

# **Data Protection Notice/Information about the “Let us know” Compliance Whistleblower System**

**Please read this Data Protection Notice carefully before reporting an incident**

**Full version**

## **1. General information**

### a) Introduction

In this Data Protection Notice, we – Klöckner & Co SE (also referred to in the following as “Klöckner”, “we”, “us” or “our”) would like to inform you about the processing of your personal data and your rights regarding this processing.

### b) Controller

The controller for the purposes of data protection law is:

Klöckner & Co SE  
Am Silberpalais 1  
47057 Duisburg, Germany  
Phone: +49 (0)203-307-0

### c) Data Protection Officer

Our Data Protection Officer may be contacted at:

Klöckner & Co SE Data Protection Officer  
Am Silberpalais 1  
47057 Duisburg, Germany  
Phone: +49 (0)203-307-0  
E-mail: [dataprivacy@kloeckner.com](mailto:dataprivacy@kloeckner.com)

## **2. Information on the process**

The “Let us know” Compliance Whistleblower System (“Compliance Whistleblower System”) is a web- and phone-based automated process aimed at preventing business crime and similarly serious conduct (such as human rights violations or environmental pollution) or conflicts of interest that affect the company. It is a key component of the Compliance Program of Klöckner & Co SE. Klöckner urges employees, suppliers, customers and other business partners to report suspected serious breaches of regulations or conflicts of interest on the part of Klöckner’s employees, suppliers, customers or other business partners.

Serious misconduct and conduct that violates penal provisions or human rights, or conduct that is hugely out of line with the corporate interests of Klöckner, constitute serious breaches of regulations and conflicts of interest. This includes, in particular:

- Human rights violations
- Banking and financial crime
- Breaches of securities provisions including prohibited insider trading
- Breaches of fair competition and antitrust law
- Falsification and concealment of contracts, reports or records
- Corruption (bribery and granting advantages)
- Money laundering and terrorist financing
- Violations of foreign trade law
- Other criminal offenses that affect company interests, in particular deception, embezzlement, theft and fraud
- Misconduct as regards accounting, internal accounting controls, auditing and drawing up the balance sheet
- Serious breaches of environmental regulations
- Public procurement breaches
- Product safety and conformity breaches
- Traffic safety breaches
- Radiation protection and nuclear safety breaches
- Public health hazards
- Consumer protection breaches
- Privacy and personal data protection breaches and in particular violations of the GDPR
- Network and information system security breaches
- Conflicts of interest that clearly contradict the performance of duties in the best interests of Klöckner and which may lead to considerable damage to Klöckner's assets or reputation.

Please bear in mind that all disclosures you provide about yourself, about reported employees, suppliers, customers or other business partners of the Klöckner & Co Group or about any other matters that are linked to Klöckner may lead to decisions that could have serious consequences for Klöckner employees and any third parties implicated in the incident you have reported. For this reason, we ask that you only provide us with information that is correct to the best of your knowledge. The information that you provide will be treated as strictly confidential.

Use of the Klöckner Compliance Whistleblower System is voluntary and reports can be submitted anonymously. However, please be aware that we can only accept and process non-anonymous reports once you confirm that you have read and taken note of this Data Protection Notice and have given your consent for the information you provide to be processed.

You can choose whether your matter is to be forwarded solely to the management of a specific Klöckner & Co subsidiary in the country concerned and/or to the Klöckner & Co SE Corporate Compliance Office in Germany.

Apart from the option of using our Compliance Whistleblower System, you can also contact the Klöckner & Co SE Corporate Compliance Office directly. Its contact details can be found on our corporate website.

Additionally, you can request a personal meeting with a member of management at the Klöckner & Co subsidiary concerned and/or with a representative of the Klöckner & Co SE Corporate Compliance Office.

We will confirm receipt of your reporting an incident within seven days, provided that you have given us your contact details when using the whistleblower system. The incident you reported will be followed up on as quickly as possible and with due care and attention. We will keep you informed about the outcome of our investigation using the communication options available in the whistleblower system.

By voluntarily choosing not to submit your information anonymously, you expressly consent to the processing of your identification data. If you wish to remain anonymous, you can still stay in contact with us by using our whistleblower system and providing your case number and password. You will receive your case number and password when you finish reporting an incident. Depending on how you communicate with us, these will either be displayed on the screen or provided to you on the phone by an employee of our service provider.

If you wish to contact us about the matter again at a later date or ask about the status, you can do so via either the web- or the phone-based whistleblower system, providing your case number and password.

We guarantee that, if you break off entering data, no data on the matter will be stored or submitted. There is no way that your identity can be traced by any other means, such as via your IP address.

Finally, please note that you can report matters to the competent external public reporting bodies. In Germany, for example, the competent body is the Federal Government's reporting body at the Federal Office of Justice (Bundesamt für Justiz/BfJ):

[https://www.bundesjustizamt.de/DE/MeldestelledesBundes/MeldestelledesBundes\\_node.html](https://www.bundesjustizamt.de/DE/MeldestelledesBundes/MeldestelledesBundes_node.html)

In the European Union, for example, the EU Commission:

[https://ec.europa.eu/assets/sg/report-a-breach/complaints\\_en/](https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/)

In the United Kingdom: [Welcome to the Parliamentary and Health Service Ombudsman | Parliamentary and Health Service Ombudsman \(PHSO\)](#)

In the United States of America: [ReportFraud.ftc.gov](http://ReportFraud.ftc.gov)

### **3. Information on data processing**

#### **a) Data categories**

If you report an incident via the Compliance Whistleblower System, we will save the following personal data and other information if you have entered that data or provided it to us by phone and have given your express consent for us to continue using it:

- Your name and contact details, unless you wish to remain anonymous;
- Details on the Klöckner company affected;
- Whether you are employed by Klöckner;
- Name(s) and personal data of person(s) you have specified in your reporting of an incident (such as job title[s] and contact details);
- Description of the non-compliant conduct, including details of the time and place it took place;
- Description of the situation upon which the incident reported is based;

- Details regarding whether the management in question is aware of the non-compliant conduct;
- Any questions you may have.

#### b) Purposes of processing

Klöckner will observe the data protection regulations in force, in particular the rights of the whistleblower and the accused. Information acquired by means of incidents reported will be used solely for the purposes of investigating and, if applicable, taking action against serious breaches of regulations or conflicts of interest.

Where the option of reporting an incident anonymously has not been used, information provided by a whistleblower and his/her identity will be treated as strictly confidential. The identity is revealed only if Klöckner is legally obliged to do so or this is necessary for investigation purposes and/or for enforceability of claims. Therefore, it cannot be completely ruled out that your identity will have to be revealed to investigating authorities or in court proceedings at a later date.

Klöckner guarantees that a whistleblower is in no way placed at a disadvantage as a result of his/her reporting an incident, unless he/she has knowingly distributed false information, misused the whistleblower system in any other unauthorized way or incriminated himself/herself.

In order to protect their rights, people whose identity you disclose via the Compliance Whistleblower System will be informed of the reported incident received and the accusations made as soon as this no longer compromises investigations.

Aside from the incident itself, personal data and information will be saved in the Compliance Whistleblower System database while the incident reported is processed further. These can only be accessed, firstly, by National Compliance Office employees at the Klöckner & Co subsidiary to which the incident has been reported, secondly – provided consent has been given – by Corporate Compliance Office employees at Klöckner & Co SE, Germany, and thirdly – if necessary for technical reasons – by system administrators. All of these individuals are formally obliged to observe the requirements of the GDPR as well as all other applicable data protection regulations and to maintain confidentiality. This obligation also applies to employees of other internal or external bodies, insofar as their involvement is required for the purpose of clarification.

#### c) Legal basis of processing

Processing is performed as a rule on the basis of Article 6(1)(a) of the GDPR (consent), in some cases on the basis of Article 6(1)(c) of the GDPR for compliance with a legal obligation to which we are party (notably for implementation of the German Whistleblower Protection Act or the respective national implementation of the requirements under Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law) and, where applicable, for the purpose of protecting our legitimate interests in detecting and preventing abuses and of averting related damage and liability risks (Article 6(1)(f) of the GDPR in conjunction with sections 30 and 130 of the German Act on Regulatory Offences (Gesetz über Ordnungswidrigkeiten/OWiG) and/or our Code of Conduct).

In the case of a reported incident received relating to a Klöckner employee, the purpose of the processing is also to prevent criminal or other offences in connection with an employment relationship (section 26 (1) of the Federal Data Protection Act (Bundesdatenschutzgesetz/BDSG)).

At the whistleblower's request, Klöckner will state the purposes of processing together with their legal basis in the particular case.

### **Special notice on revocation of consent**

**As a rule, it is possible to revoke consent only within one month of submitting the information, as we are required to follow up on the matter and also to notify the accused individual about the allegations made against them as well as about the investigations that have been taken up or completed. In individual cases, the revocation period may be shorter, such as when the nature of the information provided requires the immediate involvement of a public authority or a court.**

**Send your revocation to [dataprivacy@kloeckner.com](mailto:dataprivacy@kloeckner.com).**

#### d) Voluntary provision of data

Use of the Klöckner "Let us know" Compliance Whistleblower System is voluntary. You may either state your name or use the system anonymously.

However, please be aware that we can only accept and process non-anonymous reporting of an incident once you confirm that you have read and taken note of this Data Protection Notice and have given your express consent for the information you provide to be processed.

#### e) Storage period

The personal data saved will only be stored for as long as it is required to process the reporting of an incident and, if necessary, introduce sanctions or enforce claims; for as long as it is required in connection with criminal prosecution measures, criminal proceedings (e.g. joint plaintiff) or fine-related proceedings; or for as long as the data has to be stored by rights. The statutory retention period for the documentation is three years following conclusion of the procedure.

#### f) Recipients of personal data

Personal data provided to us via the Klöckner "Let us know" Compliance Whistleblower System can normally only be viewed by Compliance Organization employees at the Klöckner & Co subsidiary to which the incident has been reported and/or – provided consent has been given – by Corporate Compliance Office employees at Klöckner & Co SE, Germany, and, to the extent necessary, by system administrators.

A list of subsidiaries can be found in the most recent annual report, which is available on the Company website.

In exceptional instances, it may be necessary to involve other trusted parties such as the Data Protection Officer or the Works Council, the body representing executive staff and similar bodies.

g) Transfer to third countries

The website on which you report an incident and the whistleblower system itself are operated by our service provider in the United States.

In addition, it may be necessary for data to be transferred to a third country in order to investigate the facts of the case. This generally happens when the matter concerned has arisen in a third country.

Please note that not all third countries are recognized by the European Commission as having an adequate level of data protection. Before transferring data to any third country that does not have an adequate level of data protection, we ensure that the recipient entity itself has an adequate level of data protection (for example, by using standard contract clauses).

#### **4. What happens if I am affected by a reported incident myself, or if I am under suspicion?**

If you yourself are affected by an incident reported through the Compliance Whistleblower System, the appropriate office within the Klöckner & Co organization will contact you in this regard as soon as this no longer compromises investigations.

We will inform you of the following:

- The accusations that have been made against you;
- The people or departments who are able to obtain information or reports on these accusations;
- How you can exercise your right to obtain information on data saved about you personally and, if applicable, to have it corrected, erased or blocked.

If the transmission of any of this information impinges upon the rights of other parties, we will only transmit this information if we are legally obliged to do so.

## 5. Your rights

You can exercise your rights under the GDPR at any time by sending an informal message to our Data Protection Officer (see under heading 1. c) above for contact details). Those rights are as follows:

- The right to be provided information about the data processing and a copy of the processed data (right of access, Article 15 of the GDPR);
- The right to obtain rectification of incorrect data or to have incomplete data completed (right to rectification, Article 16 of the GDPR);
- The right to obtain erasure of personal data and, where personal data has been made public, to have other controllers informed about the request for erasure (right to erasure, Article 17 of the GDPR);
- The right to obtain restriction of processing (right to restriction of processing, Article 18 of the GDPR);
- The right to receive the personal data concerning the data subject in a structured, commonly used and machine-readable format and to transmit that data to another controller (right to data portability, Article 20 of the GDPR);
- The right to object to data processing in order to prevent it (right to object, Article 21 of the GDPR);
  - In addition, where we process your personal data on the basis of a balancing of interests, you have the right to object to processing of your personal data on grounds relating to your particular situation.
  - Your objection does not have to meet any formal requirements and should preferably be sent to the contact details listed here.
  - If you exercise your right to object, we will review the stored data without delay to determine whether it is still needed, notably also whether it is needed for the processing of a reported incident. Data that is no longer required will be deleted without delay.
- The right to withdraw, at any time, consent that you have given in order to prevent data processing on the basis of your consent. Revoking consent has no bearing on the lawfulness of processing on the basis of the consent before the revocation (right of withdrawal, Article 7 of the GDPR);
- The right to lodge a complaint with a supervisory authority if you consider that the processing of personal data infringes the GDPR (right to lodge a complaint with a supervisory authority, Article 77 of the GDPR).

### Special notice on revocation of consent

**As a rule, it is possible to revoke consent only within one month of submitting the information, as we are required to follow up on the matter and also to notify the accused individual about the allegations made against them as well as about the investigations that have been taken up or completed. In individual cases, the revocation period may be shorter, such as when the nature of the information provided requires the immediate involvement of a public authority or a court.**

Send your revocation to [dataprivacy@kloeckner.com](mailto:dataprivacy@kloeckner.com).