

## **Privacy notice information for informants**

The protection of your privacy rights during the processing of personal data is a top priority for Bayerische Motoren Werke Aktiengesellschaft ("BMW AG"). We process personal data in compliance with the provisions of the EU General Data Protection Regulation ("GDPR") and in accordance with national statutory provisions.

The following provides information on how your personal data as an informant is processed. You can find further information on processing of personal data at BMW Group at:

[https://www.bmwgroup.com/en/general/data\\_privacy.html](https://www.bmwgroup.com/en/general/data_privacy.html)

### **1. Who is responsible for data processing and how can the Data Protection Officer be contacted?**

Bayerische Motoren Werke Aktiengesellschaft, Petuelring 130, 80788 Munich, Germany, domicile and court of registry: Munich HRB 42243, is responsible for accepting, reviewing, and investigating reports of compliance concerns and jointly responsible with other BMW Group affiliated companies for clarifying violations of rules within the meaning of Article 26 GDPR.

You can contact our Data Protection Officer at the above address or at:

[datenschutz@bmw.de](mailto:datenschutz@bmw.de)

### **2. Which data from you do we process and for what purpose?**

#### **BMW AG processes your data for the following purposes:**

Reviewing and processing your report and conducting any necessary investigations into the person(s) accused; where applicable, communicating with the authorities and courts in connection with your report; communicating with international attorneys and auditors or other investigators engaged by the company; communicating with other BMW Group companies and their affiliated companies.

**No obligation to provide your personal data**

You may report compliance concerns without sharing your personal data (anonymous report) and are under no obligation to provide your personal data.

**Types of data**

When you submit a report, we collect the following personal data and information:

- your name and/or private contact and identification data, should you choose to disclose your identity (non-anonymous report),
- your work contact and (work) organization data, if disclosed by you (non-anonymous report), and,
- where applicable, the names and other personal data of the persons named in your report.

**Legal basis**

Case-specific processing of your personal data is justified by the following legal basis:

- Collection of your personal data in connection with a non-anonymous report: consent to the processing of personal data for the purposes referred to above. If you voluntarily provide your personal data by submitting a non-anonymous report, we will process your information solely for the purpose of processing your report under Article 6 (1) LIT. C), F) of the GDPR.
- Collection, processing, and disclosure of the personal data of the persons mentioned in your report: to safeguard the legitimate interests of the person concerned or of a third party (Article 6 (1) LIT. C) GDPR), to fulfil a legal obligation (Article 6 (1) LIT. C) GDPR). BMW AG has a legitimate interest to identify, process, rectify, and sanction violations of the law and severe breaches of duty by employees company-wide. This must be done in an effective manner with a high level of confidentiality to avert damage and liability risks for the BMW Group pursuant to sections 30 and 130 of the German Act on Regulatory Offenses (OWiG).

BMW AG is also required to establish a complaints procedure in accordance with section 8 of the German Supply Chain Due Diligence Act (LkSG). Point 4.1.3. of the German Corporate Governance Code also requires that a system for reporting compliance concerns be established to give employees and third parties the opportunity to submit reports of infringements within the company safely and in an adequate manner.

- Disclosure of your personal data from a non-anonymous report to other recipients, such as to authorities during the course of official proceedings: Your data is shared where there is a legal obligation to do so (Article 6 (1) LIT. C), F) GDPR).

### **3. How long do we store your data?**

We store your personal data only as long as it is required for the purposes of the investigation and subsequent assessment, and, also, for as long as we are obliged to store it under country-specific legal, contractual, or statutory retention periods.

Once the report has been processed, the data will be deleted or anonymized in accordance with country-specific legal requirements. In the case of anonymization, the reference to your identity as an informant is permanently and irreversibly removed.

### **4. How do we store your data?**

We utilise state-of-the-art technology to store your data. The following safeguards are used, for example, to protect your personal data from misuse or any other form of unauthorized processing:

- Access to personal data is restricted to a limited number of authorized persons for the stated purpose.
- The data collected is only transmitted in encrypted form.
- Sensitive data is also only stored in encrypted form.
- The IT systems used for processing data are technically isolated from other systems, to prevent unauthorized access and hacking.
- Access to these IT systems is constantly monitored to detect and prevent misuse in the early stages.

## **5. Whom do we share data with?**

The BMW Group is a global organization. Personal data is stored and processed by employees, National Sales and Financial Service Companies, the BMW Group partners and service providers engaged by us, preferably within the European Union. In certain cases, your personal data may also be transmitted to other recipients: In substantiated individual cases, it may be necessary, for the purpose of processing a report or as part of an internal investigation, to share information with other employees of BMW AG or other companies affiliated with BMW AG, e.g. if the report relates to incidents at BMW AG subsidiaries. If required by the investigation, information may be shared with BMW AG subsidiaries in a country outside the European Union or the European Economic Area, based on appropriate data privacy guarantees designed to protect data subjects (e.g. EU standard data protection clauses, for employee data Binding Corporate Rules under Article 47 GDPR or exceptions under Article 49 GDPR). We always ensure compliance with the relevant data protection provisions relating to the disclosure of information.

If there is a corresponding legal obligation or if BMW AG or a third party has a legitimate interest in investigating the report, further recipients may include law enforcement agencies, antitrust authorities, other administrative authorities and courts, as well as international attorneys and auditors engaged by BMW AG or any other company affiliated with BMW AG.

In certain cases, BMW AG is obliged by data protection legislation to inform the accused of the allegations made against them. This is a statutory requirement in cases where it can be objectively established that the disclosure of information to the accused can no longer have an adverse effect on the investigation in question. If you provided us with your name or other personal data (by making a non-anonymous report), your identity as an informant will not be disclosed, as far as legally possible, and steps will also be taken to ensure your identity as an informant cannot be traced.

## 6. Rights of the data subject

As the party affected by the processing of your data, you may claim certain rights under the GDPR and other relevant data protection regulations. Under the GDPR, you are entitled as the data subject to claim the following rights vis-à-vis BMW AG:

- Right of access by the data subject (Art. 15 GDPR)
- Right to rectification (Art. 16 GDPR)
- Right to erasure (Art. 17 GDPR)
- Right to restriction of processing (Art. 18 GDPR)
- Right to data portability (Art. 20 GDPR)

**Right to object (Art. 21 GDPR):** You have the right to object to the processing of your data at any time for reasons that arise from your particular situation, provided data processing is on the basis of your consent, on our legitimate interests or those of a third party. In this case, we will cease to process your data. This does not apply if we can show that there are compelling legitimate grounds for processing that outweigh your interests, or if we need your data for the establishment, exercise, or defense of legal claims.

In the event of data privacy violation, you have the right as a data subject to lodge a complaint with your local supervisory authority.

To revoke your consent (in the case of a non-anonymous report) or to exercise your rights regarding your personal data, please contact [notifications@bmwgroup.com](mailto:notifications@bmwgroup.com).

You can find more detailed information on your data protection rights at: [https://www.bmwgroup.com/en/general/data\\_privacy.html](https://www.bmwgroup.com/en/general/data_privacy.html).

## 7. Contact for your data subject rights

For questions relating to the use of your personal data as informant, please contact [notifications@bmwgroup.com](mailto:notifications@bmwgroup.com).

You can also contact the BMW AG Data Protection Officer: Data Protection Officer, BMW AG, Petuelring 130, 80788 Munich, Germany, [datenschutz@bmw.de](mailto:datenschutz@bmw.de).

BMW AG takes your concerns and rights very seriously. However, if you believe that we have not responded in an appropriate manner to your complaints or concerns, you have the right to lodge a complaint with your local data protection supervisory authority.

**Updated:** December 2022