



POWERED BY **FUEL**

## HAYS WORLDWIDE RESEARCH GROUP PROCESSOR DATA PROTECTION STANDARDS

### Introduction

1 As a leader in Global Marketing Research Services, Hays Worldwide Research Corporation (HWRG) dba FUEL / Focus Room, all of which are collectively referred to in the alternative as ("HWRG " or "our" or "we") provide research services that help businesses and consumers engage in marketing research nearly anywhere in the world, any time of the day, with virtually anyone in the world.

2 These Data Protection Standards express the commitment of our Executive Management to data privacy and protecting all information relating to identified or identifiable natural individuals ("Data Subjects") that HWRG processes (as defined below) while operating its business ("Personal Data") and in ensuring adequate protection of transfers of Personal Data between HWRG entities. They emphasize and clarify the key role our employees play in providing protection for the privacy of Personal Data, and set out HWRG's overall approach to privacy and data protection.

### Our Business

3 HWRG operates in numerous countries across the United States, Latin America and Canada, Asia Pacific and the Europe, Middle East and Africa. HWRG employs and partners with individuals and Corporations throughout these regions to provide marketing research

services worldwide. HWRG Corporation is the ultimate parent company of FUEL Global and Focus Room and is headquartered in the United States.

4 HWRG has business relationships with businesses to provide marketing research services for hundreds of businesses. To provide these services, HWRG may process Personal Data, whether or not by automatic means, in ways such as collection, transferring, recording, organization, storage, analyzing, using, disclosing by transmission, dissemination or otherwise making available, adaptation or alteration, retrieval, consultation, alignment or combination, blocking, erasure or destruction ("process" or "processing" or "processes" or "processed"). HWRG processes Personal Data in compliance with applicable data protection and privacy laws and our internal policies as amended and updated from time to time.

5 Due to the unique nature of our business, in most cases, HWRG obtains Customer Information from our clients and from our partners or the Data Subjects themselves. This information usually arises from a transaction initiated by a Data Subject with our partners or clients. Therefore, usually HWRG's processing of Customer Information about Data Subjects is as a processor following our clients' or partners' instructions or those of other parties excluding HWRG entities ("third party" or "third parties") from whom we receive information and ultimately governed by written contracts and/or applicable data protection and privacy laws.

## The Scope of These Data Protection Standards

6 These Data Protection Standards apply only to HWRG entities which have signed an agreement with the relevant Data Controller ensuring that the applicable HWRG entity implements adequate technical and organizational security measures to safeguard the Personal Data, will only act on the instructions of the Data Controller and contains measures relating to the Data Controller's and other third party beneficiaries' right to enforce these Data Protection Standards.

7 HWRG acknowledges that some HWRG entities may adopt their own privacy standards, policies and procedures based on the nature of their services or clients ("Local Policies"). The Local Policies must be consistent with and must meet or exceed the requirements of these Data Protection Standards.

## Categories of Data Subjects and Purposes of Processing and Transfers

8 Due to the unique nature of HWRG's business, in most cases, HWRG obtains Customer Information (defined below) from its partners and/or clients rather than the Data Subjects themselves. This information usually arises from a transaction initiated by a Data Subject with our partner /client who is usually the Data Controller in respect of the Personal Data of the Data Subject. Therefore, usually HWRG's processing of Customer Information about Data Subjects is as a processor following our clients' instructions or those of other parties (excluding HWRG entities) from whom we receive information and are ultimately governed by written contracts and/or applicable data protection and privacy laws. In providing these services, HWRG processes and transfers Personal Data including Sensitive Personal Data relating to the following classes of Data Subject:

- Our clients / partners and their customers / respondents in connection with the provision of services ("Customer Information");
- Individuals participating in marketing research;
- Other persons as appropriate to perform our clients' instructions, such as our clients' employees, suppliers, partners, contractors and contingent workers and prospective clients.

For the purposes of these Data Protection Standards, "Sensitive Personal Data" means any Personal Data about a Data Subject's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data about health or sex life, criminal record data, social security numbers and other national identifier numbers.

9 The processing and transfers undertaken by HWRG in relation to the classes of Data Subject set out above includes processing for the business purposes as determined by our clients.

## Nature of Data Transferred

10 HWRG processes and transfers a broad range of Personal Data between HWRG entities, External Sub- Processor of those entities and to third parties (which may include our clients) as relevant to the classes and purposes identified above. The types of Personal Data include:

- Customer Information: This includes contact information, including name, address and telephone numbers.
- Personal Data: As well as Customer Data, HWRG also processes contact information of its clients' employees, suppliers and vendors including name, email address and telephone numbers and such other personal data as may be required in order for HWRG to conduct business with such suppliers and vendors.

## Applicable Law and Supervising Authorities

11 All HWRG entities will handle Personal Data in accordance with these Data Protection Standards and all applicable local data protection and privacy laws and regulations including, but not limited to, the European Union Data Protection Directive (Directive 95/46/EC) and the Privacy in Electronic Communications Directive (Directive 2002/58/EC) (together the "Directives") Additionally, the Data Protection Standards must be interpreted in accordance with the Directives and all applicable data protection and privacy laws and regulations.

12 The policies and procedures described in these Data Protection Standards are in addition to any other remedies available under applicable data protection and privacy laws or provided under other HWRG policies and procedures. HWRG will take any action necessary to remedy any breach by HWRG of the rights guaranteed in these Data Protection Standards. This will include any sanction imposed or other remedy available under applicable data protection and privacy laws including compensation, where legally required. HWRG may discharge itself from this responsibility if it is able to show that the HWRG entity, which is alleged to be in breach, is not liable for the breach or such HWRG entity has discharged its liability for the breach.

13 Where applicable data protection and privacy laws provide less protection than those granted by these Data Protection Standards, these Data Protection Standards will apply. Where applicable data protection and privacy laws provide a higher protection, they will take precedence over these Data Protection Standards.

14 HWRG shall co-operate as reasonably required with any data protection authority who has approved these Data Protection Standards ("Data Protection Authority"). Any questions about HWRG's compliance with applicable laws and regulations should be addressed to the appropriate HWRG Counsel who will consult with the relevant Data Protection Authority, where applicable. Each Data Protection Authority is authorized to audit any HWRG entity and advise on all matters related to these Data Protection Standards. HWRG entities must follow any advice given by them in that regard, unless it conflicts with other local legal and/or regulatory requirements to which the relevant HWRG entity is bound.

15 Where a HWRG entity believes that a conflict with applicable laws prevents it from fulfilling its duties under these Data Protection Standards including following the advice of applicable Data Protection Authority, the entity will notify any affected Data Controller with whom it has a valid Services Agreement, the Local Privacy Officer and/or Chief Privacy Officer who will (in consultation with the General Counsel's Office, the relevant Data Protection Authorities, affected HWRG entities and / or the Data Controller, where necessary) responsibly decide what action to take.

## Compliance and Dispute Resolution

16 Under paragraph 4 of these Data Protection Standards, HWRG has accepted liability for breaches of these Data Protection Standards by HWRG and for taking any action necessary to remedy such breaches. HWRG shall inform the Data Controller of any complaint made by a Data Subject as soon as reasonably practicable but shall not be obliged to handle or otherwise deal with such complaint further where the Data Controller has factually disappeared, ceased to exist or become insolvent and no successor has assumed the obligations of the Data Controller. A Data Subject may only enforce these

Data Protection Standards as a third party beneficiary in these limited circumstances. A Data Subject should always pursue the Data Controller in respect of any claims resulting from issues relating to the processing of its Personal Data.

Data Subjects and /or Data Controllers alleging breach of these Data Protection Standards can enforce them only if they relate to a Transfer in the following ways:

- a) We strongly encourage Data Subjects and / or Data Controller to first raise any alleged breaches through the HWRG's personnel
- b) If the issue is not resolved to the Data Subject or Data Controller's satisfaction or if the Data Subject or Data Controller prefers in the first instance without going to the Chief or Local Privacy Officer, he or she may directly:
  - raise the issue of breach before the competent Data Protection Authority(ies) and HWRG shall co- operate as reasonably required by that Data Protection Authority;
  - bring the issue before either the courts of England and Wales, the courts of competent jurisdiction of HWRG entity making the Transfer, or the Data Controller at the Data Subject's option; or
  - if neither of the options above are applicable, bring the claim to the applicable court where the Data Subject is resident.

HWRG shall inform the Data Controller of any complaint made by a Data Subject as soon as reasonably practicable and shall co-operate with the Data Controller to assist the Data Controller to comply with its data protection obligations as agreed between the parties in the Services Agreement.

The rights contained in this paragraph are in addition to and shall not prejudice any other rights or remedies that a Data Subject may otherwise have at law including the right to compensation if appropriate.

## Communication of HWRG's Data Privacy Standards

17 HWRG takes compliance with its data protection obligations very seriously. All HWRG employees who process Personal Data will comply with these Data Protection Standards, receive a copy of these Data Protection Standards and any relevant provisions of the Services Agreement. HWRG will also post a copy of a summary of these Data Protection Standards on its internal and public websites. HWRG will make physical copies permanently available at each of its offices and in the Corporate Privacy Office.

## HWRG's Privacy Principles

18 All HWRG entities and employees will abide by the following principles when processing Personal Data.

### **A. We process Personal Data fairly and lawfully.**

- i. HWRG processes Personal Data fairly and lawfully, in accordance with all applicable laws and regulations.
- ii. Additionally, HWRG shall upon the request of the Data Controller provide the Data Controller with such information relating to its processing and the processing of any of External Sub-Processors as may be reasonably required by the Data Controller to enable it to correctly inform its Data Subjects for the purpose of "fair processing".

### **B. We obtain Personal Data only for carrying out lawful business activities.**

- i. HWRG collects, transfers, holds and processes Personal Data only in accordance with the mandates it has with its clients and otherwise in accordance with its clients' instructions.

### **C. We limit our access to, and use of Personal Data.**

- i. HWRG limits access to Personal Data to those employees who need access to this data to fulfill their responsibilities. All employees with access to Personal Data are forbidden from accessing or using this data for personal reasons or for any purposes other than fulfilling their HWRG responsibilities. We require our External Sub-Processors, contractors, agents and suppliers to adopt a similar approach to Personal Data they access in connection with providing services to HWRG.
- ii. HWRG processes Personal Data in accordance with its written agreements including the Service Agreement, the Non-Disclosure PII Protection Agreement, or with instructions from our clients or business partners (as applicable), in compliance with applicable data protection and privacy laws and in accordance with HWRG's applicable policies as amended from time to time. Our use of Personal Data received from vendors or other third parties, such as credit bureaus, is governed by written agreements and by applicable data protection and privacy laws that specify permissible uses and restrict disclosures of the information.

### **D. We transfer Personal Data as a processor only for limited purposes.**

- i. HWRG will conduct intra-HWRG entity transfers and transfers to third parties on the instructions of our clients and upon such other terms as we may agree with them and only when the following requirements have been met:
  - all applicable legal requirements are met;
  - where the transfer is to an External Sub-Processor, the transfer is as permitted by the agreements with our client or upon the instructions of our client;
  - where the transfer is to an External Sub-Processor, the receiving External Sub-Processor entity has appropriate security; and
  - the receiving party, if a HWRG entity, complies with the Data Privacy Standards for the transfer and subsequent processing.



- ii. HWRG entities may only appoint External Sub-Processors to process the Personal Data belonging to the Data Controller with the prior written consent of the Data Controller. The applicable HWRG entity has appropriate agreements with its External Sub-Processors that reflect the applicable provisions of these Data Protection Standards and informs the Data Controller of the use of any External Sub-Processors with sufficient time for the Data Controller to object to the use of that particular External Sub-Processor.
- iii. HWRG does not disclose Personal Data except in the circumstances set out in these Data Protection Standards or as required or otherwise permitted by applicable law.
- iv. Except as set out above, HWRG does not sell, rent, share, trade or disclose any Personal Data it keeps about a Data Subject to any other parties without the prior written consent of the supplying client.

**E. We use appropriate security safeguards.**

- i. HWRG employs appropriate technical, organizational, administrative and physical security measures to protect Personal Data against unauthorized or unlawful processing and against accidental loss or destruction. HWRG regularly reviews and, as appropriate, enhances its security systems, policies and procedures to take into account emerging threats, as well as emerging technological safeguards and precautions. HWRG imposes security appropriate to the risk represented by the processing and nature of the Personal Data to be protected, with all due regard to the state of the art and cost measures.
- ii. If a security breach occurs involving unauthorized access to Personal Data on a HWRG system, HWRG and its Information Technology support teams will implement the proper response required which is designed to assist HWRG in complying with applicable laws requiring notification of security breaches, with guidelines produced by the relevant Data Protection Authorities in relation to security breaches and with our duties under our customer contracts including any Service Agreement. As

appropriate or required, HWRG will also notify law enforcement authorities, financial or other regulators and/or state agencies.

- iii. Personal Data will not be transferred to a country or territory, which has inadequate data protection, laws, unless adequate safeguards are in place.
- iv. Sensitive Personal Data will only be processed in accordance with applicable data protection and privacy laws and regulations including but not limited to the Directives. This may include the use of enhanced safeguards in relation to such Sensitive Personal Data, where necessary.

**F. We provide transparency, choice and access as required by applicable data protection and privacy law.**

- i. Upon the request of the Data Controller, HWRG will assist, to the extent instructed by the Data Controller, with verifying whether its Personal Data is up-to-date and is accurate, adequate, relevant, and not excessive for the purposes for which it is processed and is kept for no longer than is necessary for the purposes for which it is being processed.
- ii. HWRG shall pass each request of a Data Subject for access to his or her own Personal Information to the Data Controller and will work with the applicable Data Controller to provide a copy of the Personal Data HWRG processes about that Data Subject as required by applicable laws and if so requested by the Data Controller. If a Data Subject asserts the Personal Data kept about him or her is incorrect, we will work with the Data Controller to rectify, block or erase the inaccuracy.
- iii. HWRG further evidences its commitment to accountability by conducting regular internal privacy assessments including in relation to the principles set out in these Data Protection Standards.
- iv. In addition, HWRG's employees are required to comply with the HWRG Code of Conduct, which sets forth our commitment to uphold the privacy and confidentiality

of Personal Data and Employment Data and various other privacy related policies. Any material violation of applicable laws, these Data Protection Standards, the Code of Conduct or relevant corporate policies by a HWRG employee may result in disciplinary action, up to and including dismissal.

- v. Finally, HWRG participates actively in relevant privacy discussions and works with other companies, organizations, consumer and advocacy groups and government agencies to ensure that HWRG is apprised of relevant developments affecting the processing of Personal Data.