



Hexagon Lincoln LLC - Privacy Policy

Scope of this policy

This policy describes how Hexagon Lincoln LLC, (“Hexagon Lincoln”, “we”, “us”, or “our”) collects, uses, and discloses certain personal data of our European Union (“EU”) Hexagon group current, prospective, and former employees who are located in the EU (“you” or “your”). This policy only applies to personal data (“EU Personal Data”) of such individuals that is collected or received by Hexagon Lincoln. The term “personal data” as used in this policy refers to information relating to an identified or identifiable natural person that is protected as personal data under the General Data Protection Regulation 2016/679 (“GDPR”).

Data controller

Hexagon Lincoln is a joint data controller of your EU Personal Data, although we are also a data processor of your EU Personal Data in some situations providing organizational management services to our group EU based companies. Hexagon group has established a Joint Controller Agreement (“JCA”) as a control an internal mechanism for its subsidiaries to join where all responsibilities and obligations laid out in the GDPR between joint controllers are adhered. Our contact information is provided below under the Questions or Complaints section.

EU-U.S. Privacy Shield (international data transfers)

Hexagon Lincoln recognizes that the EU has established strict protections regarding the handling of EU Personal Data, including requirements to provide adequate protection for EU Personal Data transferred outside of the EU. To provide adequate protection for EU Personal Data that we receive in the US, Hexagon Lincoln has elected to self-certify to the EU-US Privacy Shield Framework administered by the US Department of Commerce (“Privacy Shield”). Hexagon Lincoln adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement, and Liability. If there is any conflict between the terms of this policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. For purposes of enforcing compliance with the Privacy Shield, Hexagon Lincoln is subject to the investigatory and enforcement authority of the US Federal Trade Commission. For more information about the Privacy Shield, see the US Department of Commerce’s Privacy Shield website located at: <https://www.privacyshield.gov>. To review Hexagon Lincoln’s representation on the Privacy Shield list, see the US Department of Commerce’s Privacy Shield self-certification list located at: <https://www.privacyshield.gov/list>.

If you have a question or complaint related to our participation in the Privacy Shield, please contact us as provided in the Questions or Complaints section below. We will investigate and attempt to resolve any complaints or disputes regarding the use or disclosure of your EU Personal Data within 45 days of receiving your complaint. For any unresolved complaints regarding EU Personal Data, we have agreed to cooperate with the panel established by the EU data protection authorities and comply with the advice



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given by the panel with regard to human and non-human resources data transferred from the EU in the context of the employment relationship. If you are unsatisfied with the resolution of your complaint regarding your EU Personal Data, you may contact the EU data protection authorities for further information and assistance located at <http://ec.europa.eu/newsroom/article29/>. Furthermore, you have the option to select binding arbitration for the resolution of your complaint under certain circumstances, provided you have taken the following steps: (1) raised your complaint directly with Hexagon Lincoln and provided us the opportunity to resolve the issue; (2) made use of the independent dispute resolution mechanism identified above; and (3) raised the issue through the relevant data protection authority and allowed the US Department of Commerce an opportunity to resolve the complaint at no cost to you. For more information on binding arbitration, see US Department of Commerce's Privacy Shield Framework: Annex I (Binding Arbitration), available at: <https://www.privacyshield.gov/article?id=ANNEX-Iintroduction>.

Data collected

We collect EU Personal Data in connection with the management and administration of pre-employment, employment, and post-employment matters related to our and our EU Hexagon companies current, prospective, and former employees to provide strategic Human Resources Information Systems for planning, manpower plans, staffing plans, cost analysis, business analysis or organization restructuring. Such EU Personal Data may include but be not limited to name, birthdate, birthplace, gender, employment contract and history, position, certifications/education, contact information, salary and commission history, time and labor documentation, employment history, legal work eligibility status, financial account information, separation and termination agreements, assessment information, social insurance data and other information you may provide to us, such as emergency contacts and other individuals (such as spouse, family members, dependents, and beneficiaries). EU Personal Data may also include job reference information, such as reference name and contact information, previous employer information, and title and assessment information from your previous employer. If we collect sensitive EU Personal Data we will obtain your rights as required by the Privacy Shield or other applicable data protection law, including for any processing of your sensitive EU Personal Data, for any disclosure of your sensitive EU Personal Data to third parties, or before we use your sensitive EU Personal Data for a different purpose than it was submitted to us.

You may be under a statutory or contractual requirement to provide certain EU Personal Data to us. In the event you do not do provide such information to us, we may not be able to, for example, process your job application or continue your employment if we are unable to comply with statutory requirements without such information.

Purposes for processing data

We process your EU Personal Data for purposes of managing and administering pre-employment, employment, and post-employment matters related to our and our EU based companies' current, prospective, and former employees. We may process your EU Personal Data for business operations, recruiting/hiring, employee development and management, compensation and benefits, employee



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termination and postemployment matters, ethics and disciplinary investigations, administration and planning, or when required in the course of judicial or administrative proceedings, subject to all nondisclosure safeguards available. Below are listed the general categories of third parties with whom Hexagon Lincoln may share your EU Personal Data. We will only process your EU Personal Data in ways that are compatible with the purpose that we collected it for, or for purposes you later authorize. Before we use your EU Personal Data for a purpose that is materially different than the purpose we collected it for or that you later authorized, we will provide you with the opportunity to opt out. You may also opt out from disclosures of your EU Personal Data to unaffiliated third parties. Opt-out requests can be sent to the contact listed under the Questions or Complaints section below. Hexagon Lincoln maintains reasonable procedures to help ensure that EU Personal Data is reliable for its intended use, accurate, complete, and current. Job applicants may be asked to take an online assessment that automatically evaluates whether the applicant may be a good fit within the organization and the position. We use such assessments in deciding whether to extend a job offer to the job applicant. Job applicants may decline such assessment and can instead request an in-person interview at a mutually agreed to location, date, and time.

Legal basis for processing data

In order to process your EU Personal Data, including any sensitive EU Personal Data, we may rely on one or more of the following legal bases: consent to the processing; processing is necessary for the performance of a contract to which you are a party; processing is necessary in order to take steps at your request prior to entering into a contract; compliance with a legal obligation of the EU or a member state of the EU to which we are subject; processing is necessary to comply with your vital interests; and for the purposes of our legitimate interests. Where processing is based on our legitimate interests, those legitimate interests include carrying out our obligations related to hiring/recruitment, employment, or postemployment matters and for internal administrative matters.

Data transfers to third parties

To the extent allowed by applicable law, we may disclose your EU Personal Data to a third party: (i) as described in this section, (ii) with your consent, or (iii) where such third party is a buyer or other successor in the event of a merger, acquisition, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets or equity, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which EU Personal Data held by us is among the assets transferred or (iv) when seeking resolution of ethical, moral, and legal business misconduct. You have the right to opt out of having your EU Personal Data disclosed to an unaffiliated third party or used for some reason other than that for which the data was originally collected. To opt out of such disclosures, please email privacy.hl@hexagonlincoln.com or contact Hexagon Lincoln as provided in the Questions or Complaints section below. Hexagon Lincoln may disclose your EU Personal Data to Hexagon group companies. If we transfer your EU Personal Data to one of a Hexagon group company, we will take steps to ensure that your EU Personal Data is protected with the same level of protection that the Privacy Shield requires.



Hexagon Lincoln may transfer your EU Personal Data to our third-party agents or service providers who perform functions on our behalf, including for example outside accountants and lawyers, consultants, and cloud service providers. Where required by the Privacy Shield or other applicable data protection law, we enter into written agreements with those third-party agents and service providers requiring them to provide the same level of protection the Privacy Shield or other applicable data protection law requires and limiting their use of the EU Personal Data to the specified services provided on our behalf. We take reasonable and appropriate steps to ensure that those third-party agents and service providers process EU Personal Data in accordance with our obligations under the Privacy Shield and other applicable data protection law and to stop and remediate any unauthorized processing. Under certain circumstances, we may remain liable for the acts of our third-party agents and service providers who perform services on our behalf for their handling of EU Personal Data that we transfer to them. Under certain circumstances, we may be required to disclose your EU Personal Data in response to valid requests by public authorities, including without limitation to meet national security or law enforcement requirements. If we receive a request for your EU Personal Data, we may disclose your EU Personal Data if we reasonably believe disclosure is in accordance with or required by any applicable law, regulation, or legal process. As allowed by applicable law, we may share your Information with third parties to enforce our contracts or policies, investigate and prevent fraud or security issues, or otherwise protect and defend our rights, property, or safety or that of third parties.

Security of data

All EU Personal Data processed by Hexagon Lincoln is maintained in a secure data center and/or otherwise subject to reasonable and appropriate access protection. Further, Hexagon Lincoln maintains reasonable and appropriate security measures to help protect your EU Personal Data from loss, misuse, unauthorized access, disclosure, alteration, or destruction in accordance with the Privacy Shield and other applicable data protection law. These measures include appropriate technical and organizational measures to ensure a level of security appropriate to the risk. While Hexagon Lincoln strives to secure EU Personal Data, even strict security measures do not guarantee the security of any information, and Hexagon Lincoln cannot guarantee that the EU Personal Data it seeks to protect will be protected in all circumstances, including those beyond its reasonable control. Hexagon Lincoln limits access to EU Personal Data to only those persons in Hexagon Lincoln who have legitimate and specific business reasons. Only employees who need EU Personal Data to perform a specific job are granted access to it. Any employee granted access to EU Personal Data is trained and kept up to date on our privacy and security practices. During training, they are made aware of their responsibilities to protect the security, confidentiality, and integrity of EU Personal Data. Hexagon Lincoln will conduct regular and random audits of its privacy practices to verify adherence to this policy. Any employee that Hexagon Lincoln determines is in violation of this policy will be subject to disciplinary action up to and including termination of employment.

Your rights

You may exercise any of the rights described in this section by submitting a written request to Hexagon Lincoln to the contact set forth below in the Questions or Complaints section. We may request specific



information from you to confirm your identity. Your rights under the Privacy Shield and applicable data protection law may include, subject to any exemptions provided by applicable law:

Right to Access and Correction: You may have the right to access your EU Personal Data that we hold about you and to request that we correct, amend, or delete it if it is inaccurate or processed in violation of the Privacy Shield or other applicable data protection law.

Right to Withdraw Consent: Where you have provided your consent to the processing of your EU Personal Data by Hexagon Lincoln you may withdraw your consent at any time by sending a communication to the Hexagon Lincoln contact listed below specifying which consent you are withdrawing. Please note that the withdrawal of your consent does not affect the lawfulness of any processing activities based on such consent before its withdrawal.

Right to Restrict Use: You may have the right to restrict our use of your EU Personal Data, including for example when you object to the processing of your EU Personal Data on the basis of legitimate interests or you object to the accuracy of your EU Personal Data we hold.

Right to Complain about Processing: You may have the right to lodge a complaint about our processing of your EU Personal Data with a supervisory authority in the EU.

Right to Object to Processing: Applicable data protection law may entitle you to require us not to process your EU Personal Data for certain specific purposes (including profiling or automated decision making) where such processing is based on our legitimate interests. If you object to such processing pursuant to applicable data protection law, we will no longer process your EU Personal Data for these purposes unless we can demonstrate compelling legitimate grounds for such processing or such processing is required for the establishment, exercise, or defense of legal claims.

Right to be Forgotten: You may be entitled in certain situations to request that we erase your EU Personal Data. Please note that if you request the erasure of your EU Personal Data: We may retain and use your EU Personal Data to the extent necessary to comply with our legal obligations or if required for the establishment, exercise, or defense of legal claims. For example, for our tax, legal reporting, and auditing obligations.

Right to Data Portability: In some cases, you may have the right to require that we transmit your EU Personal Data to another data controller.

[How long we retain your data](#)

We keep your EU Personal Data for no longer than reasonably necessary for the purposes described herein or for other essential purposes such as complying with our legal obligations, resolving disputes, and enforcing our agreements. Generally, our EU sister companies may hold your EU Personal Data as well as Hexagon Lincoln. In general, once you have resigned your position with one of our EU sister companies your EU Personal Data is removed from Hexagon Lincoln systems, including any backups, in the normal course of business and generally within 12 months. Our EU sister companies may retain your EU Personal Data. We use the following criteria to further determine how long to retain your EU



Personal Data: How long such data is reasonably needed for the purposes described herein. This is a key consideration underlying our data retention policies for your EU Personal Data. If the data is of a sensitive type, a shortened retention time may be more appropriate. For example, whether we have announced a specific data retention period that would apply to such data or whether we are subject to a legal, contractual, or other similar obligation to retain the data. Because these needs can vary for different data types, actual retention periods can vary significantly.

Changes to this privacy policy

We reserve the right to amend this policy from time to time. Any such amendment that affects EU Personal Data will be consistent with the Privacy Shield's requirements and other applicable law. Unless otherwise provided by applicable law, use of EU Personal Data we collect is subject to the policy in effect at the time such EU Personal Data is collected. If we make changes to this policy, the revised policy will be posted on <http://www.hexagonlincoln.com>. In some cases, individuals will be notified by e-mail of changes to what information we collect, how we use it, and how it is disclosed. The date the policy was last revised is identified below. Please periodically check this date to determine when the policy was last updated.

Questions or complaints

In compliance with the Privacy Shield Principles, Hexagon Lincoln commits to resolve complaints about our collection or use of your personal information. EU individuals with inquiries or complaints regarding our Privacy Shield policy should first contact Hexagon Lincoln or our GDPR EU representative as listed below.

Contact at Hexagon Lincoln:

George Siedlecki
Chief Financial Officer
Hexagon Lincoln LLC
5150 NW 40th Street
Lincoln, Nebraska 68524, USA
Phone: +1 402-470-5000
privacy@hexagongroup.com

You may also contact our EU affiliate as follows with any questions or complaints:

Michael Kleschinski
Managing Director
Hexagon xperion GmbH
Otto-Hahn-Straße 5
34123 Kassel, Germany
Phone: +49 561-585-490



Our data protection representative in EU is:

Hexagon xperion GmbH
Otto-Hahn-Straße 5
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Policy effective date: September 19th, 2018

Policy last revised: November 26th, 2018