

PRIVACY NOTICE FOR APPLICANTS

In compliance with the provisions of Article 13 of Regulation (EU) 2016/679 (hereinafter “**GDPR**”), on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, this privacy notice is provided in the context of the selection procedure for applicants who wish to enter into an employment relationship with the Company (hereinafter, “**you**”).

CONTACT:

AOP Orphan Pharmaceuticals GmbH
Leopold-Ungar-Platz 2
1190 Wien

PRIVACY OFFICER:

data-protection@aoporphan.com

The Controller is the respective AOP Health Group entity to which you apply (hereinafter “**Controller**” or “**Company**”). The recruitment process is centrally managed by AOP Orphan Pharmaceuticals GmbH, whose contact details are provided in the box above. AOP Orphan Pharmaceuticals GmbH acts as Controller for applications relating to positions at its headquarters and as processor on behalf of the relevant AOP Health Group entity for applications relating to positions with another Group entity.

1. CATEGORIES OF PERSONAL DATA, PURPOSES AND LEGAL BASIS OF THE PROCESSING

1.1. Selection process / Management of applications

1.1.1. When you apply for a position with the Company or otherwise participate in a selection process, the Controller processes in particular the following categories of personal data:

- Ordinary personal data:
 - identification and contact data provided by you or contained in the curriculum vitae, such as, for example, first name and surname, date and place of birth, residential address, telephone contact details and/or e-mail address;
 - data and information relevant to the recruitment and selection process, such as details concerning education, academic and professional qualifications, employment history, professional experience, skills and competencies, language proficiency, training and certifications, references, salary expectations, availability, and information collected during interviews or assessments.
- Special categories of personal data:
 - Where necessary data concerning health, for the purposes of the recruitment and selection process, such as information relating to a disability, reduced working capacity, workplace accommodations, fitness for a specific role, or membership in a protected category, to the extent permitted or required by applicable law.

1.1.2. The Controller invites applicants not to include unnecessary data in the CV or in communications (including data falling within special categories of personal data).

1.1.3. The legal basis for the processing is:

- for ordinary personal data, the taking of steps at the request of the Data Subject prior to entering into a contract, or the performance of a contract to which the Data Subject is party, pursuant to Article Art 6 Sec 1 lit b GDPR;
- for special categories of personal data, the necessity of the processing for the purposes of carrying out the obligations and exercising specific rights of the Controller or the Data Subject in the field of employment law, pursuant to Art 9 Sec 2 lit b GDPR.

1.1.4. The provision of such data is required for the purpose of participating in the selection process. In the absence of such information, the Controller may not be able to manage the selection and recruitment process or establish a contractual relationship with you.

1.2. Predictive Index Behavioural assessment

1.2.1. As part of the recruitment process, you may be invited to complete a behavioural assessment using the Predictive Index platform or a similar tool. For this purpose, we process your identification data, your responses to the assessment questionnaire, behavioural factor scores, graphical behavioural profiles, inferred behavioural characteristics, and the assessment reports generated from your responses.

1.2.2. The assessment is used to obtain additional information about behavioural preferences and working style that may be relevant to the position, including communication, collaboration, independence, adaptability, pace of work, approach to structure, decision-making, leadership and influencing style. The assessment may generate detailed inferences regarding these characteristics, as reflected in the behavioural and management reports.

1.2.3. The results are reviewed by authorised HR personnel and the responsible hiring manager together with your application documents, professional experience, interviews and other relevant evaluation criteria. The assessment is supplementary and is not used as the sole basis for a recruitment decision. Recruitment decisions are always made by human decision-makers.

1.2.4. The legal basis for processing your data in connection with the assessment is our legitimate interest pursuant to Art 6 Sec 1 lit f GDPR to support a structured and comprehensive recruitment process, obtain additional role-relevant information regarding candidates, and improve the quality and consistency of recruitment decisions. We have balanced these interests against your rights and freedoms and apply safeguards including voluntary participation, restricted access, human review, limited retention and the use of the assessment only as one element of the overall recruitment evaluation.

Participation in the assessment is voluntary. You are not required to complete the assessment, and a decision not to participate will not automatically exclude you from the recruitment process or result in your application being disregarded. In this case, your application will be evaluated on the basis of the other information available during the recruitment process.

1.3. Retention for future positions

- 1.3.1. If your application is unsuccessful, the Controller may ask for your consent to retain your application data mentioned in Section 1.1. and 1.2. above for six months in order to consider and contact you for suitable future positions.
- 1.3.2. The legal basis is your consent pursuant to Art 6 Sec 1 lit a GDPR and, where applicable, your explicit consent pursuant to Art 9 Sec 2 lit a GDPR.
- 1.3.3. Consent is voluntary and may be withdrawn at any time. Before the six-months period expires, the Controller may ask you to renew your consent. Without renewed consent, the data will be deleted after this period.

1.4. Protection of the rights of the Controller

- 1.4.1. The Controller may process your personal data where necessary to establish, exercise or defend a right of the Controller in judicial, administrative or out-of-court proceedings, and to manage any disputes or protect rights arising from the existing relationship with the Company.
- 1.4.2. Personal data processed for these purposes will be retained for the same retention periods indicated in the preceding sections, as applicable. Where it is necessary to establish, exercise or defend the rights of the Controller in judicial proceedings, the retention period may be extended until the litigation has ended.
- 1.4.3. The legal basis for the processing is:
 - for ordinary personal data, the legitimate interest of the Controller in protecting its rights (Art 6 Sec 1 lit f GDPR);
 - for special categories of personal data, the necessity to establish, exercise or defend a right in judicial proceedings (Art 6 Sec 2 lit f GDPR).

1.5. Contacts

- 1.5.1. When you contact the Controller – for example by e-mail or telephone – the Controller processes the personal data provided by you. Generally, these are the name, contact details (for example telephone number and/or e-mail address) and the message content. Processing of such personal data is necessary to manage your request and provide a response. Processing is therefore carried out as part of pre-contractual measures or contractual obligations pursuant to Art 6 Sec 1 lit b GDPR.
- 1.5.2. Where you send material to the Controller as part of the contact (for example scans of documents, invoices or images), the Controller will also process any personal data contained therein. Where such documents contain personal data of third parties, you are responsible for informing the data subjects concerned about the disclosure of the data and ensuring that the transmission is based on an appropriate legal basis.
- 1.5.3. The provision of such data is not required by law. However, without such information, the Controller will not be able to properly manage and respond to your requests.

2. CATEGORIES OF RECIPIENTS

2.1. Processors

2.1.1. Where necessary in the context of the activities of the Controller, your personal data may be disclosed to the following external recipients:

- affiliated companies, in order to manage and/or support the application and selection process;
- third parties supporting the Controller in the application, evaluation and selection process (such as recruitment agencies and evaluation tools);
- providers of IT services, cloud services, hosting and data processing services or similar services;
- providers of software solutions and tools that support the Controller in carrying out its activities.

2.1.2. Such recipients act as processors within the meaning of the GDPR. Where the Controller uses such parties, it ensures that they are carefully selected and regularly reviewed. The processing of personal data by such recipients takes place exclusively on behalf of the Controller and on the basis of data processing agreements as well as in accordance with the documented instructions of the Controller.

2.2. Independent controllers

2.2.1. In addition, the Controller may transmit your personal data – to the extent necessary – to the following recipients, which act as independent controllers:

- third parties that assist the Controller in fulfilling contractual obligations towards you (for example payment service providers and banks for the management of payments, postal and shipping service providers, etc.);
- external third parties that provide advice and support to the Controller to the extent necessary on the basis of the legitimate interest of the Controller (legal advisers and insurance companies, auditors and consultants, etc.);
- courts, authorities and other public bodies to the extent required by law or necessary on a case-by-case basis (for example tax authorities, data protection supervisory authorities, civil courts, etc.).

2.3. TRANSFER OF PERSONAL DATA OUTSIDE THE EU

2.3.1. The Controller may transfer data to third parties acting as independent controllers or to processors in order to enable the performance of the activities listed in this Privacy Notice. Where such transfer takes place to countries that do not provide the same level of protection provided for by the applicable legislation or, in any event, an adequate level of data protection, the Controller ensures that each such recipient assumes specific contractual obligations in accordance with the applicable personal data protection legislation (including the signing of the Standard Contractual Clauses - *Standard Contractual Clauses* - approved by the European Commission), unless the Controller may rely on any other legal basis for the transfer of such information.

3. RETENTION PERIOD

3.1.1. The Controller processes your personal data exclusively for the time necessary to pursue the respective purposes of the processing.

3.1.2. With reference to the selection and recruitment process, personal data will be retained:

- for 6 months from the conclusion of the selection process, where the latter was not successful and you were not hired by the Controller;
- for the retention period provided for by the “Employee Privacy Notice”, where the selection process was successful and you were hired by the Controller.

3.1.3. With reference to protecting the rights of the Controller, personal data will be retained for the duration of the proceedings or until the time limits for bringing the action expire.

3.1.4. With reference to contact requests from you personal data will be retained for 6 months in order to respond to any subsequent questions or follow-up requests.

4. Data security and methods of processing

4.1.1. The Controller adopts appropriate technical and organisational measures to protect your personal data against unlawful loss, alteration, access by unauthorised third parties and other unauthorised processing. In addition, employees of the Controller are contractually bound to confidentiality and data secrecy.

4.1.2. Personal data will be processed using electronic and automated tools and in paper form. Collection, recording, storage, use, disclosure, erasure and any other appropriate processing operation, including automated processing, may be carried out in compliance with the applicable legal provisions and the measures necessary to ensure, inter alia, the confidentiality and security of personal data and their accuracy, updating and relevance to the stated purposes.

5. DATA SUBJECT RIGHTS

5.1.1. In relation to your personal data, you may at any time exercise the rights established by the GDPR and set out below:

- **Right of access** (Art 15 GDPR): right to obtain confirmation as to whether or not personal data concerning the data subject exist and, if so, also to obtain access to such data and further information, such as purposes of processing, categories of data processed, recipients of disclosures and/or data transfers - including a copy thereof in intelligible form;
- **Right to rectification** (Art 16 GDPR): right to obtain, without undue delay, rectification of inaccurate personal data concerning the data subject and to have incomplete personal data completed, including by providing a supplementary statement;
- **Right to erasure** (Art 17 GDPR): right to the erasure of personal data concerning the data subject (“right to be forgotten”);

- **Right to restriction of processing** (Art 18 GDPR): right to obtain restriction of processing, for example, where the accuracy of the data is contested or where processing is unlawful;
- **Right to data portability** (Art 20 GDPR): right to receive, in a structured, commonly used and machine-readable format, personal data concerning the data subject provided to the Controller, and the right to transmit those data to another controller without hindrance from the Controller where the processing is carried out on the basis of consent or a contract and by automated means.
- **Right to object** (Art 21 GDPR): right to object, at any time, on grounds relating to the particular situation of the data subject, to the processing of data concerning the data subject where it is based on legitimate interest (Art 6 Sec 1 lit f GDPR). **Note:** the exercise of the right to object does not affect the lawfulness of prior processing based on the legitimate interest of the Controller.
- **Right to lodge a complaint** (Art 77 GDPR): Where you consider that your rights have been infringed or that the processing of your personal data does not comply with applicable data protection law, you have the right to lodge a complaint with the competent data protection supervisory authority, in particular in the country of your habitual residence, your place of work, or the place of the alleged infringement.

5.1.2. Where you wish to exercise the rights relating to the protection of personal data or have further questions relating to data protection, you may contact the Controller using the contact details indicated in the box above. The Controller will be pleased to provide support, clarifications and a response to your requests at any time.

5.1.3. The Controller undertakes to respond to the requests within one month of their receipt; in the case of particularly complex or numerous requests, this period may be extended up to a maximum of three months. In that case, the Controller will inform you within one month of the request, stating the reasons for the delay.

6. AMENDMENTS AND UPDATES

6.1.1. The Controller may make amendments and/or additions to this privacy notice also as a consequence of any subsequent legislative amendments and/or additions. In such cases, the new version of this privacy notice will be communicated as soon as possible in a manner capable of reaching the data subjects as quickly as possible and posted on the Controllers website.