

Tokyo Electron Europe Limited
Candidate Privacy Notice
23 June 2021

Tokyo Electron Europe Limited

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## 1) **Introduction and Definitions**

This Candidate Privacy Notice ("Privacy Notice") explains how the TEL Companies in Europe (which includes Tokyo Electron Europe Limited (TEEL), (Tokyo Electron Limited Magnetic Solutions (TELMS) and Tokyo Electron Israel Limited (TEY)) (henceforth referred to as "the Company", "we," "our," or "us") handles your Personal Data and can include Personal Data about others where you share their Personal Data with us as part of our attraction, application, recruitment and selection process, henceforth referred to as "recruitment".

"Personal Data" means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). There are 'special categories' of more sensitive personal data which, for example, includes information about your racial or ethnic origin and your health, which we shall call "Sensitive Personal Data" in this Privacy Notice.

The Company entities responsible for the collection and use of your Personal Data for the purposes described in this Privacy Notice are listed above. It details how we collect your Personal Data, why we collect it, and with whom we may share it. Where you provide Personal Data about others directly to us, you must obtain that individual's express consent and you have an obligation to provide them with a copy of this notice before doing so, such as your referees.

This Privacy Notice also discloses your Personal Data rights. It applies to all of your Personal Data, including Personal Data stored electronically or in hard copy.

We process this information for a range of purposes relating to the recruitment process and this may include your application, assessment, pre-employment screening, and your worker permissions. This document sets out:

- Why we collect your personal information;
- What information is collected; and
- How it is processed within the recruitment process.

Throughout this Privacy Notice we use the term "processing" to cover all activities involving your Personal Data, including collecting, handling, storing, sharing, accessing, using, transferring and disposing of the information.

Please read the following carefully to understand our practices regarding your Personal Data and how it will be treated.

## 2) **Why we collect your Personal Data**

In order to manage your application and recruitment, we need to process certain Personal Data about you. The purposes for this are set out below. We only process your Personal Data as necessary for the purposes of progressing your application and recruitment or as required by law or regulatory requirements, so not all of the purposes set out below will apply to you all of the time.

- To assess your skills, qualifications and suitability for the role;
- To carry out specific assessments: CV, psychometric tests (such as a situational judgement test, ability or personality test), interviews (face to face, telephone or video), behavioural assessments (such as a role play, group exercises or presentations), technical assessments;
- For pre-employment screening (PES). This may include carrying out background and reference checks, where applicable;
- To communicate with you about the recruitment process;
- To keep records related to our hiring processes; and
- Comply with legal or regulatory requirements.

### 3) **What Personal Data we might process**

Here are some examples of the type of Personal Data we may process. There is a more detailed list in the Appendix at the end of this Privacy Notice.

- Personal details such as name, address, contact details, gender, date and place of birth;
- Work history/job data; previous employers, positions, dates, etc.;
- Compensation; basic salary, benefits, bonuses, etc.;
- Education and work history including professional qualifications and skills;
- Employer feedback / references, including regulated references where necessary;
- Nationality / visa / right to work information (e.g. passport, national identification documents, driving licence, proof of address, Work or Residence permits, National/Social Insurance numbers);
- Photographs and images from recorded assessments or from on-site CCTV;
- Results of pre-employment screening checks (e.g. credit history);
- Assessment results e.g. Psychometric assessment results, results from testing and video or telephone assessment.

During the recruitment process we also capture some Sensitive Personal Data about you when it is legal to do so. We do this in order to make reasonable adjustments to enable candidates to apply for jobs with us, to be able to take online/telephone assessments, to attend interviews/assessment centres, to prepare for starting at the Company (if successful) and to ensure that we comply with regulatory obligations placed on us with regard to our recruitment.

Please note that specific national legislation and requirements take precedence over this Privacy Notice in the event of a conflict with the requirements of this Notice.

#### **If you fail to provide Personal Data**

If you fail to provide Personal Data when requested, which is necessary for us to consider your application (such as evidence of qualifications or work history), we will not be able to process your application successfully. For example, if we require references for the particular role and you fail to provide us with relevant details, we will not be able to take your application further.

Also, any offer made to you may be conditional upon you providing evidence of your identity and your right to work. This is a legal requirement. If you fail to provide this Personal Data we may not be able to offer you work.

#### **Automatic Processing**

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

### 4) **Who we share your Personal Data with**

Your Personal Data will only be shared if it is necessary or required (for example, in order to carry out PES). The Company will need to share your Personal Data internally (both in the country where you may work and in other countries in which we have central operations) and may need to share it with some external parties or associates of the Company. Some of these third parties and associates will be located outside the European Economic Area ("EEA").

Your Personal Data may be shared internally, but the information shared will always be limited to what is required by each individual to perform their role in the recruitment process. Your Personal Data may be shared internally with the following people:

- Those employees who would have managerial responsibility for you or are acting on their behalf;

- Employees in HR who have responsibility for certain HR processes (for example recruitment, assessment, PES);
- Employees in Legal, Risk, HR and Finance with responsibility for investigating issues of non-compliance with laws and regulations, policies and contractual requirements;
- Employees in IT and system owners who manage user access;
- Managers with responsibility for approving recruitment decisions;
- Audit and Investigations employees in relation to specific audits/investigations; and
- Security managers for facilities / premises.

The Company may also need to share your information with certain external third parties including:

- Recruitment companies who have introduced you to the Company;
- Companies who provide candidate interview and assessment services to the Company;
- Previous employers or your other named referees in order to verify information you have given us;
- Suppliers who undertake background screening on behalf of the Company
- Academic institutions (Universities, colleges, etc.) in validating information you have provided; and
- Other third-party suppliers (or potential suppliers), who provide services on our behalf.

## 5) **How we protect your Personal Data**

Our HR systems are protected to ensure that unauthorised or unlawful processing of personal information, accidental loss or destruction of, or damage to, personal information does not occur.

Where we share information with other parties located outside your country, as a minimum, the Company will require that such personal information is protected as required by the laws of the country where you work. All recipients of the Personal Data are contractually obliged to comply with applicable laws or regulations, including having a valid EU Personal Data cross-border transfer mechanism in place to receive EU personal data, which can include an “adequacy” determination by the European Commission and/or executing EU Standard Contractual Clauses with us.

For more information about our cross-border transfers of your Personal Data, please contact us using the information as described in Section 9 below.

The Company also requires its third party suppliers or recipients of Personal Data to guarantee the same level of protection as it would provide. We will require that these recipients protect the confidentiality and security of your Personal Data that are shared with them. These third parties must contractually agree that they will not use or disclose your Personal Data for any other purposes than necessary to provide us with services, perform services on our behalf or directly to you, or to comply with applicable laws or regulations.

## 6) **Your Rights**

You have a right to request to see the information the Company holds about you. You can also request changes to be made to incorrect information. You can also request that we erase your Personal Data when it is no longer needed for the purposes for which you provided it, restrict how we process your Personal Data to certain limited purposes, or object to our processing of your Personal Data where our processing of your information is based solely on our legitimate interests. In certain circumstances you may be able to request that we send a copy of your Personal Data to a third party of your choice.

You have the right to withdraw your consent for processing where you have given your specific consent to processing of Personal Data. Once we have received notification that you have withdrawn your consent, we will, subject to our retention policy as set out at Section 9 below, dispose of your personal data securely.

You also have the right to lodge a complaint with a supervisory authority if you consider that the processing of your personal data infringes applicable law.

To exercise any of these rights, or if you have any queries about this notice or your Personal Data generally, including questions about accessing your Personal Data or correcting it, you should contact the Company's HR Department in the first instance using the details contained in Section 9 below.

We need to make you aware that even where you exercise a right detailed above, we may not be able to comply with that request if an exception in law applies. Where this is the case we will notify you and explain why we're unable to meet your request.

As this document is updated, the latest version will be posted on our site.

## 7) **Processing Conditions**

The Company's entitlement to process your Personal Data is governed by a number of processing conditions. This processing will always be fair and lawful and will at all times comply with the principles of applicable privacy laws in the country where you have applied to be employed.

This means that we may rely on more than one of these conditions in order to process elements of your Personal Data throughout the recruitment process.

- The Company will process your Personal Data for the administration of your application. It is in our legitimate interests to decide whether to appoint you to a role since it would be beneficial to our business to appoint someone to that role.
- We also need to process your Personal Data to decide whether to enter into a contract of employment or services with you.
- The Company will also process your Personal Data where it is required by law or regulation, such as carrying out a right to work check. Furthermore the Company processes your Personal Data for the legitimate interest to ensure compliance requirements.
- During the course of your application it may also be necessary for the Company or its suppliers to process your Sensitive Personal Data as per the detail in section 2 and Appendix 1 of this Privacy Notice. This processing will be carried out with your express consent which is captured as part of the recruitment process.
- If required by the local law we will ask for your consent.

Whenever the Company processes your personal data we do so on the basis of a legal basis or justification for that processing. Processing of special categories of data is always justified on the basis of an additional lawful condition. In the majority of cases, the processing of your personal data will be justified on one of the following bases:

- The processing is necessary for compliance with a legal obligation to which the Company is subject; or
- Where there is no legal obligation we will process your data where the processing is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into such a contract;
- Where the above two grounds do not apply we may process your personal data where the processing is necessary for the legitimate interests pursued by the Company, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data.

We may process your personal data for the purpose of legitimate interests pursued by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data (for example to meet the security requirements of our customers.)

There may be circumstances where we may carry out the processing on the basis of your consent. Where we rely on consent we will make this clear at the time.

We have set out below the purposes we may use your personal data for and the legal basis we rely on in each case:

Purpose for processing	The lawful basis we rely on
<p><b>Recruitment and selection</b> Considering your suitability to work for us in the role you have applied for, comparing you to other candidates and making recruitment decisions</p>	<p>Some of this processing is necessary for the compliance with legal obligations to which the Company is subject including the requirement to make reasonable adjustments or accommodations where appropriate in the event that you choose to disclose that you have a disability. Some of this processing is necessary for taking steps at your request to enter into a contract with you. Additional processing is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in fully assessing applicants to ensure that only suitable and appropriate candidates are selected, to compare candidates and make a fair decision on the most appropriate candidate for the position. The Company aims to recruit the best person for each vacancy through fair, systematic, effective recruitment and selection procedures. This will contribute towards the Company continuing to meet its business objectives, maintain its reputation and attract high calibre employees.</p>
<p><b>Pre-employment verification and screening</b> Appropriate pre-employment screening including, where relevant and appropriate, identity check, right to work verification, reference check, credit check, financial sanction check, relevant employment history, relevant regulatory status and relevant professional and educational qualifications.</p>	<p>Some of this processing is necessary for the compliance with legal obligations to which the Company is subject including establishment of the right to work in the country in which you are employed. Screening which is not legally required is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in ensuring that candidates for employment or engagement do not pose an unacceptable risk to the business and considers the verification carried out necessary to prevent crime and other unlawful acts and to protect the business from fraud, dishonesty or incompetence.</p>
<p><b>Offers of employment and on-boarding</b> Making job offers, providing contracts of employment or engagement and preparing to commence your employment or engagement where you accept an offer from us</p>	<p>Some of this processing is necessary for the compliance with legal obligations to which the Company is subject including the requirement to issue written particulars or terms of employment and the requirement not to unlawfully discriminate in the terms of any offer to you. Additional processing is necessary to take steps to enter into the contract between you and the Company and to perform that contract because we will need information to make an appropriate offer to you and administer your employment contract if you join us. The remainder of the processing is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in ensuring the effective engagement of staff on appropriate terms and conditions of employment and that there is a smooth transition into employment for successful candidates and that information supplied in the recruitment process which is relevant to ongoing employment is maintained. This will contribute towards the Company continuing to meet its business objectives, maintain its reputation and attract high calibre employees.</p>
<p><b>Future job opportunities</b> To contact you if you are not successful in your initial application should another potentially suitable vacancy arise during the six months following completion of the recruitment process</p>	<p>This processing is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in maintaining an appropriate pool of talent who have shown an interest in working for the Company and who are potentially suitable candidates for employment. This will potentially benefit both initially unsuccessful candidates and the Company. It will contribute towards the Company continuing to meet its business objectives, maintain its reputation and attract high calibre employees.</p>



for the role you originally applied for	
<b>Recruitment feedback and complaints</b> To deal with any query, challenge or request for feedback received in relation to our recruitment decisions	This processing is necessary for the compliance with legal obligations to which the Company is subject including ensuring that the Company is able to demonstrate its compliance with data protection laws and anti-discrimination laws Beyond legal compliance processing is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in being able to provide feedback to candidates and to be able to defend any challenge or claim made in connection with our recruitment decision. This will assist the Company to avoid the risk of financial exposure or costs incurred through challenges to recruitment decisions and to maintain its reputation.
<b>Complaints, claims and litigation</b> To enforce our legal rights and obligations, and for any purposes in connection with any complaint or legal claim made by, against or otherwise involving you	This processing is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in protecting its organisation from breaches of legal obligations owed to it and defending itself against litigation. This is needed to ensure that the Company's legal rights and interests are protected appropriately, to protect the Company's reputation and to protect the Company from other damage or loss. This is important to protect the business of the Company and ensure its continued success and growth. This supports the Company's immediate and long-term business goals and outcomes.
<b>Legal or regulatory disclosures</b> To comply with lawful requests by public authorities (including without limitation to meet national security or law enforcement requirements), discovery requests, or where otherwise required or permitted by applicable laws, court orders, government regulations, or regulatory authorities (including without limitation data protection, tax and employment), whether within or outside your country;	This processing is necessary for the compliance with legal obligations to which the Company is subject where there is a legal obligation to disclose information or a court or other legal order to provide information is place. Where not legally required, processing is necessary for the purpose of the legitimate interests pursued by the Company. The Company has a legitimate interest in co-operating with relevant authorities, government bodies or regulators for the provision of information where appropriate. The Company wishes to maintain its reputation as a good corporate citizen and to act ethically and appropriately in all the countries in which it does business.

Additional legal basis we rely on where we process special category data

The special categories of personal data that are processed by the Company are set out above. Where we process special categories of data it will be justified by a condition set out above and also by one of the following additional conditions:

- The processing is necessary for the purposes of carrying out the obligations and exercising the rights of you or the Company in the field of employment law, social security and social protection law, to the extent permissible under applicable laws;
- The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of your working capacity, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services, to the extent permitted by applicable laws;



- The processing is necessary to protect your vital interests or of another person where you are physically or legally incapable of giving consent (for example in exceptional emergency situations, such as a medical emergency);
- The processing is necessary for purposes authorised by applicable law. This includes those purposes set out below:
  - ensuring equality of opportunity or treatment between people of different racial or ethnic origins, of different ages and/or marital status, holding different religious or philosophical beliefs, people with different states of physical or mental health or people of different sexual orientation with a view to enabling such equality to be promoted or maintained; or
  - the processing is necessary for the prevention or detection of unlawful acts where it must be carried out without consent so as not to prejudice those purposes.

In exceptional circumstances the processing is carried out subject to your explicit consent (as explained below).

The purposes we use special category personal data for and the additional legal basis that applies

We have identified a number of purposes for collecting and processing your special category personal data. These are set out below together with the additional legal basis we rely on in each case:

Purpose for processing	Additional lawful basis for special category data processing
Documentation such as work permits, details of residency, proof of citizenship will be processed to assess and review eligibility to work for the Company in the jurisdiction in which you work	This processing is necessary for the purposes of carrying out the obligations and exercising the rights of you or the Company in the field of employment law, immigration, social security and social protection law, to the extent permissible under applicable laws. In particular the requirement to check that you are legally permitted to work in your jurisdiction.
Your racial or ethnic origin, religion, philosophical or political belief, sexual orientation or disability status may be used for the collection of statistical data subject to local laws, or where required to record such characteristics to comply with equality and diversity requirements of applicable local legislation or to keep the Company's commitment to equal opportunity under review	<p>This processing is necessary for the purposes of carrying out the obligations and exercising the rights of you or the Company in the field of employment law, social security and social protection law, to the extent permissible under applicable laws. In particular compliance with anti-discrimination legislation.</p> <p>Where not legally required this processing is necessary for the public interest of ensuring equality of opportunity or treatment between people of different racial or ethnic origins, of different ages or marital status, holding different religious or philosophical beliefs, people with different states of physical or mental health or people of different sexual orientation with a view to enabling such equality to be promoted or maintained.</p>

Health and medical information may be used to comply with employment, health and safety or social security laws. For example, to make reasonable accommodations or adjustments and avoid unlawful discrimination or dealing with complaints arising in this regard.	<p>This processing is necessary for the purposes of carrying out the obligations and exercising the rights of you or the Company in the field of employment law, social security and social protection law, to the extent permissible under applicable laws. In particular those laws set out in this section.</p> <p>To the extent that this data is managed by our occupational health advisers, this processing is necessary for the purposes of preventive or occupational medicine, for the assessment of your working capacity, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services, to the extent permitted by applicable laws.</p>
Special category personal data of any type may be used in the event of a complaint, claim or litigation or potential claim or litigation by, against or involving you.	This processing is necessary to establish, exercise or defend legal claims.

We may seek your consent to certain processing which is not otherwise justified under one of the above basis. If consent is required for the processing in question, it will be sought from you separately to ensure that it is freely given, informed and explicit. Information regarding such processing will be provided to you at the time that consent is requested, along with the impact of not providing any such consent. You should be aware that it is not a condition or requirement of your recruitment to agree to any request for consent from the Company.

## 8) **How long we retain your Personal Data**

Your Personal Data will be maintained for the duration of your relationship with us. We will then retain your personal information for a period of six months after we have communicated to you our decision about whether to appoint you to a role. We retain your personal information for that period so that we can show, in the event of a legal claim, that we have not discriminated against candidates on prohibited grounds and that we have conducted the recruitment exercise in a fair and transparent way. After this period, we will securely destroy your personal information in accordance with applicable laws and regulations.

If we wish to retain your personal information on file, on the basis that a further opportunity may arise in the future and we may wish to consider you for that, we will write to you separately, seeking your explicit written consent to retain your personal information for a fixed period on that basis.

If your application is successful, we will keep ongoing Personal Data concerning your employment or engagement by the Company in accordance with our Employee Privacy Notice, which will be made available to you separately.

**9) How to contact us if you have any questions or concerns**

You may contact the HR department in the country to which you applied for a role or to the HR Director, Europe using the below information to:

- Ask questions;
- File a concern or complaint;
- Opt-out of a program or service; and/or
- To exercise any of your rights listed above, including access, correction, portability, objection, restriction, and erasure.

**Mailing Address:**

Susan Stockton  
HR Director Europe  
Tokyo Electron Europe Ltd  
Pioneer, Crawley Business Quarter  
Fleming Way  
Crawley  
West Sussex  
RH10 9QL  
UK

**Email Address:** susan.stockton@europe.tel.com

For more information about your privacy and data protection rights, or if you are not able to resolve a problem directly with us and wish to make a complaint, please contact your country-specific data protection authority or the Company's lead data protection supervisory authority:

**Austria**

Oesterreichische Datenschutzbehoerde  
Hohenstaufengasse 3  
1010 Wien  
Austria  
Tel: (+43) 1 531 15 202525  
Email: dsb.dsb.gv.at

**Belgium**

Commission de la protection de la vie privée  
Rue de la Presse 35  
1000 Bruxelles  
Belgium  
Tel: (+32) 2 274 48 00  
Email: commission@privacycommission.be

**France**

Commission Nationale de l'Informatique et des Libertés (CNIL)  
3 Place de Fontenoy  
TSA 80715  
75334 Paris  
Cedex 07  
France  
Tel: 00 33 1 53 73 22 22  
Fax: 00 33 1 53 73 22 00  
[www.cnil.fr](http://www.cnil.fr)

**Germany**

Sächsischer Datenschutzbeauftragter  
Bernhard-von-Lindenau-Platz 1  
01067 Dresden  
TEL: 0049 351 4935401  
[www.datenschutz.sachsen.de](http://www.datenschutz.sachsen.de)  
Email: [saechsdsb@slt.sachsen.de](mailto:saechsdsb@slt.sachsen.de)

**Ireland**

Data Protection Commissioner  
Canal House  
Station Road  
Portllington  
Co. Laois  
Ireland  
Tel: (+3530 57 868 4800  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)

**Israel**

Privacy Protection Authority  
Tel Aviv Government Complex  
P.O. Box 7360  
Tel Aviv 6107202  
[ppa.justice.gov.il](http://ppa.justice.gov.il)

**Italy**

Garante per la protezione dei dati personali  
Piazza di Monte Citorio n. 121  
00186 Roma  
[www.gpdp.it](http://www.gpdp.it) – [www.garanteprivacy.it](http://www.garanteprivacy.it)  
E-mail: [garante@gpdp.it](mailto:garante@gpdp.it)  
Fax: (+39) 06.69677.3785  
Telephone: (+39) 06.69677.1

**Netherlands**

Autoriteit Persoongegevens  
Postbus 93374  
2509 AJ DEN HAAG  
Tel: (+31) 070 888 85 00

**UK**

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
UK  
[www.ico.org.uk](http://www.ico.org.uk)  
Tel: 0303 123 1113 (local rate) or 01625 545 745

This Privacy Notice was last updated on 23 June 2021.

**10) Israeli specific provisions**

With respect to the processing of Personal Data by Tokyo Electron Israel Limited ("TEY"), the following provisions shall apply in addition to the provisions of the above Statement.

The applicable Data Protection Legislation are the Protection of Privacy Law, 1981 and the regulations enacted thereunder.

**Legal Obligation to provide us with your Personal Data**

You have no legal obligation to provide us with your Personal Data. When you do provide us with your Personal Data, you are doing so under your own free will and consent.

**Appendix 1****List of Personal Data we may process**

N.B Specific national legislation and requirements take precedence over this Privacy Notice.

- Name, work and home contact details
- Date and place of birth
- Education and work history
- Individual demographic information in compliance with legal requirements (such as marital status, national identifier, passport/identity card/visa information, nationality, gender, citizenship, military service, disability, work permit, date and place of birth or gender)
- Health issues requiring adaptations to working environment
- Job title, grade and job history
- Employment contract related information (including compensation, location, hours of work and so on)
- Reporting and managerial relationships
- Leaves of absence (such as maternity leave, sickness absence)
- Photograph(s)
- Disciplinary / grievance records
- Time and attendance details
- Bank account details for salary payment purposes
- Expenses such as travel and expenses claimed from TEE
- Skills and qualifications
- Training history and plans
- Results of original and ongoing employee screening, where relevant
- Details provided in relation to Conduct policies (such as conflicts of interest, personal account dealing, trade body membership and so on)
- Health & safety incidents, accidents at work and associated records
- Building CCTV images
- Audio recordings of telephone interviews
- Video recordings of interviews
- Notes from face to face interviews
- Psychometric test results and associated reports
- Results from behavioural assessments (e.g. Assessment Centre exercises)
- Results from technical assessments
- Details of your referees
- Driving licence

*These categories of information might potentially include some Sensitive Personal Data. Sensitive Personal Data is not routinely collected about all applicants. It may be collected where the Company has a legal obligation to do so, or if you choose to disclose it to us during the course of your relationship with the Company.*