

**GRAHAM CAPITAL MANAGEMENT, L.P.**

**GRAHAM CAPITAL LLP**

**PRIVACY NOTICE FOR JOB APPLICANTS**

**EFFECTIVE AUGUST 2022**

**SCOPE**

The purpose of this Privacy Notice for Job Applicants (“Notice”) is to make you aware of the basis on which any personal data that Graham Capital Management, L.P., Graham Capital LLP and any company or entity controlling, controlled by or under common control with the foregoing (together, “Graham,” “we” or “us”), collects from you, or that you provide to us, will be processed by us. This Notice only applies to the personal data of job applicants and potential candidates for employment resident in the EU, the UK and California (“applicants”) that we collect and process in the course of our human resources operations, from submission of an application, throughout the course of an individual’s employment, and following employment.

We collect and hold personal data (on paper, electronically, or otherwise) about our applicants for the purposes set out in this Notice. We recognize the need to treat your personal data in an appropriate and lawful manner.

This Notice does not form part of any contract of employment or partnership agreement with Graham and we may amend it from time to time.

This Notice explains the kinds of information we collect and how we intend to use and share the information. If you have any questions about this Notice, please contact [HR@grahamcapital.com](mailto:HR@grahamcapital.com).

**PERSONAL INFORMATION WE COLLECT**

The personal information we collect may include (a) identification and contact information, such as name, address, phone number, email address, date of birth, passport number, Social Security number or other government-issued identification number; (b) employment history; (c) education and professional qualifications, employee compensation, financial information related to credit checks, information that may be recorded on a resume/CV or application form, and language abilities.

We may collect or receive information about you from other sources as set out in the attached Schedule, including through third party services and organizations, to supplement information provided by you. For example, this may include data we receive from other sources (including, for example, recruitment agencies, Graham personnel, your references, third party vendors, background checking agencies, credit reference agencies and others).

We will process your personal data where it is (i) necessary for us to perform a contract with you or in order to take preparatory steps to enter into a contract, including to assess your skills and qualifications for a role, to keep records related to our hiring process or to conduct background or reference checks, (ii) for compliance with a legal obligation as a potential employer (including to confer benefits in connection with your employment and collection and disclosure requests in the context of litigation or government investigations), or (iii) where it is in our legitimate interests or the legitimate interests of others (including legal, investigatory, personnel, administrative and management purposes), or (iv) for the protection of your vital interests.

We will only process "sensitive personal data" where a further condition is also met. Sensitive personal data (also known as "special categories" of data) includes information about a person's racial or ethnic origin, and in certain cases data concerning the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Additional conditions apply to the processing of "sensitive personal data". A further condition being met usually will mean that the processing is legally in the field of employment law or it is in the public interest, or where it is needed in relation to legal claims. We will also only process information where relevant local conditions are met.

For examples of how we are likely to use your data, see the attached Schedule.

## **HOW WE USE PERSONAL INFORMATION WE COLLECT**

Your personal data will only be processed to the extent that we deem it is necessary for the purposes notified to you or as permitted by law.

### **ACCURATE DATA**

We will endeavor to keep the personal data we store about you reasonably accurate and up to date by enabling you to correct it by request. Data that we know is inaccurate or out of date will be corrected or destroyed, as applicable, subject to our backup or retention policies and procedures. Please notify us if your personal details change or if you become aware of any inaccuracies in the personal data we hold about you.

### **DATA RETENTION**

We will endeavor not to keep your personal data in a form that allows you to be identified for any longer than is reasonably necessary for achieving the permitted purposes. This means that data will be destroyed or erased from our systems or anonymized when it has reached the applicable retention period.

### **PROCESSING IN LINE WITH YOUR RIGHTS**

In certain circumstances, you may have the right to:

- (a) Request access to any personal data we hold about you.
- (b) Object to the processing of your data.
- (c) Ask to have inaccurate data held about you amended or updated.
- (d) Ask to have your data erased or to restrict processing in certain limited situations.
- (e) Request the porting of your personal data to another organization in control of your personal data.
- (f) Be informed of the existence and details of automated decision-making, which might relate to you as well as the significance and potential consequences of such processing for you.
- (g) Object to any decision that significantly affects you being taken solely by a computer or other automated process.

If you wish to make a formal request for information we hold about you, you must do so in writing to [HR@grahamcapital.com](mailto:HR@grahamcapital.com).

### **DISCLOSURE AND SHARING OF PERSONAL INFORMATION**

We may share personal data we hold with relevant personnel within Graham for the purposes as described in the Schedule.

We may also disclose personal data we hold to certain third parties, including legal advisers, experts, translators, law enforcement authorities, tax authorities, regulators, recruitment agencies, background check agencies, other government authorities, benefit administrators, payroll providers, accountants, office facility administrators and local office and technology services providers, adverse parties who have a legitimate business purpose to receive such information and their counsel and experts.

We will disclose this data:

- (a) In order to comply with legal processes or obligations, conduct internal reviews, and address potential risk or harm to Graham and our employees or other personnel;
- (b) To communicate with you about the application process and/or your application;
- (c) To assess your suitability, aptitude, skills, qualifications, and interest for employment with Graham;
- (d) To enforce, apply or facilitate any contract with you or other agreements;
- (e) To protect our rights, property, or safety of our employees, members, or others;
- (f) In order for authorized third party providers to carry out background checks or for the purposes of recruitment and to facilitate the provision of financial services or products to you;
- (g) To comply with requests of the law enforcement and/or other governmental authorities; and
- (h) In the event that we sell or buy any business or assets, in which case we may disclose personal data we hold to the prospective seller or buyer of such business or assets. In addition, if all or substantially all of our assets are acquired by a third party, the personal data we hold will be one of the transferred assets.

We will take all steps reasonably necessary to ensure that your personal data is treated securely and in accordance with this notice and applicable laws.

#### **DATA SECURITY**

Maintaining data security means seeking to guarantee the confidentiality, integrity and availability (for authorized purposes) of the personal data. We will seek to ensure that appropriate measures are taken against unlawful or unauthorized processing of personal data, and against the accidental loss of, or damage to, personal data.

We have in place procedures and technologies which seek to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if they agree to comply with those procedures and policies, or if they put in place adequate measures themselves.

#### **TRANSFERRING PERSONAL DATA TO A COUNTRY OUTSIDE THE EEA OR UNITED KINGDOM**

For those candidates located in the EU or the UK, personal data may be transferred outside of the EEA or the United Kingdom to members of our group or other third-party service providers as set out above, provided that certain conditions as set out in the applicable legislation are complied with.

We will require that there is an adequate level of protection for the personal data under applicable law and that appropriate technical and organizational security measures are in place to protect personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorized disclosure or access and against all other unlawful forms of processing.

The constituent entities of our group are parties to a data transfer agreement and we will (i) keep that document up to date with current law, and (ii) only engage in data transfers in accordance with such

an agreement or an alternative means of transfer in compliance with data protection legislation. For more information on the safeguards in place, please contact [HR@grahamcapital.com](mailto:HR@grahamcapital.com).

#### **CHANGES TO OUR NOTICE AND PRACTICES**

We may modify this Notice from time to time in our sole discretion, and we will notify you in the event we implement material changes to the Notice. If we would like you use your previously collected personal information for different purposes than those we notified you about at the time of collection, we will provide you with a new notice and, where required by law, seek your consent. You understand and agree that you will be deemed to have accepted the updated Notice if you continue your employment with Graham after the new Notice takes effect. If at any point you do not agree to any portion of the Notice, you must immediately contact Graham at [HR@grahamcapital.com](mailto:HR@grahamcapital.com).

#### **CONTACT US**

If you have any questions about the Notice or Graham's privacy practices please contact: Graham at [HR@grahamcapital.com](mailto:HR@grahamcapital.com).

## **SCHEDULE**

### **Generally Available Information**

Generally available contact information, such as: name, email address, phone number, current employer, educational history, photograph for identification purposes, and other data as provided to us by you or a recruitment agency in your employment application, cover letter and curricula vitae, if applicable.

We will use this data as it is required by us to perform our obligations to evaluate applicants for potential employment with Graham and/or where it is in our legitimate interests.

### **Human Resources Data**

Human resources data, such as: passport number and information, national insurance and social security information, citizenship status, date of birth, gender, visa information, citizenship country, nationality, professional memberships, marital status, emergency contact details, home address, work location, job title, educational information, CVs, information on previous employers, employment history, professional qualifications and other relevant skills, compensation information, birth location, hobbies and interests, language skills, disability status, Graham personnel and recruitment agency's opinions about the applicant, their actions and behavior, and other data as provided to us by you, a recruitment agency or your references in your employment application, cover letter, curricula vitae or throughout the interview process, if applicable.

We will use this data as it is required by us to perform our obligations to evaluate applicants for potential employment with Graham or for us to comply with a legal obligation. We will use this data to plan and manage human resources, including but not limited to centralising and processing human resources information in a cohesive and uniform manner, managing and maintaining records with respect to recruiting and hiring, applicant evaluations, cooperation, and any other processing related to human resources purposes; for, global and local recruitment;; managing and processing onboarding; to respond to discovery requests in the context of litigation or government investigations, and to ensure compliance with applicable law. We will use this data where it is permitted by applicable employment law, or when it is in the public interest for equal opportunities monitoring and/or the promotion of diversity and inclusion, and/or where there is a regulatory and/or statutory obligation.

### **Background Check Information**

Background checks, such as: criminal records, qualifications, credit history, reference checks and prior residence history.

We will use this data where it is permitted by applicable employment law, or when it is in the public interest or otherwise where the check is permitted by applicable local law.