

## **PRIVACY NOTICE**

### **Marubeni Anti-Corruption Hotline**

#### **1. Purpose and Scope of this Notice**

Marubeni Corporation (***Marubeni***) and its subsidiaries are committed to ensuring that any personal data received in the context of reports made by employees, directors or business partners to the compliance access point Marubeni Anti-Corruption Hotline (“MACH”) is handled in accordance with applicable data protection laws. In this Notice, “Marubeni” and “we” refers to Marubeni as defined above.

This Notice describes how we, acting as data controller, collect, store, use and disclose personal data obtained through the reports made in MACH

In this Notice, personal data means any information relating to you or by which you may be identified.

Marubeni also applies a series of internal policies which contain further information on the MACH, in particular the Compliance Manual and the Anti-Corruption Handbook (the ***Policies***) which can also be found here <https://www.marubeni.com/en/company/governance/measure/compliance/>.

#### **2. What categories of personal data do we process?**

When you (in a non-anonymous manner) report facts in the MACH, we may collect, store, use and disclose the following categories of personal data relating to you such as your name, job title, job position, location, employer, relationship with the organisation, e-mail address, telephone number and any other data that you spontaneously provide to us in the context of your report, for example identity, function and facts reported about a suspected violation.

Any personal data provided by a reporter which is not strictly necessary for the purposes of MACH will be erased and therefore disregarded if an investigation is pursued.

#### **3. How we use your personal data**

We will collect, store, use and disclose your personal data, within the limits set out in this Notice and in the Policies, for the purposes of (i) protecting the rights, property and safety of Marubeni and its subsidiaries and any of its staff, customers and other business partners and conducting investigations for this purpose and (ii) complying with applicable laws, regulations and rules.

In most cases we need this personal data in order to track down non-compliance within Marubeni, in the context of labour relationships with employees of Marubeni or commercial relationships with business partners. This includes corruption-related issues (e.g. bribery, money laundering, illicit accounting, etc.) in the case of MACH.

The personal data collected through MACH enables us to carry out an investigation of the reported facts (which includes timely informing the reported person about the content of the relevant report) and to comply with our obligations under applicable domestic laws.

#### **4. Legal grounds for processing**

Within the framework of the use of MACH, your personal data will be processed on the basis of at least one of the following legal grounds:

Marubeni’s legal obligation (in jurisdictions where Marubeni operates and in which it is compulsory to implement whistleblowing systems);

Marubeni’s legitimate interest to:

- ensure that Marubeni and its employees comply with laws, regulations and internal rules at any time;
- protect Marubeni and/or its employees from harm, by preventing or detecting illegal activities, suspected fraud or situations involving potential threats to the safety of any person or violations of Marubeni's policies or terms; or
- protect tangible and intangible assets of Marubeni, its suppliers, customers and other business partners.

your explicit consent to provide personal data when reporting through MACH.

In performing processing activities based on Marubeni's legitimate interest(s), Marubeni will ensure that there is a proper balance between its legitimate interests and your legitimate interests and fundamental rights and freedoms.

## **5. Data sharing**

For the purposes described in this Notice, your personal data will be shared (i) internally with the members of the Corporate Compliance Department located in Tokyo, the Chief Compliance Officer and, as the case may be, members of internal departments and of group companies that would be involved depending on the type of offence (for members of group companies, in case where the reports relate to their group companies) and (ii) externally between Marubeni and, as the case may be, its professional advisers and service providers (e.g. the external provider operating the portal of MACH).

Marubeni may also share your personal data:

with governmental, quasi-governmental or judicial authorities or regulators if Marubeni is so requested or if it is indispensable in the context of the investigation of the reported facts; or

with a tribunal, court or arbitrator in the event of any litigation or dispute.

When we share your personal data as described above, we will do so in accordance with applicable data protection laws and will, where necessary, put in place appropriate or suitable safeguards to protect your personal data.

## **6. International transfers**

We will transfer your personal data to countries other than the country in which that data was originally collected (essentially to Japan). If we transfer your personal data to countries which may be outside the European Economic Area and may be countries which the European Commission has decided do not yet have an adequate level of data protection, we will do so in accordance with applicable data protection laws and will, where necessary, put in place appropriate or suitable safeguards to protect your personal data (e.g. intra group transfer agreements, contractual safeguards with third parties).

## **7. Retention of your personal data**

As a general rule, we will delete or anonymise the personal data collected through MACH 5 years after the necessary investigation is closed, unless the Head of the Compliance Control Department decides not to do so for justified reasons. By way of exception, reports sent by email will be retained for 10 years, since emails are stored for a period of 10 years for compliance reasons.

Justified reasons should include (but not be limited to): (1) to avoid being charged with destruction of evidence (including being accused by the authority (DOJ etc.) that Marubeni is not cooperative as Marubeni fails to submit adequate evidence, breaking discovery rules), (2) to secure necessary evidence to support Marubeni's possible future claims, (3) retention requirements and statutes of limitation in the jurisdictions where Marubeni operates.

## **8. Your rights in relation to your personal data**

You have various rights in relation to the personal data we hold about you, including rights to:

request access to any personal data held about you by Marubeni and be provided information in relation to that data;

request that your personal data be transferred to another data controller or provided in a format that will permit this transfer;

have inaccurate personal data amended or erased, and to have incomplete personal data completed;

request the erasure of your personal data;

request that we restrict the processing of your personal data;

object to the processing of your personal data ;

withdraw your consent at any time where your personal data is processed with your consent, including any consent you have given to decisions that affect you being taken solely by a computer or other automated process (including profiling), without affecting the lawfulness of any processing based on your consent before its withdrawal; and

lodge a complaint with a supervisory authority.

You should however know that these rights are subject to certain conditions and that they are limited in certain circumstances.

## **9. Status of this Notice**

This Notice applies to the users of MACH and extends to all countries in which Marubeni operates MACH.

Any change to this Notice will become effective when Marubeni notifies you of the revised Notice. This Notice does not form part of any contract of employment or other contract to provide services.

## **Contact details**

If you have any questions about this Notice or Marubeni's use of personal data, you can contact us at the following email address [compla@marubeni.com](mailto:compla@marubeni.com) or at:

Marubeni Corporation Compliance Committee, 4-2, Ohtemachi 1-chome, Chiyoda-ku, Tokyo 100-8088 Japan

**Effective Date:** 2018/10/01