal Data related to our future-, current- and former employees, trainees and students ("**Employee**" or "**You**"). Your privacy is of great importance to us. As the Controller of Your Personal Data, we have the obligation to ensure that Your data is safeguarded against inappropriate use. We also need to ensure the data is accurate and complete and is only available to those who should be able to access it.

We will store Your Personal Data in digital or paper format, and will handle Your Personal Data with due care in accordance with the Data Protection Laws of Your country of work.

## SCOPE

This Global Privacy Statement ("**Statement**") sets out how we collect, use and disclose the Personal Data of our Employees. The objective of this Statement is to inform You about our processing activities regarding Your Personal Data. Please contact Your HR Manager if you have any questions with respect to this Statement.

## PURPOSE

It is our ambition to comply with the Data Protection Laws of the countries in which we operate at all times. Data Protection Laws do however differ per country. This Global Privacy Statement first sets out the general data protection rules which apply to all countries, and then provides local data protection rules by country in **Appendix 1**, to the extend these deviate.

## DEFINITIONS

### **Action**

Means Action Holding B.V. and its operating subsidiaries;

### **Controller**

Means the Action entity that determines the purposes and means of the Processing of the Personal Data in respect of that Personal Data. The different Action entities are set out in **Appendix 1**.

### **Data Breach**

Means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed;

### **Data Protection Authority**

Means data protection supervisory authority of Action Service & Distributie BV or Action Nederland BV or the data protection authority of the respective Controller as set out in **Appendix 1** (as the case may be);

### **Data Protection Laws**

Means the data protection laws (as amended from time to time) that are applicable to the data Processing activities of the Controller and/or Processor;

### **EU Data Protection Regulation**

Means the EU data protection regulation 2016/679 on the protection of the Personal Data of natural persons whose data is being Processed;

### **Personal Data**

Means any information relating to an identified or identifiable natural person ("**data subject**"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

### **Data Protection Officer**

Means the person appointed from time to time as data protection officer of Action who is responsible for the monitoring of compliance by Action with Data Protection Laws and this Statement;

**Processing of Personal Data**

Means any operation or set of operations which is performed on Personal Data, whether or not by automatic means, such as collection, recording, organization, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure, or destruction;

**Processor**

Means the person that Processes Personal Data on behalf of the Controller;

**Third Party**

Means a natural or legal person, public authority, agency or body other than You, the Controller, Processor and persons who, under the direct authority of the Controller or Processor, are authorized to Process Personal Data.

**PERSONAL DATA PROCESSED**

The Personal Data that we collect from You, as set out in **Appendix 2**, may be Processed for the following purposes:

**Implementation of Your employment contract**

The Processing of Your Personal data for this purpose concerns all activities with respect to the establishment, implementation and termination of employment relationships. Activities for this purpose involve (i) entering into a contract of employment/study agreement with You; (ii) personnel administration, including employee self-service facilities; (iii) the calculation, processing and payment of various remuneration, provisions, allowances and subsidies; (iv) performance management.

The Controller is allowed to Process this data on the basis of article 6(1)(b) and, where applicable, article 9(2)(b) or 88 of the EU Data Protection Regulation and the respective Data Protection Laws. If You do not provide the necessary Personal Data, as set forth in **Appendix 2**, for the performance of Your employment contract and in particular the purposes set forth above, we may not be able to fulfill our obligations under the employment contract with You or enter into an employment contract with You.

**Compliance with applicable laws**

The Processing of Your Personal Data for this purpose concerns Processing that is necessary for compliance with legal obligations to which the Controller is subject under the laws of the EU or local laws. Activities for this purpose involve (i) calculations and payment of taxes and social security contributions; (ii) judicial proceedings, enforcement of court decisions, and handling of employee petitions; (iii) pension payments, leave and sickness administration, handling of Alert line investigations.

The Controller is allowed to process this data on the basis of article 6(1)(c) and, where applicable, article 9(2)(b) or 88 of the EU Data Protection Regulation and the respective Data Protection Laws. The Personal Data that we Process for the above purposes is set out in **Appendix 2**.

**Communication & Training**

The Processing of Your Personal Data for these purposes concerns Processing that is necessary for training and communication with You as an employee on topics that are not directly linked to the execution of Your employment contract. Activities for these purposes involve (i) conduct surveys, (ii) communicate on topics related to Your employment relationship with the Controller (such as internal newsletters), (iii) host voluntary social activities, (iv) provide voluntary training, education, coaching and/or mentoring.

The Controller is allowed to process this data on the basis of article 6(1)(f) and, where applicable, article 9(2)(b) or 88 of the EU Data Protection Regulation and the respective Data Protection Laws, since it is necessary for the legitimate interests pursued by Action, the personal and career development of Action employees and the overall information provision as employer. The Personal Data that is processed for this purpose is set out in **Appendix 2**.

### **Security management**

This purpose concerns all activities with respect to ensuring the security of Action premises and Action-held information, as well as the safety of Action employees. Activities for this purpose may involve the identification and authentication of employees, usernames and password management, event monitoring for detecting suspicious activity relating to systems and/or user accounts and enabling necessary response, the establishment of contacts in case of an emergency, occupational health and safety management, fraud investigations and management and time registration in working areas of Action or its customers.

The Controller is allowed to process this data on the basis of article 6(1)(f) and, where applicable, article 9(2)(b) or 88 of the EU Data Protection Regulation and the respective Data Protection Laws, since it is necessary for the performance of Action's business activities to secure its assets, information and employees.

Most of the information set out in **Appendix 2** is information that You knowingly provided to Action, as it is Action policy to receive as much information as possible directly from You. However, in some instances, we Process information that we were able to generate based on other information You provided to us or on our interactions with You, or personal information about You that we receive from a Third Party such as from a (recruitment) agency, national social security authority, tax authority, (health) insurer.

### **Hypotheses of transfer of business, mergers, demergers and acquisition**

Action could process Your Personal Data for the performance of activities functional to possible transfers of business and branch of business, acquisitions, mergers, demergers, transformations and the execution of such operations. The Controller is allowed to process these data on the basis of article 6(1)(f) of the EU Data Protection Regulation, since it is necessary to enable Action to carry out said operations.

### **Consent**

In a limited number of cases we may, with Your consent, collect Personal Data for purposes not directly related to the performance of Your employment contract. Your consent will only be sought if required by applicable law or regulation. If Your consent is sought, we will ensure that Your consent is informed and voluntary, and that You will not be adversely affected by any decision to withhold or withdraw consent.

## **PROCESSING PRINCIPLES**

Your Personal Data will only be Processed for the purposes outlined above. Action will ensure that this is done in a lawful and fair way, and that the Processing of Your Personal Data is at all times in line with the principles of proportionality and subsidiarity; which means that no more Personal Data will be Processed than strictly necessary for the purpose for which it has been obtained and that Personal Data will only be Processed if the goal cannot be achieved by less far reaching means. For the purposes concerning the performance of activities related to any transfers of business and branch of business, acquisitions, mergers, demergers, transformations and the execution of such operations: Your Personal Data will be processed for the time established respectively for the other purposes for which they have been obtained.

Action will take all reasonable steps necessary to make sure that Your Personal Data remains accurate and up to date. Action does not store Your Personal Data longer than is necessary for the purposes for which they were collected and complies with the applicable local legislation and regulations in this respect. This also means that unless retention of Your Personal Data is required by law for a certain time period, Your Personal Data will be destroyed, erased or made anonymous within a reasonable time after fulfilment of such purposes. The relevant retention periods are set out in the retention policy published on ANet.

Action does not use automated decision-making or profiling when processing Your Personal Data.

The Personal Data You provided to us or otherwise obtained by us, will only be accessible by persons who need to Process or access such Personal Data in order to carry out their duties and/or to comply with relevant legislation and/or regulations. This will for example include the

administrators of personnel, financial, absenteeism and/or salary administration, Processors, persons involved in (internal and external) quality control, (supervision of) financial reporting and the performance of premium discount and subsidy schemes. All individuals Processing Personal Data within Action, are responsible for ensuring that such Processing is carried out in accordance with this Statement and are required to keep the Personal Data confidential.

### SHARING PERSONAL DATA

Given that Action operates internationally, and given the global nature of Action's activities, sometimes Action may need to transfer Your Personal Data to the following internal or external recipients:

- (i) The Controller may share Your Personal Data with authorized employees within Action for the purposes described above.
- (ii) Pension providers. The Controller may share Your Personal Data with authorized personnel from the pension providers who need access for some of the purposes described above and for the particular purpose of administering the pension scheme and providing You with benefits and insurance coverage available under the pension scheme.
- (iii) Third Parties. Where necessary for legitimate business purposes or for the purposes directly related to those described above, Action may share Your Personal Data with Third Parties, such as:
  - payroll administrators, auditors, agents/contractors, consultants, advisers, service providers and suppliers, information technology systems providers, financial institutions, consultants and professional advisors; and/or
  - any other service providers involved in the provision of services to Employees;
  - transferees of a business or branch of a business, potential purchasers of Action and companies involved in, or resulting from, any mergers, demergers or transformations.We require those Third Parties to protect and keep Your Personal Data confidential in line with what has been set out in this Statement and we prohibit them from using Your Personal Data for their own purposes or from disclosing Your Personal Data to others in any way without our prior written consent. Action has further entered into data transfer agreements (Controller to Processor) with third parties to ensure adequate protection of Your Personal Data.
- (iv) Local authorities and regulators, internal investigations. Action may share Personal Data with local authorities and other parties in accordance with local regulations, or as part of internal investigations within Action. Your Personal Data may also be shared to respond to internal or external audit and inquiries, law enforcement requests, requests from administrative or judicial authorities or where required by applicable laws, court orders, or government regulations. Such parties with which Your Personal Data may be shared for such purposes may include:
  - tax authorities, social security services, judicial authorities, employment/labour or other authorities; and
  - independent public accountants, authorized representatives of internal control functions such as auditors, legal and/or corporate security firms.

### PROCESSING OUTSIDE YOUR COUNTRY

Your Personal Data may be Processed by a Third Party outside Your country. To the extent that Your Personal Data is accessed or transferred outside the European Economic Area (EEA), we enter into separate agreements with such Third Party implementing extensive measures to safeguard that all Personal Data transferred is adequately protected in line with the EU data privacy standards the European Commission has designed for this purpose. You may contact us by using the contact details at the bottom of this Statement, if You wish to review the relevant data transfer agreements.

### CENTRALIZED DATA PROCESSING ACTIVITIES

Like many international companies, we have centralized certain aspects of our Data Processing and human resources administration in the Action headquarters in order to better manage our business.

That centralization may result in the transfer of Your Personal Data from Action in one country to Action in another country on the basis of a data Processing agreement between the local Action and Action headquarters (all located in the EEA).

## SECURITY OF PERSONAL DATA

Action makes every effort to implement appropriate organisational and technical measures to protect Your Personal Data against unlawful Processing, theft, damage, destruction and/or loss. Organizational measures taken include security clearances and limiting access to a “need-to-know” basis. Technological measures include the use of passwords, encryption and identity & access Management in line with the information security policy.

Action Employees who have access to Your Personal Data are bound by confidentiality clauses. Processors will only have access to Your Personal Data after they have entered into a data processing agreement, imposing extensive obligations on them in order to ensure that the data is adequately protected.

It may happen that, despite the security measures that we have implemented, Third Parties are nevertheless able to circumvent these measures and/or use Your Personal Data for other purposes than for which it was collected. We will notify You of a Data Breach if this is required under Data Protection Laws.

## RIGHT OF THE DATA SUBJECT

You may contact our HR Shared Service Centre if You wish:

- to know whether or not we process Your Personal Data and have access to Your data and, if so, want to request access to Your Personal Data;
- to rectify Your Personal Data;
- to erase Your Personal Data;
- to restrict Your Personal Data;
- to object to processing Your Personal Data; and/or
- us to transmit Your Personal Data to another organization.

We will review whether Your request is in line with Data Protection Laws and handle Your request accordingly. We will provide information on the actions taken without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. We shall inform You of any such extension within one month of receipt of Your request, together with the reasons for the delay.

If we base the Processing of Your Personal Data on Your consent, You have the right to withdraw Your consent at any time. However, this will not affect the lawfulness of the Processing before the withdrawal of consent.

You have the right to lodge a complaint with the local Data Protection Authority at any time.

## DATA BREACH

If You observe a (potential) Data Breach, You will need to report this immediately to Your manager. The manager should immediately report the incident in line with the Data breach reporting procedure on ANet.

## QUESTIONS, COMMENTS AND COMPLAINTS

If You have any questions, comments or complaints concerning this Statement or the manner in which Action Processes Your Personal Data, You should first discuss this with Your manager. If you still have questions afterwards You can liaise with your HR Manager. We will endeavour to answer Your questions and advise You of any steps taken to address the issue raised by You. If Your concerns remain unsolved to Your satisfaction, You may address Your concern to the local Data Protection Authority.

*Data Protection Officer*

We have appointed a Data Protection Officer to oversee compliance with this Privacy Statement. On the date of the Privacy Statement the Data Protection Officer of Action is the Director Risk Assurance.

The contact information of our Data Protection Officer is as follows:

Attn. Data Protection Officer  
Perenmarkt 15  
1681 PG Zwaagdijk  
Telephone: +31 (0) 228 565080  
E-mail: [privacy@action.nl](mailto:privacy@action.nl)

*Data Protection Authority*

The contact details of the local Data Protection Authorities are set out in **Appendix 1**.

## **ADJUSTMENT PRIVACY STATEMENT**

Action can adjust this Privacy Statement from time to time to reflect any changes in law and regulations, or in the manner in which we deal with Your Personal Data. We will communicate any revised version of this Statement. The most recent Statement can always be found on ANet.

## APPENDIX 1 – LOCAL SPECIFICATIONS

### Austria

“Data controller”: Action Retail Austria GmbH

Country Specific amendments to the Statement:

Personal Data means also any information relating to a legal entity.

Personal Data may be stored until the end of the employment relationship or longer in case (i) statutory retention periods exist, such as 7 years for tax-relevant documents; or (ii) the employee raises a claim against its employer.

Contact details data protection authority:

Österreichische Datenschutzbehörde

Barichgasse 40-421030 Wien

Telephone: +43 1 531 15-202525

Website: <https://www.dsb.gv.at/>

E-Mail: [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)

### Belgium

“Data Controller”: Action Belgium BVBA

Contact details data protection authority:

Commissie voor de bescherming van de persoonlijke levenssfeer

Drukpersstraat 35,

1000 Brussel

Telephone: +32 (0)2 274 48 00

E-mail: [contact@apd-qba.be](mailto:contact@apd-qba.be)

Website: <https://www.privacycommission.be>

### France

“Data Controller”: Action France SAS and/or Action Logistics France (Distribution centers).

With respect to the paragraph “Processing outside Your country” the following applies:

“Your Personal Data may be Processed by a Third Party outside Your country. To the extent that Your Personal Data is accessed or transferred outside the European Economic Area (EEA), we enter into separate agreements with such Third Party implementing extensive measures to safeguard that all Personal Data transferred is adequately protected in line with the EU data privacy standards the European Commission has designed for this purpose.

In the event Action plans to transfer Your Personal Data outside the EEA, Action shall inform You and provide you in the French language the following details:

- The country to which Your Personal Data is transferred;
- The nature of Your Personal Data transferred;
- The purpose of the data transfer;
- The identity of Your Personal Data recipient.

You may contact us by using the contact details at the bottom of this Statement, if you wish to review the relevant data transfer agreements.”

Contact details data protection authority:

Commission Nationale de l'Informatique et des Libertés (C.N.I.L)

3 Place de Fontenoy,

TSA 80715

75334 Paris

Telephone number: (+33) 1 53 73 22 22

Website: <https://www.cnil.fr/en/home> (English version)

### Germany

“Data Controller”: Action Deutschland GmbH and/or Action Logistics Germany GmbH (Distribution center).



Subsequent to the termination of Your employment the Controller will continue to store Your Personal Data that was legitimately collected during Your employment as long as this is required to (i) assess and litigate potential claims resulting from Your employment, (ii) comply with statutory retention periods (e.g. Art. 257 German Commercial Code, Art. 147 Tax Code) or handle claims resulting from any applicable company or other pension scheme. The obligation of the Controller to block the access to Your Personal Data in accordance with Sec. 35 (3) FDPD remains unaffected.

With respect to the sharing of Personal Data, please note that data transfer agreements can be concluded also with respect to data transfers inside the European Economic Area.

Data Controller will not process the following data: details on background checks, declaration of good behavior, the results of drug- and alcohol tests, screening, health certification, driver license number, vehicle registration and driving history.

Contact details data protection authority:

Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen  
Kavalleriestr. 2-4  
40213 Düsseldorf  
Telephone: 0211/38424-0  
Fax: 0211/38424-10  
Website: <https://www.ldi.nrw.de>  
Email: [poststelle@ldi.nrw.de](mailto:poststelle@ldi.nrw.de)

### **Italy**

“Data Controller”: Action Italy S.R.L.

With respect to the paragraph “Personal Data Processed” the following also applies:

With regard to the possible processing of the Personal Data of Your dependants in order to pay of family allowances and other forms of financial support provided by applicable legislation, The Controller is allowed to Process this data on the basis of article 6(1)(c). The provision of these data is optional, however any refusal to provide them may preclude the payment of these forms of financial support.

Contact details data protection authority

Garante per la protezione dei Dati Personali  
Piazza Venezia 11-00187 Roma  
Telephone: +39 06 6967 71  
Website: [www.garanteprivacy.it](http://www.garanteprivacy.it)  
Email: [protocollo@gpdp.it](mailto:protocollo@gpdp.it)

### **Luxembourg**

“Data Controller”: Action Luxembourg Sarl

Data Controller will not process the following data: details on background checks, declaration of good behavior, the results of drug- and alcohol tests, screening, health certification, driver license number, vehicle registration and driving history.

Contact details data protection authority:

Commission Nationale pour la Protection des Données  
15 Boulevard du Jazz  
L-4370 Belvaux  
Tél. : (+352) 26 10 60 -  
Website: [cnpd.public.lu](http://cnpd.public.lu)

### **Netherlands**

“Data Controller”: Action Service & Distributie BV and/or Action Nederland BV (Dutch Action stores)

Data Controller will not process the following data: the results of drug- and alcohol tests, health certifications.

Contact details data protection authority:

Autoriteit Persoonsgegevens  
Postbus 93374

2509 AJ DEN HAAG  
Telephone: 088 - 1805 250  
Website: <https://autoriteitpersoonsgegevens.nl>

### **Poland**

"Data Controller": Action Poland S.P. Z.O.O.

Contact details data protection authority:  
Biuro Generalnego Inspektora Ochrony Danych Osobowych  
ul. Stawki 2  
00-193 Warszawa  
Telephone: +48 22 53 10 440  
Fax: +48 22 53 10 441  
Website: [www.giodo.gov.pl](http://www.giodo.gov.pl)  
Email: [kancelaria@giodo.gov.pl](mailto:kancelaria@giodo.gov.pl)

### **Spain**

"Data Controller": Action Retail Spain S.L.U.

Contact details data protection authority:  
Agencia Española de Protección de Datos  
C / Jorge Juan, 6  
28001 Madrid  
Telephone: +34 91 266 35 17  
Website: <https://www.aepd.es/es>

### **The Czech Republic**

"Data Controller": Action Retail Czech s.r.o.

Your Personal Data will be processed by the Controller for the duration of Your employment contract and subsequently as long as it is required (i) by the applicable laws namely in the field of social security and taxation, (ii) for the assessment and litigation of potential claims resulting from Your employment. Such subsequent processing of Your Personal Data will be strictly limited to the stated purposes.

Contact details of the Czech Data Protection Authority:  
Úřad pro ochranu osobních údajů  
Plk. Sochora 27  
170 00 Praha 7  
Telephone: +420 234 665 800  
E-mail: [posta@uouu.cz](mailto:posta@uouu.cz)  
Website: <https://www.uouu.cz>

## APPENDIX 2 – PERSONAL DATA PROCESSED

Your Personal Data may be processed for the following reasons:

### **Performance of Your employment contract**

- name, gender, home address, e-mail address (work and private), (mobile) telephone number (work and private), date and place of birth, marital status;
- bank account details;
- salary details, sick pay, information on entitlements and allowances;
- start date of employment, date of promotions, curriculum vitae (CV), work experience, training and educational details, (copy) of certificates and registrations, technical skills, language capabilities, training courses attended;
- clothing sizes, physical limitations and special needs;
- records of work absences, vacation entitlements and requests, salary history and expectations, performance appraisals, letters of appreciation and commendation, disciplinary and grievance procedures;
- payroll and payroll accrual calculations, planning, workload calculation, time registration, attendance registration;
- employee ID number, department code, clock badge number, job title, salary number, location code, location name, function code;
- contract hours, type of contract (fulltime/part-time), working days per week, start date contract, end date contract, travel allowance, temporary agency, job key, seniority date, expiry of probation, KPU (hourly wage), hourly wage plus allowance;
- copy of declaration of independent contractor status;
- business phone use, email use;
- voicemails, e-mails, correspondence and other work product and communications created, stored or transmitted by an employee using Action's computer or communications equipment;
- date of resignation or termination, reason for resignation or termination, information relating to administering termination of employment (e.g. references).

### **Compliance with applicable laws**

- information required to comply with laws, the requests and directions of law enforcement authorities or court orders (e.g. child support and debt payment information);
- pensions, (health) insurance and other benefits information (including the gender, age, nationality and passport information for any spouse, minor children or other eligible dependents and beneficiaries);
- residency and work permit status, nationality and copy of identity document;
- social security or other tax payer identification number, records of work absences.

### **Communication & Training**

- information required for communication that is not directly linked to the execution of Your employment contract such as name, surnames and e-mail address (work and private);
- any information provided by you in voluntary surveys and social activities and trainings;
- any information related to function related training, coaching and/or supervision;
- Service Desk & Customer Support call recordings (including meta data).

### **Security Management**

- employee ID number;
- information necessary for communication, such as name, surnames, initials, titles, gender, address, e-mail address and emergency contact;
- time registration, attendance registration, camera recordings;
- administration of the presence of the employee at the place of employment;
- to the extent provided, username and password to obtain access to our closed web and personal environments, (self-service) portals and/or intranet (ANet);
- acknowledgements regarding Action policies, including ethics and/or conflicts of interest policies and computer and other corporate resource usage policies; and
- to the extent permitted by law, details on background checks, declaration of good behavior, the results of drug- and alcohol tests, screening, health certification, driver license number, vehicle registration, and driving history.

- As part of Action's security monitoring, several different types of data related to Action's systems and users are processed. This includes data such as device information (e.g. MAC address, Unique identifiers), security log information and login events in Action networks. In order to respond to cyberattacks on Action's network and/or systems, data such as browser history can be further analysed.

**Hypotheses of transfer of business, mergers, demergers and acquisition**

All of the above mentioned Personal Data may be processed for this purpose.