



## **Privacy Notice regarding the collection of personal data in connection to your job application (Art. 13, Art. 14 GDPR)**

In connection with your job application at EMnify GmbH, this Privacy Notice provides information on how we collect and process your personal data in accordance with Articles 13 and 14 of the EU General Data Protection Regulation (GDPR).

### **I. Who is responsible for data processing, and who is the data protection officer?**

EMnify GmbH, Landsteiner Str. 4, 97074 Würzburg, Germany (- *above and hereinafter referred to as “Emnify” or “we”* -) is responsible for processing your personal data. You can contact Emnify at [info@emnify.com](mailto:info@emnify.com) or by visiting our website: [www.emnify.com](http://www.emnify.com). Our data protection officer at AGOR AG ([www.agor-ag.com](http://www.agor-ag.com)) can be contacted per email at: [info@agor-ag.com](mailto:info@agor-ag.com) or by phone at: +49 (0) 69 9494 32 410.

### **II. What categories of personal data do we use, and where do we get them?**

When applying for a job at Emnify, we will collect and process certain categories of personal data. These may include, in particular:

- Your base data (e.g., first name, last name, name affixes)
- Contact details (e.g., your private address, e-mail address, (mobile) phone number)
- Your professional background and qualifications, including information from your CV such as your educational history, professional skills, completed training, language abilities, test results, driver’s license, and application photo
- Special categories of personal data such as details on disabilities, health, religious affiliation, ethnic origin or nationality are processed only when legally required or upon your voluntary disclosure in your application
- In special cases, your IP-address.

We typically collect your personal data directly from you during the application process. In specific cases, due to legal requirements we may obtain your data from public authorities, such as the Federal Employment Agency (“*Agentur für Arbeit*” or “*Jobcenter*”). In addition, we may receive your application data from third parties you have authorized, such as recruitment agencies. If there are individual cases where we do not collect your personal data from you directly, we will inform you on this beforehand. The processing of personal data usually takes place electronically. This is particularly the case when we receive application documents electronically, for example by e-mail, via our career page etc.

### **III. Assessment tools**

#### **1. Ropes.AI**

As part of our hiring process, where applicable, we use a technical assessment tool from our service provider, Ropes.AI, 33 Irving Place, New York, NY 10003, USA (“Ropes.AI”), to efficiently and accurately evaluate the programming skills of applicants.



We utilize the Ropes.AI tool to create and customize programming challenges for applicants to solve during the hiring process. The platform automatically evaluates these submissions based on pre-defined criteria, including code correctness, performance, and efficiency. Additionally, the tool provides the option for live coding assessments during interviews. To enable these functions, Ropes.AI processes the applicants name, email address, and IP address. We use our recruitment software, Greenhouse, to email applicants an invitation to a technical assessment hosted on the Ropes.AI platform. To facilitate this, the only applicant data transferred from Greenhouse to Ropes.AI is your email address. The legal basis for the processing of personal data are the preparatory measures for the employment relationship pursuant to Section 26 (1) BDSG. For more details on how Ropes.AI handles your data, please see the Ropes.AI privacy policy at: [https://cdn.prod.website-files.com/65215c099d5fc43ae5f1534f/659821ebd43a6511a7e81df6\\_privacy.pdf](https://cdn.prod.website-files.com/65215c099d5fc43ae5f1534f/659821ebd43a6511a7e81df6_privacy.pdf).

## 2. HiPeople

Additionally, we use Assessment Modules to evaluate the applicants' soft skills competencies (e.g. communication, language proficiency etc.) and a References Check platform. These services are provided by HiPeople GmbH, Zionskirchstraße 73a, 10119 Berlin ("*HiPeople*"). The Assessments Modules are rooted in psychological research and they usually contain between five and ten rating questions. More information about the Assessment Modules is available here: <https://docs.hipeople.io/en/articles/9937834-assessments-overview>. The Reference Checks are conducted using the HiPeople platform. Applicants will be prompted to enter the contact details for their chosen referees, such as former managers, peers, or direct reports. The referees will then receive an invitation to complete a confidential online survey at their convenience. This ensures a quick and straightforward reference check process. For more details about the Reference Checks, please review <https://docs.hipeople.io/en/articles/9189104-reference-check-referee-faq>. For a detailed explanation of how HiPeople collects, secures, and manages this data, please review their privacy policy: <https://www.hipeople.io/privacy-policy>.

## IV. Recording of video interviews within the application process

We might record your video interview in order to avoid assessment errors and create a consistent and inclusive candidate experience. The recording process is voluntary. Your personal data, particularly your name, e-mail address and video and voice recordings are processed by us in order to evaluate our interviewer's interviewing technique.

We use the services provided by Metaview Global Limited, 21-33 Great Eastern Street, London, EC2A 3EJ, UK ("*Metaview*"). Metaview provides an interview intelligence tool which we use for the above-mentioned purposes. For further information, please refer to Metaview's Privacy Policy: <https://www.metaview.ai/privacy-policy>. The assessment process only applies to our interviewers. Job candidates' performances are not analyzed. Access to your stored data is granted to Emnify employees who are responsible and/or involved in the recruitment process. Within the scope of the intended use, the Emnify employees ensure that the confidentiality of the data is maintained. It is important to us to ensure the highest possible protection of your personal data. All personal data collected and processed by us is protected against unauthorized access and manipulation by technical and organizational measures. The legal basis for this processing of data is your



freely given consent in accordance with Art. 6 Par. 1 S. 1 lit. a GDPR. You have the right to withdraw your consent at any point in time. The withdrawal of your consent does not have any negative effects regarding your ongoing application process. Your personal data will only be stored as long as necessary to fulfill the above-mentioned purposes. This means that the video interview and transcript will be deleted after six months.

## **V. Legal basis and purposes of data processing**

We process your personal data in compliance with the provisions of the EU General Data Protection Regulation (GDPR), the German Federal Data Protection Act (BDSG) and all other relevant laws (e.g. BetrVG, ArbZG, etc.). The primary purpose of data collection and processing is to handle the application process. The primary legal basis for this is Art. 6 para. 1 s. 1 lit. b, Art. 88 GDPR, in conjunction with Section 26 para. 1 BDSG. If necessary, we also process your data based on Art. 6 para. 1 s. 1 lit. f GDPR to safeguard our legitimate interests or those of third parties (e.g., authorities). This is particularly relevant in the investigation of criminal offenses (legal basis Section 26 para. 1 s. 2 BDSG) or within the corporate group for purposes of group control, internal communication, and other administrative purposes, as well as for statistical purposes. The company-wide processing of personal data of employees is also necessary for cost-saving reasons, to simplify and expedite internal processes, to prevent errors, and in the interest of data economy and minimization. We process your data to fulfil our legal obligations as a company, especially in the field of tax and social security law. This is done based on Art. 6 para. 1 s. 1 lit. c GDPR. To fulfil our legal obligations in the field of social security law, this is carried out based on Article 6 para. 1 s. 1 lit. c GDPR. If necessary, we obtain your revocable consent at any time pursuant to Article 6 para. 1 s. 1 lit. a GDPR for the processing of your data in the following cases: transfers within the corporate group, extended storage duration of application documents or applicant pool, assessment sessions. Furthermore, due to European anti-terrorism regulations 2580/2001 and 881/2002, we are obligated to compare your data against the so-called "*EU terrorist lists*" to ensure that no funds or other economic resources are provided for terrorist purposes. We will provide you with prior notice if we intend to process your personal data for any purpose not previously identified.

## **VI. Who receives your data?**

Internal access to your personal data is restricted to authorized personnel. This includes individuals and departments assigned to manage the application process and those responsible for the final hiring decision.

Within our corporate group, your data may be transmitted to specific companies that centrally perform data processing tasks for the affiliated companies in the group (e.g., applicant pool, disposal of application documents). In addition, to fulfil our contractual and legal obligations, we also engage various service providers. You can refer to the overview for a list of subcontractors and service providers with whom we maintain more than temporary business relationships.

Service Provider	Address	Scope of the service
Greenhouse Software, Inc. Greenhouse HR	8 Park Ave. S PMB 14744. New York, New York 10003-1502	Recruiting tool
LinkedIn Ireland Unlimited Company	Wilton Place Dublin 2, Ireland	Social networking site designed for the professional community used for recruiting services.
Chapter 2 Germany GmbH	c/o Tripleye GmbH, Glogauer Strasse 2 10999, Berlin, Germany	Recruitment Services
HiPeople GmbH	Chorinerstrasse 7, 10119 Berlin	Assessment tool and Reference Checks
Ropes AI	33 Irving Place, New York, New York 10003, USA	Assessment tool
Metaview Global Limited	21-33 Great Eastern Street, London, EC2A 3EJ, UK	Interview intelligence tool

Furthermore, we may transmit your personal data to additional recipients outside the company, as far as necessary to fulfil contractual and legal obligations as an employer. These may include, for example:

- Authorities (e.g., immigration office, Federal Employment Agency, courts)
- Applicant's bank in the case of, for instance, reimbursement of travel expenses
- Legal representatives
- Former employers with appropriate consent

#### **VII. What rights can you assert as the data subject?**

You have the right to obtain information about your personal data, as well as the right to rectification, erasure, restriction of processing, the right to object to processing, and the right to data portability. If you have given us your consent to use your data, you can withdraw it at any time without giving a reason. The rights can be exercised by sending an email to [dataprotection@emnify.com](mailto:dataprotection@emnify.com) and [legal@emnify.com](mailto:legal@emnify.com) or by letter to EMnify GmbH, Landsteiner Str. 4, 97074 Würzburg, Germany. In addition to the rights mentioned above, you also have the right to contact the relevant supervisory authority if you believe that the processing of your data is not compliant with the GDPR.

#### **VIII. How long will your data be stored?**

Companies and employers in Germany are subject to numerous legal retention obligations, particularly under the German Fiscal Code (AO) and the German Commercial Code (HGB). Regardless, in the employment relationship, a general retention period of three years according to Section 195 BGB applies. If we enter an employment contract with an applicant, the transmitted data will be stored for the purpose of handling the employment relationship in compliance with legal regulations. If no employment contract is concluded with the applicant, the application documents will be deleted no later than six months after the rejection decision is communicated, unless deletion is opposed by other legitimate interests of Emnify. A legitimate interest in this context is, for example, an obligation to provide evidence in a procedure under the German General Equal Treatment Act (AGG). If consent is given for extended storage, inclusion in the applicant pool, and/or data transfer within the



corporate group, deletion will occur only after the expiration of this period, unless the applicant grants us consent again for the aforementioned purposes.

#### **IX. Data transfer**

Should we transfer personal data to service providers or companies outside the European Economic Area (EEA), the transfer will only take place if the third country has been confirmed by the EU Commission to have an adequate level of data protection or if other appropriate data protection guarantees (e.g. binding corporate rules or EU standard contractual clauses) are in place. You can request detailed information on this and on the level of data protection at our service providers in third countries using the contact information above. There is a potential transmission of your personal data to the UK and the US. Moreover, certain personal data is processed by the companies in the USA. Under the so-called "Data Privacy Framework" (DPF), the EU Commission has also recognized the level of data protection as safe for specific companies from the USA in the adequacy decision dated July 10, 2023. The list of certified companies and additional information about the DPF can be found on the website of the U.S. Department of Commerce at <https://www.dataprivacyframework.gov/s/participant-search>. Additionally, certain personal data is processed by the companies in the UK. On June 28, 2021, the European Commission issued an adequacy decision for the United Kingdom, designating it as a safe third country. Therefore, the transfer of personal data remains compliant with data protection regulations after Brexit.

#### **X. Are you obligated to provide your data?**

In the context of the application process, you are required to provide the personal data necessary for the establishment of the employment relationship or the collection of which we are legally obligated. Without this data, we will not be able to proceed with the employment contract with you.

#### **XI. To what extent are automated individual decision-making, including profiling applied?**

No automated individual decisions or profiling measures take place.

#### **XII. Is there joint controllership for the processing of the above-mentioned data?**

In the context of processing your personal data in the applicant management, we share responsibility for certain processing operations within the Emnify Group (known as Joint Controllership). To ensure the security of your data, such processing is carried out exclusively based on an agreement according to Article 26 para. 1 GDPR. Therefore, the respective responsibilities for fulfilling obligations under the GDPR regarding joint controllership are established. Joint controllership includes the following processing activities: human resources management. Please refer to the individual sections on processing operations in this Privacy Notice for more information, especially regarding the processed personal data or the legal basis.

For the processes mentioned above, Joint Controllership exists with:



- EMnify, Inc., 1013 Centre Road, Suite 403S, Wilmington, New Castle, 19805
- EMnify Brasil Ltda., São Paulo, State of São Paulo, at Rua Verbo Divino, 1488, 3º Andar, Sala 31-C, Chácara, Santo Antônio, 04719-904
- Emnify Poland sp. z o.o., pl. Władysława Andersa 3, floor 11, 61-894 Poznań, Polen

Requests from data subjects related to joint controllership that are received by us will be forwarded to the respective partner if they concern that partner. Nevertheless, you have the right to exercise your rights as a data subject under the GDPR with both us and any other controller. Further information about your rights can be found in Section VII of this document.

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