

BCR – INTERNAL COMPLAINT PROCEDURE

1. Context

Under the provisions of the European Union Directive 95/46, any transfer of personal data outside the European Economic Area (EEA) shall be framed by specific safeguards, with a view to make the use of the personal data compliant with European Data Protection Principles. In particular, in non-EEA countries which do not ensure an adequate level of protection, it is compulsory for the data exporter to take specific legal steps (mainly, the drafting of a specific written agreement with the data importer). In this context, the adoption and the implementation of BCRs within the HR ACCESS Group is a mean to simplify the legal framework of the flows of personal data within the HR ACCESS entities at a worldwide level with an adequate level of protection of the personal data. Indeed, according to EU Directive 95/46, implementing BCRs avoid the obligation to sign the agreements mentioned above, between all the entities involved.

According to article 4.3 of HR ACCESS BCRs, if a data subject believes that his personal data are not processed in accordance with the BCRs or the applicable local law, he may register a claim with HR ACCESS to obtain adequate correction measures and, where appropriate, adequate compensation.

Thus, the present internal procedure aims at giving detailed explanations to HR ACCESS employees involved in handling a claim about the process to follow when a complaint is received so that it can be handled in a diligent way.

Complying with this procedure is important since HR ACCESS' BCRs provide that: "difficulties met by a data subject shall be referred to the relevant court or other Public Authority only if the internal complaint mechanism fails, in a reasonable period of time, to settle a claim". In order for HR ACCESS to benefit from this provision, one should ensure about the practical effectiveness of the internal procedure for complaints management.

It is reminded that the present procedure should only apply to complaints filed by a person concerned by a data transfer outside the European Economical Area towards countries covered by HR ACCESS' BCRs. Management rules regarding any other type of complaints shall not be covered by the present procedure, unless the Local Data Controller decides otherwise.

One should also remind that the current procedure should not be taken as a substitute for any investigation that may be undertaken within our internal procedure's framework (especially audit procedures) or that of applicable laws and regulations (e.g. investigation undertaken by a Data Protection Authority or the judicial authority).

2. DESCRIPTION OF THE COMPLAINTS MANAGEMENT PROCEDURE

2.1 Types of complaints

Any data subject considering that his personal data, which have been transferred from an EEA country towards a

country covered by HR ACCESS' BCRs, was not collected and/or processed in accordance with BCRs and/or applicable laws, may file a claim with HR ACCESS.

Such claim may either deal with a personal difficulty the data subject encountered (e.g. a data subject exercised his right of access to the data stored by HR ACCESS but has obtained no answer from HR ACCESS) or with a more general issue regarding the conditions in which HR ACCESS collects and/or processes personal data (for instance, the data subject has concern about the effectiveness of security and confidentiality measures implemented by the data importer).

2.2 HR ACCESS' internal Service responsible for handling a claim

Each Local Data Controller shall designate the service or functions in charge of receiving and handling the claims. If no service is specifically designated, by default the Local Data Privacy Manager should be the recipient of the claims and should handle them.

2.3 How the plaintiff is entitled to bring a claim

Every claim should be sent to HR ACCESS in writing, either by post mail or by electronic mean acces-cnll@soprahr.com.

Postal or electronic contact details to which it is possible to send a claim to HR ACCESS shall be clearly identifiable by data subjects within any relevant document (commercial documentation, notice of information, etc.) or directly by asking any HR ACCESS employee.

2.4 Modalities of claim handling

Any complaint that is filed with HR ACCESS shall lead to sending a receipt of delivery to the data subject, eventually alongside a request for additional detailed information if necessary for claim's handling by HR ACCESS.

The service responsible for handling the claim shall then liaise with any person concerned by the claim's object (operational service, legal service, technical service, etc.), in order to determine whether it is grounded and to define the most appropriate answer that should be given to the plaintiff.

Any HR ACCESS employee involved in the complaint handling process should cooperate and provide requested available information in the most diligent way.

2.5 Complaint handling delays

A claim's handling delay should not, in any case, exceed a two-month period.

2.6 Answer to be delivered to the plaintiff

At the end of the complaint's handling by HR ACCESS, an answer in writing shall systematically be sent to the plaintiff in order to provide him with its claim's follow-up, alongside the proper motivation.

If the plaintiff's claim is settled but requires to implement correction measures in place (documents to send to the plaintiff, updating elements of information within a data processing, modifying a processing's security level, etc.), a remediation plan must be taken and implemented by the service or functions in charge of handling the claim within a reasonable delay.

2.7 Eventual reference to EMEA Data Privacy Manager

If the service responsible for handling the complaint fail to solve the claim at local level, or if a particularly major failure is identified while handling the complaint, it must report this issue to the EMEA Data Privacy Manager so that a decision can be made regarding the remediation plan and the answer to give to the plaintiff.

Similarly, in case the plaintiff is given a negative answer after handling the complaint (i.e. the plaintiff's complaint is rejected), the plaintiff shall be able to refer to the EMEA Data Privacy Manager so that his concern can be specifically reviewed. In the case of a reference to the EMEA Data Privacy, a new three- month delay shall start at the end of which a new final answer shall be given to the plaintiff.

3. OBLIGATIONS IN TERMS OF REPORTING

If the Local Data Privacy Manager is not personally in charge of handling complaints, he shall be regularly informed about current procedures (this at least by a yearly report to be sent to him).

One should also remind that, pursuant to article 5.1 of BCRs, each Local Data Controller and Local Data Privacy Manager shall regularly report to the EMEA Data Privacy Manager about the complaints settled at local level, with a view to take corrective actions and improve guidelines and procedures implemented within the Group, where the complaints may have revealed a "gap" in terms of Privacy compliance (this at least by a yearly report to be sent to them).

Elements of information regarding the complaints handling modalities shall also be brought to the Head Controller's attention within the framework of the annual report transmitted to it by Local Data Privacy Managers, in coordination with the EMEA Data Privacy Manager.