

EMPLOYER PRIVACY NOTICE

Last updated 16th February 2024

1. INTRODUCTION

This privacy notice describes how HautAI OÜ (a company incorporated under Estonian law with registry code 14494738 and registered address at Telliskivi 60a/8, 10412 Tallinn, Estonia: “**HautAI**”, “**we**”, “**us**” or “**our**”) collects, uses or otherwise processes and safeguards the personal data of:

- job applicants (“**applicant**”) during the recruitment process;
- employees with whom we have entered into an employment contract (“**employee**”);
- private individuals or registered individual entrepreneurs with whom we have entered into a contract of services (“**contractor**”).

This privacy notice applies to applicants regardless of whether they apply to us or we contact them directly or through a recruitment platform, social media or other webpage, as well as in case the applicant’s personal data is forwarded to us through a recruitment agency.

In this Privacy Notice, “personal data” is defined as any information relating to an identified or identifiable natural person (“**data subject**”), regardless of their form. In the meaning of this privacy notice the data subjects are applicants, employees or contractors.

The controller of the personal data processed on the basis of this privacy notice is HautAI, who shall process the personal data in accordance with this privacy notice and applicable data protection laws, in particular with the General Data Processing Regulation (EU) 2016/679 (“**GDPR**”).

2. PERSONAL DATA WE COLLECT

2.1. Applicants’ Personal Data

We collect the following personal data about the applicants:

- (a) personal data (including name, personal identification code, date of birth, data about identification document, data about right to work documentation such as visa or residence permit, address of the place of residence, personal phone number and e-mail address, nationality, language of communication);
- (b) data about education and training (educational level, educational institution, trainings passed);
- (c) data about referees (subject to job applicant having obtained a consent from the relevant referees);
- (d) data about skills, qualifications, personal characteristics and experience;
- (e) data about previous employers (including position and length of employment);
- (f) data about the results of recruitment tests and interviews;
- (g) other data provided by the job applicant voluntarily during the recruitment process (including CVs, letters of recommendation, etc.) or data that we have become aware of during the recruitment process (including personal data from public sources).

2.2. Employees' Personal Data

We collect the following personal data about employees:

- (a) personal data (including name, personal identification code, date of birth, data about identification document, data about right to work documentation such as visa or residence permit, address of the place of residence and documentation evidencing this, personal phone number and e-mail address, nationality, language of communication), data about the employee's education (educational level, educational institution), data about skills, qualifications, personal characteristics and experience;
- (b) data about the employee's position with us (including seniority, remuneration, bonuses, benefits and fringe benefits, start and end date of employment, type of employment – part or full time, definite or indefinite term, ground of termination);
- (c) bank account number and other banking details;
- (d) details of minor children and spouse (names, personal identification code, dates of birth);
- (e) employee's emergency contact details;
- (f) vacations, sick leave days and other leaves and absences (cause and length);
- (g) occupational health related data;
- (h) data about the employee's performance results, including data about performance evaluations, data collected during internal investigations, warnings issued or other disciplinary measures used;
- (i) documentation about trainings attended by the employee;
- (j) logs of premises access cards;
- (k) data regarding usage of IT networks, systems and devices given into the employee's use by us, including communications occurring through HautAI provided e-mail or social platform accounts;
- (l) employee photos and other visuals;
- (m) employee's shirt size;
- (n) employee's dietary restrictions;
- (o) any other information that the employee has made known to us or that has become known to us during the employment relationship.

2.3. Contractors' Personal Data

We collect the following personal data about contractors:

- (a) personal data (including name, personal identification code, individual entrepreneur registration data, date of birth, data about identification document, data about right to work documentation such as visa or residence permit, address of the place of residence and documentation evidencing this, personal phone number and e-mail address, nationality, language of communication);
- (b) data about the services that the contractor provides (including start and end date of the contractual relationship, contract duration, remuneration, ground of termination);
- (c) bank account number and other banking details;
- (d) data about monitoring the quality of the services provided;
- (e) any other information that the contractor has made known to us or that has become known to us during the contractual relationship.

3. PURPOSES AND LEGAL BASES FOR THE PROCESSING OF PERSONAL DATA

3.1. We process the applicants' personal data mentioned above in section 2.1 for the following purposes and on the following legal basis:

PURPOSE	LEGAL BASIS
(a) communication with the applicant;	preparation of the conclusion of the employment contract (GDPR Art. 6 (1) (b));
(b) assessment of the experience and skills of the applicant and evaluation of the applicant's suitability to the position offered;	preparation of the conclusion of the employment contract (GDPR Art. 6 (1) (b));
(c) preparation of the conclusion of an employment contract;	preparation of the conclusion of the employment contract (GDPR Art. 6 (1) (b));
(d) background check to the extent allowed by the applicable laws;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(e) filing, enforcing or defending legal claims;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(f) ensuring effective internal administrative processes and communication related to recruitment;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(g) considering applicant for any future vacancies.	consent of the employee (GDPR Art. 6 (1) (a)).

3.2. We processes the employees' personal data mentioned above in section 2.2 for the following purposes and on the following legal basis:

PURPOSE	LEGAL BASIS
(a) ensuring the performance of the employment contract concluded with us;	ensuring the performance of the employment contract (GDPR Art. 6 (1) (b));
(b) performance of legal obligations (including obligations arising from the Employment Contracts Act, the Law of Obligations Act, the Health Insurance Act, the Taxation Act, etc);	complying with HautAI's obligations under the law (GDPR Art. 6 (1) (c));
(c) providing different bonuses, benefits, fringe benefits, leaves and training opportunities to the employee;	ensuring the performance of the employment contract (GDPR Art. 6 (1) (b));
(d) assessing the employee's performance;	ensuring the performance of the employment contract (GDPR Art. 6 (1) (b));
(e) monitoring employee's compliance with their duties under the employment contract, internal rules and applicable laws and regulations;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(f) monitoring the employee's use of work equipment, IT systems and devices, as well as monitoring and accessing	legitimate interest of HautAI (GDPR Art. 6 (1) (f));

employee's correspondence conducted through e-mail accounts and communication app accounts provided by us to the employee for the purpose of ensuring the safety of HautAI's IT networks, systems and devices and in case of justified suspicions for the purpose of carrying out internal investigations in connection of breach of duties;

- (g) protection of HautAI's or other persons property; legitimate interest of HautAI (GDPR Art. 6 (1) (f));
- (h) communication in emergency situations; protecting the vital interests of the employee (GDPR Art. 6 (1) (d));
- (i) marketing and communication management, as well as management of client relationships; legitimate interest of HautAI (GDPR Art. 6 (1) (f));
- (j) filing, enforcing or defending legal claims; legitimate interest of HautAI (GDPR Art. 6 (1) (f));
- (k) ensuring effective internal administrative processes and communication related to the employee's employment with us; legitimate interest of HautAI (GDPR Art. 6 (1) (f));
- (l) helping us to foster know-your-colleague culture, inclusion and employer branding, facilitate client communications and service promotion by including employee photos and visuals in our databases and in internal and external communication channels, as well as in various internal and external marketing and PR materials; consent of the employee (GDPR Art. 6 (1) (a));
- (m) inviting employee's minor children or spouse to HautAI organized family events, including for offering Christmas gifts to minor children or extending certain benefits also to spouses. consent of the employee (GDPR Art. 6 (1) (a)).

3.3. In order for the employee to be able to perform their duties, the employee is provided with IT devices (e.g. desktop or laptop computer, tablet, smart phone), as well as an e-mail or communication app (e.g. Teams, Google, Slack, Skype, etc.) account with or associated with HautAI's domain. The employee is obliged to use HautAI provided devices and accounts solely for employment related purposes and delete any private information or documentation, including e-mails, conversation threads, photos or clearly mark these as "private" and store these in folders marked "private." The employee is obliged to protect work-related accounts and not allow access to unauthorized persons. After termination, regardless of its legal basis, the employee's e-mail and communication app accounts will be deleted. However, we have the right to keep the employee's e-mail account open and store the e-mail and conversation histories for reasonable time after the employee's termination in order to ensure the uninterrupted continuation of work processes or in case needed in connection with filing, enforcing or defending legal claims.

3.4. We process the contractors' personal data mentioned above in section 2.2 for the following purposes and on the following legal basis:

PURPOSE	LEGAL BASIS
(a) ensuring the performance of the contract of services concluded with us;	ensuring the performance of the contract of services (GDPR Art. 6 (1) (b));
(b) performance of legal obligations (including obligations arising from the Law of Obligations Act, the Taxation Act, etc);	complying with HautAI's obligations under the law (GDPR Art. 6 (1) (c));
(c) assessing the quality of the performance of services and monitoring contractor's compliance with their duties under the contract of services;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(n) filing, enforcing or defending legal claims;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(o) ensuring effective internal administrative processes and communication related to the contractor's contractual relationship with us;	legitimate interest of HautAI (GDPR Art. 6 (1) (f));
(p) marketing and communication management, as well as management of client relationships.	legitimate interest of HautAI (GDPR Art. 6 (1) (f)).

6. SHARING OF PERSONAL DATA

Personal data processed according to this privacy notice is accessible only to those employees of HautAI who due to their position or duties have an obligation or justified interest to access and process such data (e.g. accountants, HR employees, managers in applicant's or employee's managerial line, etc.). Such employees may also include employees of the companies belonging to the same group with HautAI.

In certain cases, the employer may transfer the personal data to governmental authorities and other institutions, such as the Tax and Customs Board, Social Insurance Board, Unemployment Insurance Board, National Medical Insurance Board, Labour Inspectorate, etc. for the purposes of performing the legal obligations under the law, or to bodies settling employment or civil disputes, data protection authorities, financial supervisory authorities, police and other law enforcement institutions if required under the law or in case necessary for filing, enforcing or defending legal claims or required in connection with supervisory procedures.

The personal data may be also shared with authorised processors (sub-processors), i.e. external companies who provide certain services to us (e.g. recruitment agencies or platforms, occupational health service providers, companies facilitating provision of certain benefits (such as Udemy, Stebby, etc), external accounting or payroll companies, HR software providers (e.g. BambooHR), IT services providers, cloud service providers, etc.).

We may also have to share personal data with our auditors, financial advisors and legal counsels or with prospective buyers and their auditors, financial advisors and legal counsels in the context of contemplating a merger and acquisition or transfer of business.

Any personal data is shared by us only in accordance with the requirements of the applicable data protection laws and ensuring that any transferred or disclosed data is kept confidential and used solely for the purpose of the transfer or disclosure thereof. In case any of the external service providers engage in data processing on our behalf, we shall conclude the respective data processing agreements ensuring the compliance of the data processing to the applicable requirements.

7. TRANSFERS OUTSIDE THE EUROPEAN ECONOMIC AREA

In certain cases, we may need to transfer personal data outside the European Economic Area (EEA). In such case the data is transferred only when it is in compliance with the data protection requirements and adequate level of data protection is guaranteed. In such a case, we use adequate safeguards to protect the personal data, such as the standard contractual clauses for transfers established by the European Commission.

8. RETENTION OF PERSONAL DATA

We process the personal data only for as long as necessary for the fulfilment of the original purposes of personal data processing, which are described above, or as long as required to fulfil our legal obligations. We determine the appropriate retention period for personal data on the basis of the amount, nature, and sensitivity of the personal data being processed, the potential risk of harm from unauthorised use or disclosure of the personal data, whether we can achieve the purposes of the processing through other means, and on the basis of applicable legal requirements (such as applicable statutes of limitation or retention periods).

When the retention of the personal data is no longer necessary to achieve the purposes of processing, the data will be permanently removed.

9. DATA SUBJECT'S RIGHTS

The data subjects have the following rights regarding their personal data:

- (a) right to request access to personal data;
- (b) to the extent permitted under applicable law, right to request us to correct, update, change or erase personal data. In some cases the data subject may also have a right to object to processing of personal data. If the erasure of personal data is requested, then please note that certain personal data is strictly necessary in order to fulfil the purposes defined in this privacy notice and the processing of which may also be required by applicable law. If personal data is erased according to the data subject's request, we will only retain such copies of the information as are necessary for us to protect our or third parties' legitimate interests, comply with governmental orders, resolve disputes, troubleshoot problems, or enforce any agreement you have entered into with us. Therefore, such personal data may not be erased in full;
- (c) the right to request data portability. In some cases we may limit or deny such requests if we are required or permitted by applicable law to do so, e.g. if it is necessary for the purpose of our legitimate interest to protect our trade secrets or any other confidential information;

- (d) to the extent permitted under applicable law, more information can be requested about our legitimate interest and why we think our legitimate interest overrides the rights and interests of the data subject. This applies where the legal basis for the processing of the personal data is our legitimate interest.

In case the legal basis for data processing is the data subject's consent, such consent may be revoked at any time. Please note that withdrawal of consent does not affect the lawfulness of the processing of personal data carried out on the basis of consent before withdrawal.

To exercise these rights or in case of any other questions concerning the personal data processing, the data subjects may contact: privacy@haut.ai. We will respond to such requests and provide additional privacy-related information within the timeframes specified in applicable personal data protection law. Please note that we may ask for additional information to adequately verify the identity of the data subject before taking action on the request to exercise the rights as a data subject.

In case the data subjects have a concern that their privacy rights have been infringed, they have the right to lodge a complaint with the Data Protection Inspectorate (<https://www.aki.ee/et>) or to a court of relevant jurisdiction.

10. SECURITY MEASURES

We use reasonable technical and organisational measures (including physical, electronic and administrative) to protect your personal data from loss, destruction, misuse and unauthorised access or disclosure, including by implementing additional restrictions or measures for safeguarding special categories of personal data which are, for instance, retained separately from any other personal data and anonymised, where possible, with viable methods.

11. UPDATES AND CHANGES

In the event that changes should occur to the types of personal data being processed or the purposes for which they are processed, we make the appropriate updates and changes to this privacy notice and notify the data subjects about these updates and changes. This privacy notice was last updated as of the "Last updated" date indicated above. In case the purpose of the processing changes so that the appropriate legal basis for processing can be only data subject's consent, then we request such consent prior to continuing with the relevant processing activity. In case the data subject does not give their consent, we will not process their personal data for the new purpose.