



CAPGEMINI UK BINDING CORPORATE RULES FOR PROCESSOR ACTIVITIES

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Version**

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INTRODUCTION TO THE CAPGEMINI UK DATA PROCESSOR BCR

As a global leader in consulting, technology services and digital transformation, Capgemini is at the forefront of innovation to address the entire breadth of clients' opportunities in the evolving of cloud, digital and platforms. Building on its strong 50-year heritage and deep industry-specific expertise, Capgemini enables organisations to realise their business ambitions through an array of services from strategy to operations. Capgemini therefore processes large amounts of personal data.

Capgemini is committed to protecting all personal data entrusted to it as part of its activities as a Data Controller and as a Data Processor. As an international group with entities located in more than 40 countries, Capgemini needs to ensure that information flows freely and securely. Providing an appropriate level of protection to the personal data being transferred within the group, is one of the reasons why Capgemini has chosen to implement both EU and UK Binding Corporate Rules (BCR) which are laid down in separate documents. The EU BCR are available on Capgemini's website and have a different scope than the UK BCR.

The UK Data Processor BCR were approved by the UK Information Commissioner's Office in February 2022.

Capgemini BCR not only define the principles with which it shall comply when processing personal data but also specify the procedures designed to address Capgemini compliance with applicable data protection laws and in particular with the UK General Data Protection Regulation (UK GDPR).

DEFINITIONS

The terms used in this document are defined as follows:

“Applicable DP Law” means any applicable laws and regulations relating to the processing of PersonalData.

“Adequate Country” means a country, territory, sector, or international organisation that are covered by UK adequacy regulations, having been assessed as providing ‘adequate’ protection for Data Subjects’ rights and freedoms for their Personal Data.

“Applicable UK DP Laws” means all data protection laws applicable in the UK, in particular, the UK GDPR and Data Protection Act 2018 (as amended or restated from time to time).

“Capgemini Business Contact” means a Capgemini supplier, subcontractor, shareholder, client or partner.

“Capgemini” or “Group” means all the entities owned and/or controlled directly or indirectly by Capgemini SE.

“Capgemini Company(ies)” means any entity which is part of the Group and which is bound by the UK Data Processor BCR.

“Capgemini Client” means any natural or legal person to which Capgemini provides services to, pursuant to an agreement.

“Capgemini Employee” means any and all current, former or prospective staff member of Capgemini, including agency workers and interns.

“Cybersecurity Organisation” means the global function creating and managing global security policies; and tracking compliance from Business Units and Global Business Lines. The Cybersecurity Organisation is made up of a network of Cybersecurity Officers appointed for each Business Unit.

“Data Controller” or “Controller” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data.

“Data Processor” or “Processor” means a natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the Controller.

“Data Protection Impact Assessment” or “DPIA” means a process designed to describe the processing, assess its necessity and proportionality and help manage the risks to the rights and freedoms of natural persons resulting from the processing of Personal Data by assessing them and determining the measures to address them.

“Data Protection Officer” or “DPO” means the designated Capgemini Employees possessing expert knowledge of data protection law and practices, dedicated to advise, inform, and monitor compliance with the Applicable Law, and who are part of the Data Protection Organisation described in Section 8.

“Data Subject” means any identified or identifiable natural person whose PersonalData is processed.

“Employee Personal Data” means Personal Data relating to a current, former or prospective Capgemini Employee.

“EU Binding Corporate Rules” or “EUBCR” mean both the EU Data Controller and the EU Data Processor Binding Corporate Rules which are comprised in a consolidated document and which were first approved in 2016 and updated in 2019. Together with the UK BCR, referred to as “Binding Corporate Rules” or “BCR”.

“General Data Protection Regulation” or “GDPR” means Regulation (EU) 2016/679 of the European Parliament and the Council of 27 April 2016 on the protection of natural persons with regard to the processing or personal data and on the free movement of such data.

“ICO” or the “Commissioner” means the Information Commissioner, the UK independent body tasked with upholding information rights (i.e. the UK Data Protection Authority).

“Intra-Group Agreement” means the document designed to make the UK BCRs binding upon the Capgemini Companies.

“Non-UK Capgemini Company” means a Capgemini Company established outside of the UK.

“Personal Data” means any information relating to an identified or identifiable natural person (i.e. “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.

“Processing” means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

“Personal Data Breach” or “Data Breach” means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed, whether resulting from a security breach or not.

“Service Agreement” means a written agreement between a Controller and Processor whereby the Processor shall provide services to the Controller and which entails the processing of Personal Data by the Processor under the instructions of the Controller.

“Special Categories of Personal Data” means Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation.

“Standard Contractual Clauses” or “SCC” means a standard set of clauses recognized by Applicable UK DP Laws as providing an adequate level of protection for Personal Data transferred outside of the UK.

“Supervisory Authority(ies)” or “Data Protection Authority(ies)” means the public authorities responsible for monitoring the application of the GDPR and/or any Applicable Laws.

“Transfer” or “Transfers” means the disclosure, transmission or the process of making Personal Data available to any third-party.

“UK Capgemini Company” means a Capgemini Company established in the UK.

“UK Data Processor Binding Corporate Rules” or “UK Data Processor BCR” means this document together with its appendices.

“UK General Data Protection Regulation” or “UK GDPR” means the General Data Protection Regulation (EU) 2016/679, as retained in UK law by the European Union (Withdrawal) Act 2018 and amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 No. 419.

1. SCOPE OF THE UK DATA PROCESSOR BCR

The UK Data Processor BCR apply to Personal Data Processed by Capgemini as Data Processor, where the Processing is subject to Transfer restrictions under Applicable UK DP Laws, as agreed with the Data Controller in the Service Agreement.

In the Services Agreement Capgemini and the client may also further agree on the scope of application of this UK Data Processor BCR.

Where Applicable DP Law requires a higher level of protection than the commitments defined under the UK Data Processor BCR, it will take precedence over the UK Data Processor BCR.

1.1 Material Scope

As Data Processor, Capgemini processes Personal Data on behalf of Controllers and according to their instructions.

Capgemini provides an array of services including consulting services which enhance the performance of organisations based on in-depth knowledge of client industries and processes; application services which devise, develop, implement and maintain IT applications covering integration; application maintenance activities, hosting; technology and engineering services which provide assistance and support to internal IT teams within client companies; and other managed services which integrate, manage and/or develop either fully or partially, clients' IT infrastructure systems, transaction services and on demand services and/or business activities.

For a more comprehensive view of Capgemini's processing activities as a Processor, refer to Appendix 2.

1.2 Geographical Scope

The UK Data Processor BCR apply to Personal Data Processed by Capgemini as Data Processor, where the Processing is subject to Transfer restrictions under Applicable UK DP Laws, as agreed with the Data Controller in the Service Agreement.

In the Service Agreement Capgemini and the client may also further agree on the scope of application of this UK Data Processor BCR. In practice, this means that the client, acting as Data Controller, may expressly require in the Service Agreement that the UK Data Processor BCR apply to the processing activities – including the Transfers – carried out by Capgemini.

The Capgemini Companies, bound by the UK Data Processor BCR, are listed in Appendix 1.

2. BINDINGNESS OF THE UK DATA PROCESSOR BCR

Each Capgemini Company, and its Employees, are legally bound by and required to comply with the UK Data Processor BCR.

2.1 Bindingness upon Capgemini Companies

In practice, each entity of Capgemini gives a power of attorney to Capgemini International B.V. to sign the Intra-group Agreement on its behalf so that each Capgemini entity is effectively bound to comply with the UK Data Processor BCR vis-à-vis each other. By signing the Agreement, the Capgemini entity commits to comply with the provisions of the UK Data Processor BCR, and to implement them within its own organisation.

As for newly acquired Capgemini entities, located outside the UK, in a non-Adequate Country, no Personal Data shall be transferred to them, based on the UK Data Processor BCR, until they are effectively bound by the UK Data Processor BCR according to the above-mentioned mechanism.

2.2 Bindingness upon Capgemini Employees

All Capgemini Employees are bound by the UK Data Processor BCR through a specific mention in their employment contracts and/or through the obligation, contained in all employment contracts, to comply with the Group's policies, which include the UK Data Processor BCR.

As further detailed in Sections 9 and 16 of the UK Data Processor BCR, Capgemini Employees are made aware of the UK Data Processor BCR, and the ensuing obligations, through internal communication and training. Capgemini Employees are also made aware of the fact that non-compliance with the UK Data Processor BCR may lead to sanctions, up to and including dismissal, according to applicable local laws.

2.3 Bindingness vis-à-vis Controllers

Capgemini undertakes to enter into Service Agreements compliant with the requirements of the UK Applicable DP Law, and in particular those set out in article 28 of the UK GDPR, with the Controller.

In addition, Capgemini commits to complying with the UK Data Processor BCR, which shall be made binding on the Capgemini Companies, through a specific reference in the Service Agreement.

The Controller shall be able to enforce the UK Data Processor BCR against any Capgemini Company for breaches of the UK Data Processor BCR it caused, according to the provisions set out in Section 12.

3. DATA PROTECTION PRINCIPLES IMPLEMENTATION WITHIN CAPGEMINI

Capgemini is committed to complying with the data protection principles set out in these UK Data Processor BCR, irrespective of Applicable DP Law, unless Applicable DP Law is providing more stringent requirements than those set up in the UK Data Processor BCR. All these principles are promoted and implemented within Capgemini through a set of privacy by design policies and trainings.

Furthermore, Capgemini shall notify the Controller if its instructions clearly infringe Applicable UK DP Laws.

3.1. Clear identified purpose

Capgemini must strictly comply with the instructions of the Controller, in particular in relation to the reasons for which the Personal Data shall be processed.

In practice, this means that Capgemini must comply with the provisions set out in the Service Agreement and must not process the Personal Data for any other purpose, unless expressly authorised by the Controller, and subject to Applicable UK DP Laws.

Where UK law prevents Capgemini from complying with the Controller's instructions, Capgemini shall notify the Controller of that legal requirement without undue delay, and in any case before initiating the processing of Personal Data.

Should Capgemini be unable to comply with the Data Controller's instructions for any reason, it shall inform the Data Controller without undue delay and the Data Controller will be able to suspend or terminate the data processing agreement.

3.2. Legal basis

Capgemini shall assist the Controller in the implementation of the organisational and technical measures to enable the Controller to comply with the obligation to have a legal basis for processing activities.

In practice, Capgemini may need to assist the Controller by implementing mechanisms to obtain Data Subjects' consent on behalf of the Controller. In any case, such support will be subject to negotiations to be captured in the Service Agreement entered into between Capgemini and the Controller.

Capgemini shall not take over the responsibility to determine what is the valid legal basis on behalf of the Controller and what are the appropriate technical and organisational measures to be implemented for the implementation of the consent mechanism.

3.3. Data minimisation

Capgemini must strictly comply with the instructions of the Controller. In addition, when designing and developing a product or service involving the processing of Personal Data, such service or product should be developed so that it only collects and processes the Personal Data which is necessary for the purpose(s) of the processing, as determined by the Controller.

In practice, this means that Capgemini shall cooperate with and support the Controller in limiting the personal data which need to be collected when designing applications or systems as part of its scope of services. However, this shall not be interpreted as an obligation for Capgemini to determine itself which Personal Data should be collected when acting on behalf of the Controller.

3.4. Data quality

Capgemini must assist the Controller in complying with its obligation to keep the data accurate and up to date.

This means that Capgemini must update, correct or delete the Personal Data upon request of the Controller insofar as this is technically possible, and in the conditions, agreed between the parties under the Service Agreement. Where the Personal Data has been disclosed to a Capgemini Company acting as sub-Processor, it will be notified of such modifications.

In practice, Capgemini is to implement the technical measures necessary to comply with the Controller's instructions regarding any request to update, correct or delete the Personal Data.

3.5. Data retention limitation

Capgemini must ensure that, pursuant to the provisions of the Service Agreement and according to the Controller's instructions, Personal Data are either deleted or returned to the Controller upon termination and/or upon request of the Controller. Should Capgemini be legally required to retain the Controller's Personal Data after the termination of the Service Agreement, it shall notify the Data Controller beforehand and it shall maintain the confidentiality of and refrain from actively processing the Personal Data.

In practice, this means that Capgemini must implement the necessary technical and organisational measures to make sure that the Personal Data are either deleted, fully anonymised or returned to the Controller, as agreed between the parties in the Service Agreement and/or according to the Controller's instructions.

3.6. Security

Capgemini must implement the appropriate technical and organisational measures, as agreed with the Controller, to ensure a high level of security to the Processing of Personal Data entrusted to it by the Controller.

In practice, this means that Capgemini has put in place a cybersecurity baseline listing a series of minimum mandatory requirements to be implemented across the Group. In addition to these and as may be required taking into account the nature of the Processing activities to be carried out on behalf of the Controller, Capgemini shall support the Controller in defining additional appropriate technical and organisational measures.

In addition, in case of a Data Breach, Capgemini is to notify the Controller without undue delay and shall assist it in addressing the Data Breach, as agreed between the parties in the Service Agreement.

3.7. Processing of Special Categories of Personal Data

Capgemini shall process Special Categories of Personal Data on behalf of the Controller and as per its request.

When processing Special Categories of Personal Data, Capgemini shall implement any reinforced technical and organisational measures as per the Controller's instructions, and subject to commercial negotiations, to ensure the security of the Processing.

4. INTERNAL AND EXTERNAL PROCESSING

4.1 Basic obligation – Data Processing Agreement or Clause (“DP Clause”) in the Service Agreement

Capgemini shall rely on Processors either within or outside of the Group only to the extent that such Processors provide sufficient guarantees to implement technical and organisational measures to ensure that the Processing is carried out in compliance with Applicable UK DP Law and the principles set out in the UK Data Processor BCR.

In practice, this means that, when relying on a third-party or on another Capgemini Company acting as a Data Processor, Capgemini shall enter into a Service Agreement which sets up the conditions under which the processing activities must take place. The Service Agreement shall contain a DP Clause reflecting as a minimum that the Processor must:

- process the Personal Data only on the documented instructions of Capgemini as Processor acting on behalf of the Controller – including with regard to Transfers outside of the UK, to a non-Adequate country;
- inform the Controller if its instructions infringe Applicable UK DP Law;
- ensure that persons authorised to process the Personal Data have committed themselves to confidentiality;
- implement technical and organisational measures to ensure an appropriate level of protection to the Personal Data;
- only use a sub-Processor with the prior specific or general authorisation of Capgemini as Processor acting on behalf of the Controller and enter into a Service Agreement with the sub-Processor providing the same obligations as the ones described here;
- assist Capgemini as Processor acting on behalf of the Controller for the fulfilment of its obligation to respond to requests from Data Subjects;
- assist Capgemini as Processor on acting behalf of the Controller in ensuring compliance with its obligations in terms of security of the processing, carrying out DPIAs, reporting Data Breaches;
- at the choice of Capgemini as Processor acting on behalf of the Controller and as agreed in the Service Agreement, to either delete or return the Personal Data after the end of the provision of services relating to the Processing;
- make available to Capgemini as Processor acting on behalf of the Controller all the information necessary to demonstrate compliance with its obligations under Applicable UK DP Law, and in particular allowing Capgemini to conduct audits;
- report any Data Breach to Capgemini as Processor acting on behalf of the Controller without undue delay.

In any case, where relying on a third party, Capgemini shall carry out an assessment of the data protection and security guarantees which such third party commits to implement and to comply with.

4.2 Additional obligation in case of a Transfer to a third country

In addition to the implementation of the above-mentioned Data Processing Agreement or Clause, where sub-processing gives rise to Transfers to non-Adequate Countries, Capgemini must guarantee that an adequate level of protection is provided, as per the requirements defined below.

In practice, where a Capgemini Company intends to transfer Personal Data to another Capgemini Company established in a non-Adequate Country, and such Transfer is subject to Transfer restrictions under Applicable UK DP Law, the UK Data Processor BCR shall provide an adequate level of protection to the Personal Data transferred as required under Applicable UK DP Law.

Where a Capgemini Company on behalf of a Controller intends to transfer Personal Data to a third party located in a non-Adequate Country, the parties must enter into the relevant Standard Contractual Clauses, as may be required under Applicable UK DP Law.

In any case, Capgemini shall make sure that before any such Transfer to a non-Adequate Country takes place, it obtains the Controller's prior authorisation.

5. TRANSPARENCY

Capgemini must assist the Controller in complying with the obligation to inform the Data Subjects.

In practice, this means that Capgemini must provide the Controller with detailed information regarding the Processing, and in particular with the data recipients including the entities to which the personal data may be transferred, in order to enable the Controller to correctly inform the Data Subjects.

6. DATA SUBJECTS' ENFORCEMENT RIGHTS

Data Subjects can enforce the following elements of the UK Data Processor BCR directly on Capgemini:

- The duty for Capgemini to respect the instruction of the Controller regarding data processing, as detailed in Section 2;
- The duty for Capgemini to implement appropriate technical and organisational security measures, as detailed in Sub-Section 3.6;
- The duty to notify the Controller in case of a Personal Data Breach, as detailed in Sub-Section 3.6;
- The duty for Capgemini to only engage sub-Processors in compliance with the provisions of article 28 of the UK GDPR, as detailed in Section 4;
- The duty for Capgemini to cooperate with and assist the Controller in complying with and demonstrating compliance to the UK GDPR, as detailed in Sections 3 and 15;
- The fact that Capgemini grants easy access to the UK Data Processor BCR, as detailed in Section 16;
- The right for Data Subjects to complain, including with regards to Capgemini Companies breaches of any and all aspects of these UK Data Processor BCR, through the internal complaint mechanism of Capgemini, as detailed in Section 7;
- The duty for Capgemini to cooperate with the ICO as detailed in Section 15;
- The right for Data Subjects to lodge a complaint before the ICO and/or before the competent courts of law in the UK at any time, as detailed in Sections 7 and 13;
- The obligation for each Capgemini Company exporting Personal Data outside of the UK to acceptability for any breaches of the UK Data Processor BCR by the sub-Processors (internal or external to Capgemini) established outside of the UK, which received the Personal Data, as detailed in Section 12;
- The fact that it is up to the UK Capgemini Company, which exported the Personal Data, to demonstrate that the sub-Processor located outside of the UK, in a non-Adequate Country (i.e. the recipient of the data) did not breach the UK Data Processor BCR, as detailed in Section 12.
- Data Subjects can enforce the UK Data Processor BCR on Capgemini, if they cannot bring a claim to the Controller because the Controller has factually disappeared or ceased to exist in law or has become insolvent – and no successor entity has assumed the legal obligations of the Controller by contract or by operation of law;
- The duty for Capgemini Companies, and their employees, to respect the UK Data Processor BCR as detailed in Section 2;
- The duty for Capgemini to create third-party beneficiary rights for Data Subjects, as detailed in this very Section;
- The data protection principles listed in Sections 3, 4 and 5;
- The obligation to list the Capgemini Companies, as detailed in Section 1 and set out in Appendix 1;
- The obligation for each Capgemini Company to notify the Controller, the ICO, and Capgemini's headquarters, in case of a conflict between the local legislation and the UK Data Processor BCR, as detailed in Section 14.

7. DATA SUBJECTS REQUESTS HANDLING PROCEDURE

Capgemini shall promptly forward any Data Subject request it receives to the Controller without undue delay. Capgemini shall then await the instructions of the Controller as to how to proceed, unless otherwise agreed between the parties in the Service Agreement.

Although Capgemini encourages Data Subjects to contact the Controller directly, it still allows them to submit requests and/or complaints – including with regards to a breach of Applicable DP Law or these UK Data Processor BCR – through the dedicated procedure described in Appendix 4. If Capgemini becomes aware that the Controller has disappeared factually or has ceased to exist in law or became insolvent, Capgemini will, to the best of its ability, handle the Data Subject's request.

8. CAPGEMINI DATA PROTECTION ORGANISATION

The Data Protection Officers, part of the Data Protection organisation described in Appendix 3, monitors the legal compliance to the Applicable DP Law of the Capgemini Company within their scope, advise in all matters that relate to data protection, implement the global data protection program, handle or advise on Data Breaches and have an active relationship with the local Supervisory Authority.

As part of the Legal function, Global, Regional and Local Data Protection Officers are supported in their task by the local legal teams. The Data Protection Officers report quarterly to the local country board or Executive Committee on privacy related matters such as critical Data Breaches, Data Subject Requests, privacy issues in large deals etc.

In addition to this regulatory role, the Group, Regional and Local DPOs act as business facilitators by validating the Capgemini approach to data protection and data security. The Group, Regional and Local DPO also have a key role in helping the business identify new business opportunities by identifying the gap between the strict data privacy legal requirements with which Capgemini must comply and the requirements defined by clients that might warrant additional offers.

In practice, this means that the Data Protection organisation should be consulted on any and all new projects to ensure that such new projects embed data protection constraints in the design phase. In addition, to support the business further the Group DPO will provide templates and procedures to make sure that the data protection constraints are taken into account by default in the different offers and services.

The Data Protection Officer network is completed by a network of Data Protection Champions who represent each Group function and each Global Business Line. Data Protection Champions are not part of the legal organisation but were designated amongst Group Functions and Global Business Lines representatives to ensure that the legal constraints and Group guidance are actually reflected at each level of the organisation. More importantly, the Data Protection Champions liaise with the Data Protection organisation to make sure the program properly integrates business needs and expectations.

Finally, it must be noted that the Data Protection organisation works closely with the Group Cybersecurity Officer and the Cybersecurity organisation, as well as with the Procurement and Delivery organisations.

9. DATA PROTECTION AWARENESS AND TRAINING

Capgemini has adopted and implemented a mandatory data protection training program to ensure that all Capgemini Employees are aware of and understand the key principles and requirements of data protection, as well as the UK Data Processor BCR.

The training program is articulated around the following pillars:

- General Training: A common core knowledge describing the applicable principles when Processing Personal Data;
- Practical Training: An overview of the existing applicable policies and processes;
- Functions Training: Tailor-made training designed to address the needs of specific functions (such as HR or marketing for instance).

In addition to the mandatory training, Capgemini is committed to promoting the implementation of data protection principles within the Group's organisation through a set of privacy by design policies and communication actions dedicated to raising awareness among the different Capgemini communities.

10. PRIVACY BY DESIGN

Capgemini shall provide the Controller with the necessary information to help them comply with their own obligations.

10.1 Record of Processing Activities

Capgemini must keep and maintain, in writing, a record of all categories of Processing activities carried out on behalf of Controllers, containing the following:

The categories of Processing carried out on behalf of the Controller:

- The name and contact details of the Capgemini Company acting as Processor, and of each Controller on behalf of which Capgemini is acting, as well as the DPO;
- The categories of Processing carried out on behalf of the Controller;
- Where applicable Transfers of Personal Data to countries located outside the UK, including the identification of such countries;
- Where possible, a general description of the technical and organisational measures implemented.

Capgemini shall make the record available to the ICO upon request.

In practice, to comply with this requirement, Capgemini uses dedicated tools which allow it to digitally record all Personal Data Processing and extract a complete record of Processing for its Processor's activities.

10.2 Data Protection Impact Assessment

Capgemini is to assist the Controller in complying with its obligation to carry out Data Protection Impact Assessments.

In practice, this means that Capgemini as Processor shall provide the Controller with all relevant information regarding the Processing. In particular, the technical and organisational means used to implement the Processing, the location of the Data, the security measures implemented (physical and technical), and where applicable, details on the sub-Processor(s), etc.

This shall not mean that Capgemini shall conduct the DPIA on behalf of the Controller. Capgemini shall only assist the Controller without committing on the performance of the DPIA per se.

11. AUDITS RELATED TO THE UK DATA PROCESSOR BCR

Capgemini must carry out data protection audits covering all aspects of the UK Data Processor BCR, including methods of ensuring corrective actions will take place, on a regular basis.

The audits shall be carried out either by internal or external qualified and independent auditors according to a schedule developed by the Group DPO on a yearly basis. In addition, the Global, Regional and Local DPO can request that additional audits be carried out. Such audits may cover specific applications, IT systems or databases that process Personal Data; or may be carried out for an entire geography.

The audit report, including the proposed corrective actions to address and mitigate the risks, must be communicated to the data protection organisation and to the top management and shall be made available to the ICO upon request.

In addition, the ICO may conduct data protection audits on any Capgemini Company without any restriction.

In addition, Capgemini shall agree to be audited by Controllers regarding specific Processing activities carried out on their behalf. The conditions of such audits must be set out in the Service Agreement.

12. CAPGEMINI'S LIABILITY IN CASE OF A BREACH OF THE UK DATA PROCESSOR BCR

Where a UK Capgemini Company is Processing Personal Data under this UK Data Processor BCR, it shall be liable towards the Controller, and in certain cases the Data Subject (as provided under Section 6), for any breaches of this UK Data Processor BCR caused by such UK Capgemini Company.

Capgemini UK plc shall assume liability for breaches of the UK Data Processor BCR caused by a Non-UK Capgemini Company. Should a UK Capgemini Company be unable to assume the responsibility of a breach of the UK Data Controller BCR it caused, Capgemini UK plc will ultimately be responsible to remedy such breach.

In practice, this means that, under the UK Data Processor BCR, the UK Capgemini Company identified as bearing the responsibility according to the information mentioned above, or Capgemini UK plc, must accept responsibility for paying compensation and to remedy the breach of the UK Data Processor BCR where such breach has caused material or non-material damage to the Controller and/or to Data Subjects.

In addition, it shall be up to Capgemini to demonstrate that it did not breach the UK Data Processor BCR.

Capgemini UK plc shall ensure that adequate steps are taken to address any violation of the UK Data Processor BCR.

Where Capgemini and the Controller are, in the same Processing, found to be responsible for any damage caused by such Processing, the Data Subject shall be entitled to claim the entire damage from either the Controller or Capgemini.

13. JURISDICTION

In case of a breach of any rights guaranteed under the UK Data Processor BCR, Capgemini encourages Data Subjects to use the dedicated complaint handling procedure described in Section 7.

However, Data Subjects are also entitled to lodge a complaint before the ICO at any time.

In addition, Data Subjects can lodge a complaint before the competent court of law in the UK at any time.

Where the Processing is carried out by a non-UK Capgemini Company, the Data Subject can lodge a complaint before the ICO or the competent UK court against Capgemini UK plc, as if the violation had been caused by Capgemini UK plc.

14. APPLICABLE DP LAW AND POTENTIAL CONFLICTS WITH THE UK DATA PROCESSOR BCR

Where Applicable DP Law requires a higher level of protection for Personal Data, it shall take precedence over the UK Data Controller BCR. In any case, Personal Data will be processed in compliance with the Applicable DP Law.

Where a Capgemini Company has reasons to believe that the applicable local legislation prevents it to fulfil its obligations under the UK Data Controller BCR, it will promptly inform Capgemini UK plc as well as the UKDPO, unless prohibited to do so by a law enforcement authority.

In addition, if a Capgemini Company is subject to local legal requirements having substantial adverse effects on the guarantees provided by the UK Data Controller BCR (including binding requests for disclosure of Personal Data), the ICO must be notified, including information about the data requested, the requesting body, and the legal basis for the disclosure, unless prohibited to do so by a law enforcement authority.

If notification and/or suspension of the Transfer are prohibited, Capgemini will use its best efforts to obtain the right to waive this prohibition in order to communicate as much information as it can and as soon as possible and be able to demonstrate that it did so. Capgemini will, in any case, provide the ICO, annually, general information regarding the requests for disclosure of Personal Data it received (e.g. number of applications for disclosure, type of data requested, requester if possible, etc.).

In any case, Transfers of Personal Data to a public authority cannot be massive, disproportionate and indiscriminate in a manner that would go beyond what is necessary in a democratic society.

15. COOPERATION DUTIES

Capgemini shall cooperate with and assist the Controller to help them comply with their obligations under the Applicable UK DP Law.

In addition, Capgemini must cooperate with the ICO. In particular, Capgemini must follow the ICO's advice and accept to be audited by them, in relation to the Processing activities performed on behalf of a specific Controller. Capgemini shall consider any communication or recommendation from the ICO and comply with any formal decisions or notices issued by the ICO.

16. EASY ACCESS TO THE UK DATA PROCESSOR BCR

A public version of the UK Data Processor BCR is made available on Capgemini's website as well as on the Capgemini Intranet.

In addition, Capgemini shall send the public version of the UK Data Processor BCR to the Controller upon request and/or attach it to the relevant Service Agreement with the Controller as agreed between the parties.

Capgemini must ensure that a reference to the UK Data Processor BCR is included in the relevant Service Agreement, together with a link to the public version of the UK Data Processor BCR.

17. UPDATES OF BCR

Capgemini will communicate changes to the UK Data Processor BCR, including updates to the list of the Capgemini Companies to the ICO, once a year.

Capgemini will promptly communicate significant changes, such as changes that could affect the level of protection offered by the UK Data Processor BCR, to the ICO as well as all the Capgemini Companies and the Controller without undue delay.

If such changes significantly affect the conditions of the Processing of Personal Data, Capgemini shall give the Controller the opportunity to object to the change or to terminate the Services Agreement before the change is made.

Capgemini's UK DPO shall maintain an updated list of the Capgemini Companies bound to comply with the UK Data Processor BCR and shall keep track of any updates made to the UK Data Processor BCR. In addition, Capgemini's UK DPO shall notify Capgemini UK Companies of any changes – including administrative changes such as updates to the list of Capgemini Companies. Capgemini's UK DPO shall be the ICO's preferred point of contact and shall be the one communicating the updated list of Capgemini Companies and notifying the ICO in case of any modifications to the UK Data Controller BCR, as detailed above.

APPENDICES

APPENDIX 1 - CAPGEMINI COMPANIES BOUND BY THE UK DATA PROCESSOR BCR

Please note that this list is subject to changes and will be updated on a regular basis and communicated to the ICO, at least once a year.

UK	
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SCI Paris Etoile	11 rue de Tilsitt, 75017, Paris, France dpocapgemini.global@capgemini.com
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Capgemini Engineering ACTSAS (formerly Altran ACT SAS)	145-151 Quai du Président Roosevelt, 92130, Issy-les-Moulineaux, France dpofrance.fr@capgemini.com

Capgemini Engineering Allemagne SAS [France] (formerly Altran Allemagne SAS)	76 avenue de Kléber, 75016, Paris, France dpofrance.fr@capgemini.com
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Capgemini Solutions Canada Inc	<u>44 Chipman Hill, 10th Floor, P.O. Box 7289 Station "A", E2L 4S6 , Saint John New Brunswick, Canada</u> dataprivityoffice.nar@capgemini.com
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APPENDIX 2 – CAPGEMINI PROCESSING ACTIVITIES

Where Capgemini is acting as Processor

Capgemini provides its clients with a full range of services in consulting, application services, infrastructure services, business process outsourcing and local professional services.

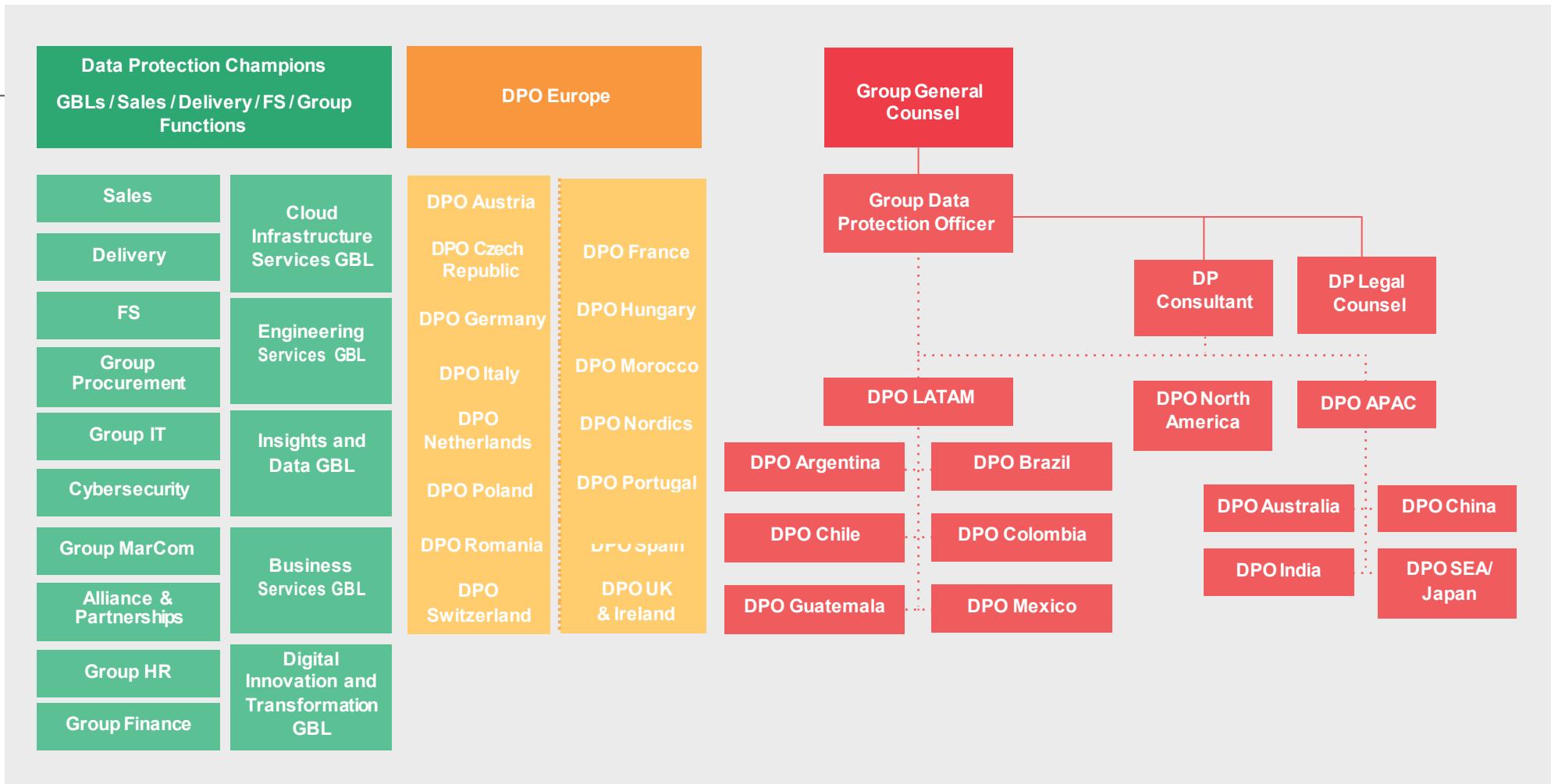
Capgemini may process a wide variety of Personal Data in the context of providing services to its clients, whether the processing of Personal Data is the main obligation of the service rendered by the Capgemini Company to the client, or whether the processing of Personal Data is ancillary to the execution of another service provided to the client by the Capgemini Company. Below we provide some examples of processing activities which are not intended to be exhaustive, as only the agreement in place with the clients defines the purposes of processing which would be covered by these UK Data Processor BCR.

- Help desk services;
- Maintenance of IT environment;
- Monitoring of IT environment;
- Consulting activities;
- Custom software development;
- Enterprise Resource Planning, customization and implementation;
- Training of clients' teams on clients' behalf;
- Respond to tickets /ticketing activities;
- Testing services, including security and performance testing;
- Omnichannel user experience and User Interface design;
- Design and development of all front-end applications, mobile solutions and applications that relate to the customer management functional domain (CSD and/or PBS including SaaS or cloud based);
- Application development and platforms that relates to the customer management functional domain – CRM, e-commerce, content management;
- Digital manufacturing;
- Smart engineering;
- Infrastructure setup and maintenance services: application hosting & run, data storage & backup, network monitoring & operations, server management;
- Remote Infrastructure Management;
- End to end services on accounting and financial services, including payroll and invoicing management on behalf of clients;
- Managing process and execution of services to support clients' HR activities and in particular in relation to clients' recruitment, employees' data management, time and attendance, expenses management;
- Managing process and execution of services to support client's procurement activities and in particular in relation to data strategic sourcing, management of expenses;
- AI and Data Engineering;
- Analytics and Data Science;
- Leveraging software and services to transform data into actionable insights;
- Data migration.

Capgemini processes Business Contact Personal Data exclusively for business related purposes. Such purposes include but are not limited to the following activities:

Personal Data in relation to Capgemini's activities a Data Processor may include any type of Personal Data as requested by the Data Controller. As per client's instructions, Personal Data may also include Special Categories of Personal Data. The following categories of Personal Data may be processed on behalf of clients – but alike for the above mentioned purposes, this list is not exhaustive as the processing activities will depend on the clients' instructions:

- Contact details, such as name, date of birth, gender, age, address, telephone numbers, email address, number of children, citizenship, ID details, visa details, work permit details, emergency contact details, dependents details, marital status, life insurance beneficiaries, pictures or images;
- Financial information relating to compensation, benefits and pension arrangements, such as details of salary, bankaccount, tax codes, travel expenses, stockoptions, stockpurchase plan;
- Recruitment information, such as CV, application form, notes of interviews, applicant references (if recorded), qualifications, test results (if applicable);
- Employment administration information, such as employment and career history, grades, managers, employment contract details, absence records, safety records, health and sickness records, accident reports, personal development reviews, driving license details and associated documents, skills records, government issued identification numbers;
- Professional experience information, such as professional resume, qualifications, details of projects Employees have worked on, training records, mobility records;
- Details of IT and connection data to IT systems including logs;
- Photos.



APPENDIX 4 – DATA SUBJECTS’ REQUESTS HANDLING PROCEDURE

How to exercise your rights?

As we care about your privacy, we want you to be aware of how and why we may collect and further process your Personal Data, and in particular, what are your rights and how to exercise them.

- “Personal data” does not only refer to information related to your private life but encompasses any and all information which enables to identify you either directly or indirectly.
- “Processing” means any operation which is performed on Personal Data, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure, combination, restriction, erasure or destruction.
- “Controller” means the natural or legal person which determines the purposes and means of the processing of Personal Data.
- “Processor” means the natural or legal person which processes Personal Data on behalf of the controller.
- “Purpose” means the reason(s) why the controller needs to collect and further process the Personal Data.
- “ICO” or the “Commissioner” means the Information Commissioner, the UK independent body tasked with upholding information rights (i.e. the UK Data Protection Authority).

Capgemini Service SAS and/or affiliates of Capgemini SE (together referred to as “Capgemini”) collect(s) and further process(es) your Personal Data as Controller or as Processor on behalf of a Controller. In any case, you can contact Capgemini – following the procedure described hereunder – to exercise your data protection rights.

What are your rights?

As a Data Subject, you can request to exercise the following rights in relation to the Personal Data concerning you that Capgemini collects and further processes:

Access your Personal Data	You can ask Capgemini confirmation as to whether or not Personal Data concerning you are being processed, and where that is the case, you can request access to your Personal Data.
Request the deletion of your Personal Data	In some cases, you can request that Capgemini delete your Personal Data.
Request the rectification of your Personal Data	You can ask Capgemini to rectify inaccurate Personal Data concerning you. This means that you can also request that Capgemini updates or completes your Personal Data.
Object to the processing of your Personal Data	In some cases, you are entitled to ask Capgemini not to process your personal data.
Request the restriction of the processing of your Personal Data	In some cases, you can ask Capgemini to limit the processing of your Personal Data for some purposes and subject to certain conditions.
Request the restriction of the processing of your Personal Data	In some cases, you can ask Capgemini to limit the processing of your Personal Data for some purposes and subject to certain conditions.

Withdraw your consent to the processing of your Personal Data	You can withdraw your consent to the processing of your Personal Data even if you had initially granted such consent for Capgemini to process the Personal Data.
Right to data portability	In some cases, you can ask Capgemini to provide you with your Personal Data in a structured, commonly used and machine-readable format; and/or to transmit those data to another controller.
Submit a complaint	You can also submit a complaint if you consider that Capgemini is infringing applicable data protection regulation(s) or the UK BCR. Please note that you are entitled to obtain redress, and where appropriate, compensation, for a breach of the UK BCR. You may lodge a complaint with the Information Commissioner and/or seek judicial remedy in the competent Court in the UK at any time.

Please note that these rights may be limited in some situations under UK law. For instance, if granting you access to your Personal Data would reveal Personal Data about another individual; or if you ask Capgemini to delete your Personal Data while it is required by law to keep it.

How to exercise your rights?

To exercise your rights, or if you have any questions or concerns related to our data protection policies, please contact us:

- By emailing us at one of the following address:
 - dsrr.uk@capgemini.com; or
 - dpocapgemini.uk@capgemini.com
- By writing to us at one of our UK offices which addresses you can find at the following link: <https://www.capgemini.com/fr-fr/nous-contacter/#undefined>
- By writing to us at one of our UK offices which addresses you can find at the following link: <https://www.capgemini.com/fr-fr/nous-contacter/#undefined>
- By contacting us by phone at the Capgemini office of your choosing: which phone numbers are indicated at the following link: <https://www.capgemini.com/fr-fr/nous-contacter/#undefined>

In order to allow us to address your request, please provide us with the following information:

- Your full name*
- Your status (employee, applicant, etc.)
- Your email address or other preferred means of communication*
- Identity verification: you may be asked to provide suitable identification documentation
- Country/Region
- The nature of your request*

Without this information, Capgemini will not be able to address your request.

How will Capgemini handle your request?

Your request will be submitted to the Data Protection Officer for the UK. You will then receive an email acknowledging the receipt of your request. Capgemini shall strive to address your request without undue delay, and no later than 1 month after acknowledging receipt of your request. If your request is particularly complex, or if you sent several requests, the time for a response can be extended by a further 2 months. We would inform you of any such extension within a month after receiving your request.

If you choose to submit your request through electronic means, and unless you request otherwise, Capgemini shall provide you with the information in a commonly used electronic format.

Even though we strongly encourage you to follow this process to submit your request, please note that you can also file a complaint with the Information Commissioner and/or seek judicial remedy in the competent court in the UK.

Please note that should Capgemini determine that it is processing your Personal Data as a Processor, on behalf of a Controller, your request may then be handled by such Controller directly according to their own process. However please note that should the Controller disappear factually or cease to exist in law or became insolvent, Capgemini shall handle your request according to the process described hereunder.

How will Capgemini address your request?

Once Capgemini has processed your request internally, you will be informed – through the preferred means of communication you indicated – and receive the information relevant to your request. Please find in the table below how Capgemini addresses Data Subjects' most common requests:

Access your Personal Data	Capgemini shall first confirm to you whether or not it is processing your Personal Data; if that is the case, it will provide you with a copy of your Personal Data and all the relevant information on the processing.
Request the deletion of your Personal Data	If the request is justified, the Data Protection Office dealing with your request shall instruct the relevant function(s) to delete your Personal Data.
Request the rectification of your Personal Data	The Data Protection Officer dealing with your request shall instruct the relevant function(s) to rectify your Personal Data; and you shall receive confirmation that your Personal Data has been rectified or updated.

Please note that upon receiving your request, the Data Protection Officer shall perform a first assessment to determine whether:

- Capgemini needs further information to handle your request;
- or
- your request cannot be handled. In this case, we would explain the reasoning behind our conclusion.

Should Capgemini be unable to answer favorably to your request, you will be notified of such decision including the reason(s) why Capgemini could not accommodate your request. In any case, please note that you can file a complaint with the Information Commissioner; and/or seek judicial remedy in the competent Court in the UK at any time.



About Capgemini

Capgemini is a global leader in partnering with companies to transform and manage their business by harnessing the power of technology. The Group is guided everyday by its purpose of unleashing human energy through technology for an inclusive and sustainable future. It is a responsible and diverse organization of 325,000 team members in more than 50 countries. With its strong 55-year heritage and deep industry expertise, Capgemini is trusted by its clients to address the entire breadth of their business needs, from strategy and design to operations, fuelled by the fast evolving and innovative world of cloud, data, AI, connectivity, software, digital engineering and platforms. The Group reported in 2021 global revenues of €18 billion.

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