



## Candidate Fair Processing Notice ("the Notice")

### 1. INTRODUCTION

In connection with the legal and regulatory compliance requirements of EquiLend Holdings LLC and its affiliates (together "**EquiLend**" or "**we**"), EquiLend has adopted the Notice in order to ensure compliance with applicable data protection laws, moreover the General Data Protection Regulation 2016/679 ("**GDPR**").

The Notice describes how we process<sup>1</sup> personal data<sup>2</sup> regarding individuals ("**Personal Information**") residing in the European Union ("**EU Persons**") (together "**Data Subjects**"). The Notice is applicable to EU Persons only and applies to all candidates ("**Candidates**" or "**you**").

For the avoidance of doubt, Personal Information and its use by EquiLend may vary depending upon the nature of your application to EquiLend.

### 2. WHO WE ARE

EquiLend is comprised of a number of separate legal entities that includes EquiLend LLC, EquiLend Canada Corp, EquiLend Clearing LLC, EquiLend Europe Limited, EquiLend Asia Limited, DataLend LLC and Automated Equity Finance Markets, Inc (together "**the Affiliates**"), along with EquiLend Holdings LLC ("**the Parent**"). The Affiliates are wholly owned by the Parent. Together, they make up EquiLend.

For the purposes of the Notice, EquiLend is a Controller<sup>3</sup> of Personal Information relating to you.

### 3. HOW WE PROCESS YOUR PERSONAL INFORMATION

#### 3.1 Groups of Personal Information

We may process, in the normal course of business, the following types of Personal Information about you when you register your interest in a role with EquiLend.

- Financial Information – Such as salary information (current and desired);
- Contact Information – Details such as address and means of contact;
- Socio Demographic Information – Details about work, profession, nationality and education;

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<sup>1</sup> **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.

<sup>2</sup> **Personal data** means any information relating to an identified or identifiable natural person ("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 data or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person

<sup>3</sup> **Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State Law.

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- Open Data and Public Sources – Details available in public records and data that is openly available on the internet;
- Locational Information – Details associated with geography such as an email address;
- Technical Information – Data associated with the types of devices and technology you use;
- Communication – Information derived from emails, letters and conversations;
- Documentary Data – Details included in references and other information included in your curriculum vitae or cover letter, your right to work and any other information used as part of the application process;
- National Identifiers - A number or code issued by a government agency used to identify you such as a passport number, a drivers licence or tax status information;
- Special Types of Data – Data related to criminal convictions and offences, your fitness to work or related security measures.

### 3.2 Specified and Lawful Purposes

We may process Personal Information, in the normal course of business, to;

- Carry out and fulfil the recruitment and selection process (“**the Process**”);
- Provide services to you;
- Contact you about opportunities you may be interested in;
- Check you are legally entitled to work in the European Union;
- To validate certain disclosures made by you during the Process;
- Ascertain your fitness to work;
- Monitor your use of EquiLend information and communication systems to ensure compliance;
- Ensure network and information security, including preventing unauthorised access to EquiLend electronic communications systems and preventing malicious software distribution;
- Ensure compliance with any requirements of law, regulation, associations or codes EquiLend may choose to adopt, from time to time;
- and any other purpose in the legitimate interest of EquiLend (together “**Specified Purposes**”).

We may only process Personal Information where there is a lawful basis to do so. In relation to the Specified Purposes, we will process Personal Information associated with you where;

- It is necessary for the performance of a contract;
- It is necessary for compliance with a legal obligation to which we are subject;
- It is necessary for the pursuance of EquiLend’s legitimate interests except where such interests are overridden by your interests or fundamental rights and freedoms under the GDPR.

For the avoidance of doubt, we do not seek to rely on your consent for the processing of your Personal Information.

### 3.3 Special Categories

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GDPR treats some types of sensitive data as distinct. This includes information relating to your racial or ethnic origin, sexual orientation, religious beliefs, health data and criminal records. We will not process these types of data unless the law permits and, where we do, only where it is necessary and;

- For reasons of substantial public interest;
- For the purposes of carrying out specific rights in relation to the Process in so far as it is authorised by Union or Member State law;
- For the exercise or defence of legal claims; and
- For the assessment of your working capacity.

### **3.4 Further Information**

If you have any questions, or would like further information as to how we process your Personal Information, you can email EquiLend at [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com).

## **4. WHERE WE COLLECT PERSONAL INFORMATION FROM**

We may process Personal Information about you from any of the following sources;

- When you apply for a specific role with EquiLend;
- Suppliers and third parties EquiLend may engage during the Process;
- When you communicate directly with EquiLend, by email, telephone or in person during the Process;
- Specific information required by EquiLend in order to comply with its regulatory, statutory or legal obligations;

## **5. TO WHOM AND WHERE PERSONAL INFORMATION MAY BE DISCLOSED**

### **5.1 Within EquiLend**

We will only disclose your Personal Information to employees of EquiLend that need access to your Personal Information to carry out their normal duties and manage the Process.

### **5.2 Third Parties**

We may disclose Personal Information to third parties, including designated agents, who supply services to EquiLend, in the normal course of business and where we are required to by law i.e. to relevant regulators, tax authorities and law enforcement and fraud prevention agencies.

All third party service providers are required to take appropriate measures to protect your Personal Information. We do not permit third party service providers to use your Personal Information for their own purposes.

If you have questions or want more details about where and to whom we disclose your Personal Information you can email [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com).

### **5.3 Internal Transfer of Personal Information**

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Your Personal Information may be made available outside the EEA, including in countries which may not have the same level of legal protections for Personal Information, including EquiLend entities based in the United States.

We seek to require those entities to whom we permit access to your Personal Information to protect it appropriately. We use binding corporate rules and certain model clauses recognised by the European Commission, in EquiLend intercompany agreements (“**the Arrangement**”). The Arrangement sets out the terms and obligations of both the Parent and the Affiliates, *inter alia*, in relation to the privacy standards assumed for its Employees, on a global basis.

In addition, we have developed internal policies and procedures concerning the oversight and governance of information technology and security systems. These policies and procedures address areas such as regression, performance, end to end and system testing as well as data capacity monitoring, penetration and vulnerability testing, business continuity and back up standards etc.

## **6. RECORD KEEPING**

### **6.1 Monitoring of Communications**

We may monitor email and other communications<sup>4</sup> conveyed by or to you in order to ensure regulatory compliance, that electronic systems are operating effectively and for the detection and prevention of crime.

In the case of emails, we may reject, delay or remove content or attachments which may disrupt systems or pose security concerns such as viruses. We may also filter out emails which contain certain content on the basis that the content is offensive or if the email is unwanted or spam. Unfortunately, in limited cases, this may result in innocuous communications being affected. EquiLend works actively to reduce such occurrences.

### **6.2 Storage and Duration**

We will store a copy of your curriculum vitae and any supporting documentation you may have provided at the start of the Process on our secure system.

We may retain your Personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements.

### **6.3 Unsuccessful Candidates**

Unless you tell us otherwise and in order to consider you for future opportunities, we will retain your Personal Information in accordance with the GDPR and relevant legislation.

From time to time we may review and delete inactive records in accordance with EquiLend internal policies and procedures.

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<sup>4</sup> **Communications** will ordinarily include, but are not exclusive of, emails, appropriate messenger software and social media channels used by EquiLend during the normal course of business.

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All Personal Information is disposed of in a way that protects the rights and privacy of Candidates (e.g. shredding, confidential waste disposal, secure electronic deletion) and prioritizes the protection of Personal Information at all times.

If you have questions or want more details about retention, storage and destruction processes you can email [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com).

## 7. DATA SUBJECT RIGHTS

You may object, change or withdraw consent to the processing of your Personal Information at any time where such consent was required for the collection, use or disclosure of such information (“**Requests**”). A withdrawal of consent will not affect the lawfulness of any processing of Personal Information that took place prior to such withdrawal.

We will look to execute Requests only in so far as it is technically feasible and legally permissible.

### 7.1 Data Subject Access and Portability Rights

To the extent provided under the GDPR you are entitled to access your Personal Information. As such, you may request to look at or obtain, where the GDPR necessitates, a copy of your Personal Information, including data held in electronic and paper format, in so far as the request does not adversely affect the rights and freedoms of other Employees.

You may also request for your Personal Information to be provided to a third party, in a structured, commonly used and machine readable format. Please note that this right has limited scope and only applies to Personal Information processed pursuant to your consent and is carried out by automated means.

For the avoidance of doubt, where you make a request by electronic means, and unless otherwise requested by you, Personal Information will be provided in a commonly used electronic format.

Requests should be made in writing by emailing [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com). We will endeavour to execute your Request;

- Within one month of receipt; and
- To the extent that we are legally permitted to do so.

### 7.2 Right to Rectification

You may request that any Personal Information believed to be inaccurate is checked and, where found to be erroneous, is corrected and / or removed from EquiLend’s records. Changes to your Personal Information can be communicated to EquiLend by emailing [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com).

### 7.3 Right to Erasure

You may request that your Personal Information is removed where;

- You believe it is no longer necessary for EquiLend to retain it i.e. the Specified Purpose for its processing is no longer valid;

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- You withdraw your consent to the processing of your Personal Information where it has been given; or
- You believe the basis for processing your Personal Information is no longer lawful.

We will take every reasonable step and measure to remove references, links and copies of data and to contact related controllers and / or processors to inform them of your request. For the avoidance of doubt, where consent is withdrawn we may not be able to consider you for future opportunities.

We may also not be able to remove your Personal Information for legal or other official reasons. If this is so, we will provide a written explanation, outlining your right to complain.

#### **7.4 Right to Restriction**

You may request that we restrict the processing of your Personal Information where you believe there is a problem with the underlying legality of the processing.

For the avoidance of doubt, where Personal Information is restricted we may not be able to perform or manage the Process.

We may also not be able to remove your Personal Information for legal or other official reasons. If this is so, we will inform you.

#### **8. COMPLAINTS**

If you have any concerns regarding the processing of your Personal Information you can complain, in the first instance, by emailing [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com). We take complaints seriously and will always recognise a complaint as requiring resolution, whether made in writing or orally.

#### **9. WHISTLEBLOWING**

EquiLend takes its responsibilities in relation to the data protection and privacy of Candidates very seriously. As such, you are encouraged to report wrongdoing or suspected wrongdoing by employees or third parties engaged by EquiLend, in the first instance, by emailing [PrivacyAndProtection@equilend.com](mailto:PrivacyAndProtection@equilend.com).

We will always treat reports made by you with the utmost confidence. Candidates who raise concerns regarding wrongdoing are protected from reprisal by virtue of the provisions outlined in the Public Interest Disclosure Act 1998 ("PIDA").

If you believe that your concerns have not been adequately addressed then you may raise your concerns with the Information Commissioner's Office at [www.ico.gov.uk](http://www.ico.gov.uk)

Further details regarding EquiLend's Whistleblowing procedures can be requested, in writing, by contacting Compliance.

#### **10. CHANGES TO THE NOTICE**

Future changes to the Notice will be published on the EquiLend website.

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