

GDPR PRIVACY NOTICE

The principles set out in this document reflect the requirements contained in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation or GDPR) which came into effect on 25 May 2018.

Identity of the Data Controller

Data controller: Nortel Networks UK Ltd (In Administration) (“the Company”): Fleming House, 71 King Street, Maidenhead, Berkshire, SL6 1DU

Controller’s Representative: Wendy Harris: wendy.harris@emeanortel.com

Data Protection Representative: Lynne Powell: lynne.powell@emeanortel.com

Introduction

The Data Controller (“the Company”) collects and processes personal data, relating to its employees, to manage the employment relationship. This personal data may be held by the Company on paper or in electronic format.

The Company is committed to being transparent about how it collects and uses your personal data, to protecting the privacy and security of your personal data and to meeting its data protection obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (DPA). The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal data both during and after your working relationship with the Company. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all current and former employees, workers and contractors. It is non-contractual and does not form part of any employment contract, casual worker agreement, consultancy agreement or any other contract for services.

Data protection principles

Under the GDPR, there are six data protection principles that the Company must comply with. These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

The Company is responsible for, and must be able to demonstrate compliance with, these principles.

This is called accountability.

What types of personal data do we collect about you?

Personal data is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed. There are also "special categories" of personal data, and personal data on criminal convictions and offences, which requires a higher level of protection because it is of a more sensitive nature. The special categories of personal information for example may include information about an individual's racial or ethnic origin, religious or philosophical beliefs, trade union membership or health.

The Company collects, uses and processes a range of personal data about you. This includes, (as applicable):

- name, gender, home & business addresses, telephone numbers, email addresses, date of birth, marital status, dependants, emergency contacts, next of kin/beneficiaries.
- the start and end dates of your employment or engagement, any application forms, references, copies of proof of right to work in the UK, documentation, copies of qualification certificates, copy of driving licence and other background check documentation.
- the terms and conditions of your employment or engagement (including your job title and working hours), salary, entitlement to benefits and pension information, pay review and bonus letters, statements of changes to employment or engagement terms and related correspondence, any termination of employment, including resignation, dismissal, redundancy letters and related correspondence.
- details of your skills, qualifications, professional memberships, experience and work history, both with previous employers and with the company.
- your bank account details, payroll records, tax code and tax status information, national insurance number, letters that you may have requested to your mortgage, rental company relating to your employment/salary.
- any disciplinary, grievance and capability records, and related documents.
- appraisals, including appraisal forms, performance reviews and ratings, targets and objectives set
- annual leave and other leave records, including details of the types of and reasons for leave being taken and related correspondence.
- information about your use of our IT systems, including usage of telephones, e-mail and the Internet which the company may monitor as required.
- photographs i.e.: Passport, driving licence, job application.

The Company may also collect, use and process the following special categories of your personal data (as applicable):

- Occupational health and medical records, which are held securely by an appropriately qualified third-party vendor or secure HR files.
- information about your racial or ethnic origin, religious or philosophical beliefs and trade union membership
- information about criminal convictions and offences, where the law allows us to.

How do we collect your personal data?

The Company may collect personal data about employees, workers and contractors in a variety of ways. Much of the data we hold will have been provided by you. It is collected during the recruitment process, either directly from you via a job application form and related documentation, or sometimes from a third party such as an employment agency. We may also collect personal data from other external third parties, such as references from former employers, information from background check providers.

We will also collect additional personal data throughout the period of your employment with the Company. This may be collected during your work-related activities or during employee events such as Flex & Pensions choices or from updates you have provided to the Company. Whilst some of the personal data you provide to us is mandatory and/or is a statutory or contractual requirement, some of it you may be asked to provide to us on a voluntary basis. We will inform you whether you are required to provide certain personal data to us or if you have a choice in this.

Your personal data may be stored in different places, including in your personnel file, in the Company's HR management system and in other IT systems, such as the e-mail system. Data is also stored by the HR Third Party vendors to provide your payroll and employee related benefits.

Why and how do we use your personal data?

The Company needs to process your data to enter into and maintain the employment contract with you, meet its obligations under your employment contract and to satisfy the Company's legal obligations, or as required by law. For example, it needs to process your data to pay you in accordance with your employment contract and to administer employee benefits, pension and life assurance, and other management and human resource related processes.

We believe that you have a reasonable expectation, as our employee, worker or contractor, that we will process your personal data.

What if you fail to provide personal data?

If you fail to provide certain personal data when requested or required, we may not be able to perform the contract we have entered into with you, or we may be prevented from complying with our legal obligations. You may also be unable to exercise your statutory or contractual rights.

Change of purpose

We will only use your personal data for the purposes for which we collected it. If we need to use your personal data for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal data for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

Who has access to your personal information?

Your personal data may be shared internally within the Company, including with members of the HR department, payroll staff, your line manager, other managers in the department in which you work and IT staff if access to your personal data is necessary for the performance of their roles.

You will of course, inevitably be referred to in many company documents and records that are produced by you and your colleagues in the course of carrying out your duties and the business of the Company. The Company may also share your personal data on a confidential basis with third-party service providers (and their designated agents), including:

- payroll, benefit and pension providers, including insurers
- occupational health providers
- external IT services
- professional advisers, such as lawyers and accountants
- The Joint Administrators and their nominated delegates

We may also need to share your personal data with a regulator or to otherwise comply with the law.

How does the Company protect your personal data?

The Company has put in place measures to protect the security of your personal data as set out in the Data Protection and Security Compliance Plan. It has internal policies, procedures and controls in place to try and prevent your personal data from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal data to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities.

Where your personal data is shared with third-party service providers, we require all third parties to take appropriate technical and organisational security measures to protect your personal data and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal data for specified purposes and in accordance with our written instructions and we do not allow them to use your personal data for their own purposes.

The Company also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

Transferring personal information outside the European Economic Area

In limited and necessary circumstances, your information may be transferred outside the European Economic Area (EEA), including to a third party service provider based in India in order to maintain our day to day business operations. We have safeguards in place including Standard Contractual Clauses recommended by the EU commission to ensure the security of your data. You can obtain further information about these measures from our Data Protection Representative.

For how long does the Company keep your personal data?

The Company will retain your personal data for as long as is necessary for the purpose it was collected and delete/destroy in line with our data retention policy and in accordance with the requirements of the Administration Proceedings.

Your rights relating to your personal data

It is important that the personal data we hold about you is accurate and up to date. Please keep us informed if your personal data changes, e.g. you change your home address, during your working

relationship with the Company so that our records can be updated. The Company cannot be held responsible for any errors in your personal data in this regard unless you have notified the Company of the relevant change.

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal data – this is usually known as making a data subject access request and it enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it
- request rectification of your personal data – this enables you to have any inaccurate or incomplete personal data we hold about you corrected
- request the erasure of your personal data - this enables you to ask us to delete or remove your personal data where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- restrict or object to the processing of your personal data - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy
- data portability – this gives you the right to request the transfer of your personal data to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact our Controller Representative. We may need to request specific information from you in order to verify your identity and check your right to access the personal data or to exercise any of your other rights. This is a security measure to ensure that your personal data is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact our Data Protection Representative. Once we have received notification that you have withdrawn your consent, we will no longer process your personal data for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that the Company has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

Changes to this privacy notice

The Company reserves the right to update or amend this privacy notice at any time, including where the Company intends to further process your personal data for a purpose other than that for which the personal data was collected or where we intend to process new types of personal data. We will issue you with a new privacy notice when we make significant updates or amendments.

Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact either of the following:

Controller's Representative: Wendy Harris: wendy.harris@emeanortel.com

Data Protection Representative: Lynne Powell: lynne.powell@emeanortel.com