

## LEGEND BRANDS, INC.

### Employment Applicant Privacy Notice (Canada, Europe, and the United States)

#### **Scope and Overview**

This Employment Applicant Privacy Notice (“Notice”) describes how LEGEND BRANDS, INC. and its affiliates (collectively the “Company”) collect and use Personal Information during the employment application and recruitment process. This Notice *applies to job applicants only* and applies to all employment positions to which one applies. For purposes of this Notice, the term “Personal Information” refers to any information, or a combination of pieces of information, that can reasonably identify an individual, and that is subject to, or otherwise afforded protection under, an applicable data protection law, statute, or regulation.

This Notice describes the Personal Information that the Company could collect, use, retain, and disclose to third parties during the employment recruitment and application process. The Company will implement and maintain measures to seek to ensure, to the extent practicable, that Personal Information in the Company’s possession, custody, or control is adequate, relevant, not excessive, and used for the limited purposes for which it was collected.

If a job applicant does not provide the Company with the Personal Information we requested and that is necessary for the Company to consider an employment application (e.g., evidence of qualifications or work history), then the Company will not be able to process the employment application and shall not be held liable for any results related thereto.

#### **Collection of Personal Information**

The Company may collect Personal Information from you (i.e., the candidate), our recruitment vendors, background and credit check providers, public agencies responsible for assisting in the employment eligibility and verification process, publicly available sources, and your identified references. The Company may collect and process the following categories of Personal Information about you:

- Contact information, such as your name, residential or postal address, telephone number, and personal email address.
- The information in your curriculum vitae (“CV”), resume, cover letter, or similar documentation, or information otherwise obtained during the course of your interview or other engagement with us.
- Details regarding the type of employment sought, willingness to relocate, and job, compensation, and benefits preferences.
- Information related to your education, background, criminal record, credit history and similar data.
- Data provided by you (including from your publicly available social media accounts), your references, or other third parties related to your employment and professional history, skills, or qualifications.
- Information related to previous applications to the Company, or previous employment history with the Company.
- Potentially “sensitive data” about you or others, including Personal Information about your race, ethnicity, national origin, and health, such as any medical condition or disabilities you may have.

#### **Website Privacy Policy**

For information regarding how the Company collects data on our website or our other online services, including if you submit your application online, or during any other engagement with us, please see our website privacy policy at <https://www.rpminc.com/about-rpm/privacy-policy/>

#### **How the Company Uses Personal Information**

The Company uses your Personal Information, as applicable law permits or requires, to satisfy our employment application and recruitment process, or for our other legitimate business interests. For example, the Company may use Personal Information for the following purposes:

- Identifying and evaluating job applicants, including assessing skills, qualifications, and interests.
- Verifying your information and completing employment, background and reference checks, which may be subject to your consent where required by applicable law.
- Communicating with you about the recruitment process and your application.
- Complying with our legal, judicial, regulatory, administrative, or other corporate requirements, including requirements mandating that we conduct criminal record, employment eligibility, immigration, and other background checks.
- Analyzing and improving our application and recruitment process.
- Accommodating individuals who may have specialized needs during the employment process.
- Protecting the rights, interests, and property of the Company, other applicants, employees, or the public, as required, or permitted, by law.

The Company will only use your Personal Information in accordance with this Notice, and if we need to use your Personal Information for an unrelated purpose, we will, to the extent practicable, provide notice to you and, if required by law, seek your consent. The Company may use your Personal Information without your consent, where permitted by applicable law or regulation. The Company will only use and process sensitive data (as described above) if permitted or required by law, and the Company will seek your consent to use such sensitive data, if

consent is required as a matter of law.

### **Data Sharing**

The Company will disclose your Personal Information to appropriate individuals within the Company, including to any affiliate company, who are involved in the employment application and recruitment process. The Company may also disclose your Personal Information to our designated agents, or third-party service providers, who require such information to assist the Company with conducting our routine business needs and administering our employment application and recruitment process, such as obtaining employment verification and background checks. The Company will share your Personal Information with third parties when required to do so by law, or by regulatory requirements to which you, or we, are subject. The Company may share Personal Information where it is necessary to administer our working relationship with you, or where we have another legitimate business interest in doing so, such as where it is necessary for the operation of our business or to defend our business or legal interests.

The Company may also share your Personal Information with potential acquirers of the Company. In particular, we may share your Personal Information in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some, or all, of the Company's practice or assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by the Company, in any form or format, is among the assets transferred.

### **Data Location and Retention**

The Company has locations across the globe including the United States. The information (including Personal Information) that the Company collects and processes is stored in the United States and other jurisdictions in which the Company, or our service providers, operate and such jurisdictions may not provide the same level of protections as the laws in your country of residence. The Company does not participate in the Privacy Shield Frameworks. However, the Company has implemented commercially reasonable technical, administrative, and physical security measures to safeguard Personal Information from any unauthorized use, disclosure, or access. By continuing to provide the Company with any data (including Personal Information) you hereby consent to such data (including Personal Information) being transferred to, and stored in, the United States or other jurisdictions in which the Company or our service providers operate. The Company retains employee records in accordance with industry standards and as long as needed to defend our legal and business interests.

### **Data Protection Rights**

Depending on the jurisdiction in which you reside, or where the Company conducts its data processing activities, you may be afforded additional rights or privileges under certain applicable data protection laws. Schedule 1 sets forth additional data protection rights or privileges that may apply to you.

### **Disclaimer**

With regard to any Personal Information that you provide the Company, regardless of whether that Personal Information relates to you or a third-party, you must ensure, on a continuing basis during your engagement with the Company, that (i) such Personal Information is accurate, relevant, and complete, (ii) you have the lawful basis to provide the Company with such Personal Information, and (iii) you have provided this Notice to, and/or received, consent from, any third-party whose Personal Information you have provided the Company. If you choose not to provide the Company with the Personal Information identified herein, then the Company may not be able to satisfy our own contractual or legal obligations, and in such circumstances, employment with the Company may not be permissible. You acknowledge and agree that the Company shall not be held liable for any consequence directly resulting from these circumstances.

*This Notice does not form part of any contract of employment or other agreement to provide services or impose any independent obligation on the Company to proceed with any business transaction or agreement, it and does not create any employment or professional relationship between you and the Company.*

### **Contact**

If you have questions, concerns, or comments related to how the Company processes your Personal Information, including whether you would like to exercise the rights and privileges described herein, please contact the Company at [dataprotection@rpminc.com](mailto:dataprotection@rpminc.com) <https://www.rpminc.com/about-rpm/privacy-policy/>.

**Amendment Date:** This Notice was last amended on January 1, 2020.

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## JURISDICTION SPECIFIC DATA PROTECTION RIGHTS

If your Personal Information is subject to, or afforded protection under, any of the following data protection laws, then you are entitled to receive notice of the following:

### Canada

If you would like (i) information about the Company's data practices with respect to service providers outside Canada, or how such service providers collect, use, disclose or store Personal Information, or (ii) to file a complaint, or raise concerns about, our data processing activities, please contact the Company at [dataprotection@rpminc.com](mailto:dataprotection@rpminc.com) or otherwise in accordance with the instruction set forth in our website privacy policy: <https://www.rpminc.com/about-rpm/privacy-policy/>.

### European Economic Area

The Company processes Personal Information in accordance with the legal bases set forth in the European Union ("EU") General Data Protection Regulation (EU 2016/679) ("GDPR"). For example, our processing of Personal Information (as described in this Notice) is justified based on the following GDPR provisions, which are not mutually exclusive: (i) processing may be based on consent; (ii) processing may be necessary for our legitimate interests as set forth herein; (iii) processing may be necessary for the performance of, or preparation for, a contract to which you and we are a party; and, (iv) processing may be required to comply with a legal or statutory obligation in the EU or in an EU Member State. For the avoidance of doubt, any and all applicants that submit an employment application to the Company hereby consent to the Company's data processing of any Personal Information therein; in the event that an applicant withdraws his/her consent to such data processing, the Company may still collect, retain, and use such Personal Information in accordance with its legitimate business interests and legal and regulatory requirements.

To the extent permitted by the GDPR or EU Member State law, you may request (i) access to your Personal Information, (ii) the correction/rectification of any incomplete or inaccurate Personal Information that the Company retains about you, and (iii) the deletion/erasure of Personal Information in the Company's possession, custody, or control. To the extent permitted by the GDPR, or an EU Member State law, you may request the Company stops/ceases processing your Personal Information where we are relying on a legitimate business interest for doing so. You may request that the Company transfer your Personal Information to another party. In the limited circumstances where you have provided your consent to the Company collecting, processing, and transferring your Personal Information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time, and once we have received notification that you have withdrawn your consent, we will no longer process your Personal Information for the purpose you originally agreed to, unless we have another legal basis for doing so. To file a complaint, or raise concerns about, our data processing activities, please contact the Company at [dataprotection@rpminc.com](mailto:dataprotection@rpminc.com) or otherwise in accordance with the instruction set forth in our website privacy policy: <https://www.rpminc.com/about-rpm/privacy-policy/>. You may also raise any issues, concerns, or complaints regarding the processing of your Personal Information to the attention of an applicable supervisory authority, a list of which is available here: [https://edpb.europa.eu/about-edpb/board/members\\_en](https://edpb.europa.eu/about-edpb/board/members_en).

### United States

The Notice, either alone or in conjunction with other [EGEND BRANDS, INC. policies and procedures, satisfies LEGEND BRANDS, INC.'s legal obligation to draft and/or provide notice with regard to how LEGEND BRANDS, INC. collects, uses, safeguards, disposes, or otherwise processes social security numbers or similar data afforded protection under U.S. state law, including the following: Conn. Gen. Stat. Ann. § 42-471; 201 Mass. Code Regs. §§ 17.01 – 17.04; Mich. CL § 445.84; New Mex. SA 1978, §§ 57-12b-1 – 57-12b-4; N.Y. Gen. Bus. Law § 399-ddd; and, Tex. Bus. & Com. Code Ann. § 501.0.52.

### California

The California Consumer Privacy Act of 2018, as amended, ("CCPA") requires certain businesses that collect Personal Information on California "consumers" (as defined in the CCPA) to, at, or before the point of collection, inform consumer as to the categories of Personal Information to be collected and the purposes for which the categories of Personal Information shall be used. The types of Personal Information that LEGEND BRANDS, INC. collects from its employment applicants and the purposes for which such Personal Information is used, are set forth in this Notice.