

## **Johns Manville – EU Job Applicant Privacy Notice**

Effective date: March 2021

Johns Manville Europe GmbH (“Johns Manville”, “we”, “us”, “our”), is committed to fulfilling our responsibilities under the European Union’s General Data Protection Regulation (“GDPR”) and other applicable legislation, such as the German Federal Data Protection Act (“BDSG”), in relation to the collection, retention, use, and other processing of personal data that is obtained through the recruitment and hiring process.

This Privacy Notice sets forth how we process EU personal data in our role as a data controller in the job recruitment and hiring process. It also tells you how you can exercise your rights (including the right to object to certain processing activities). More information about your rights and how you can exercise them is set out in the “**Your Rights and Choices**” section below.

Note that as part of our job recruitment and selection process we will share your personal data with the manager(s) responsible for the position you are applying for. Depending on the position, this may mean that we share your personal data with managers employed by another Johns Manville entity, including Johns Manville entities located outside the European Economic Area (“EEA”). For example, for certain positions we may share your personal data with manager(s) located at our headquarters in the United States. When sharing personal data with managers employed by an entity other than Johns Manville Europe GmbH, Johns Manville Europe GmbH and the other Johns Manville entity will act as joint controllers of your personal data.

### **What Personal Data We Collect and Process**

When you apply for a job at Johns Manville, we may collect and process the following information about you:

- Your identification details, for example your name, address, date of birth, gender, and contact details, including email address and telephone number.
- Details of your qualifications, skills, experience, and education and employment history, including your ability to fulfill job requirements.
- Information about your current compensation, including benefit entitlements to the extent permitted by applicable law.
- Data you submit in résumés / CVs, letters, writing samples, or other written materials necessary for evaluation of employment.
- Data generated by interviewers and recruiters based on interactions with you.

As appropriate and relevant to the job you are applying for, we may conduct background checks, including criminal background checks, to the extent permitted by applicable law. Background checks are performed in accordance with applicable law.

You are under no legal or contractual obligation to provide your personal data to Johns Manville during the recruitment process. However, if you do not provide the information, we may not be able to process your application properly, or at all.

## How and Why We Use Your Personal Data

We may process personal data to:

- Assess your suitability for employment for the role for which you are applying, as well as future roles that may become available.
- Perform recruitment-related administrative functions.
- Perform analysis of our applicant pool based on the recruiting information you provide to better understand who is applying to positions at Johns Manville.

Our processing of such personal data is carried out pursuant to the following **legal bases**:

- You have **consented** to the use of your personal data.
- The processing is **necessary for the performance of a contract** to which you are a party or in order to take steps at your request prior to entering into such a contract.
- We have a **legal obligation** to process your personal data, such as to comply with applicable tax and other government regulations or to comply with a court order or binding law enforcement request.
- To **protect your vital interests, or those of others**.
- We have a **legitimate interest** in using your personal data. In particular, we have a legitimate interest in the recruitment of suitable personnel and the effective administration and management of staff.

Johns Manville may process special categories of personal data as required and permitted by applicable Member State law (e.g., under German data protection law we may process special categories of personal data for employment-related purposes if such processing is necessary for the specific job, to exercise rights, or comply with legal obligations pursuant to labor, social security, or social protection law, where the employee does not have an overriding legitimate interest).

At this time, Johns Manville does not make any decisions in the hiring process using automated means.

If we make a material change to how we process your personal data, we will notify you and may also modify this Privacy Notice.

## How We May Share Your Personal Data

We may share your personal data:

- Internally with our parent company, affiliates, subsidiaries, and other business units and departments within Johns Manville for the recruitment and job selection process. This may include, for example, members of the human resources and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy, and IT staff if access to the data is necessary for the performance of their roles.

- With third parties, including third parties located in the U.S., whom we engage to provide services such as hosting, supporting, and maintaining any recruiting platforms. These service providers are subject to strict contractual data processing obligations and do not use the data for their own purposes but process it only on our behalf and in accordance with our instructions.
- Should we make you an offer of employment, we may contact former employers to obtain references for you (if we have a reasonable interest in verifying your information and this is necessary for verification purposes or if you have allowed us to contact your former employer) and with employment background check providers to obtain any necessary background checks, to the extent such background checks are permitted by applicable law and necessary to assess your suitability for the role/job for which you are applying.
- If we are involved in a reorganization, merger, acquisition, or sale of some or all of our assets, in which case we may disclose your personal data to the prospective seller or buyer (and/or its advisors). The recipient of the personal data will process the data as described in this notice and/or provide additional notice in accordance with applicable law.
- To abide by applicable law or protect our rights and interests. For example, we may disclose your personal data if we determine that such disclosure is reasonably necessary to comply with the law, protect our or others' rights, property, or interests, or prevent fraud or abuse.

### **How Long We Retain Your Personal Data**

We will retain your personal data for no longer than is necessary for the performance of our obligations or to achieve the purposes for which the information was collected, or as may be permitted under applicable law. Unless otherwise required or prohibited by law, we may retain the personal data of unsuccessful job applicants for up to four months after the recruitment decision. In some cases, you may consent to us maintaining your personal data for longer if you wish to be considered for future positions.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held will be provided to you in a new privacy notice.

### **Personal Data Transfers to Countries outside the EEA**

As part of the recruitment and hiring process, your Data may be transferred to, stored and processed in a country other than the one in which you are employed or engaged, including countries outside the EU.

We have put in place appropriate safeguards (such as contractual commitments) in accordance with applicable data protection laws to ensure that your Data is adequately protected. For more information on the appropriate safeguards in place, please contact us at the details below.

To ensure that these transfers comply with legal requirements, including the GDPR, the Company, JM and JM's other EU subsidiaries have entered into an inter-company agreement incorporating European Commission-approved contractual clauses (the Standard Contractual Clauses). The inter-company agreement sets forth the legal requirements for JM's use of the Data and describes the technical and organizational measures JM uses to protect and secure the Data. For transfers to the USA, there is currently no adequacy decision by the EU Commission within the meaning of Art. 45 (1) GDPR. This means that the EU Commission has not yet positively determined that the country-specific level of data protection in the USA corresponds to that of the European Union under Art. 6 GDPR. The GDPR requires so-called-suitable guarantees for a data transfer to such a third country like the USA. For example, guarantees like Standard Contractual Clauses ("SCC") and Binding Corporate Rules approved by a supervisory authority ("BCR"). Given the ruling by the European Court of Justice ("CJEU") issued in July 2020, the existing SSC with JM USA for data transfers to the USA does not provide an absolute guarantee that data protection of your personal data in the USA corresponds to level of protection in the European Union. For the purposes of transferring your data to the USA for customer service, business operations, communications and emergencies, compliance investigations, establishing enforcing and defending the legal rights and claims of any JM entity, and education and training, JM bases the data transfer on any of the legal basis listed above and in some cases your consent.

### **Your Rights and Choices**

The GDPR provides EU data subjects with certain rights regarding their personal data. Subject to certain conditions, you may have the right to ask Johns Manville to:

- Provide you with information about our processing of your personal data and give you access to your personal data (GDPR Art. 15).
- Update or correct inaccuracies in your personal data (GDPR Art 16).
- Delete your personal data (GDPR Art. 17).
- Transfer a machine-readable copy of your personal data to you or a third party of your choice (GDPR Art. 20).
- Restrict the processing of your personal data (GDPR Art. 18).
- Withdraw consent that you have previously given us (GDPR Art. 7(3)). You may make this request at any time. Note that revocation of your consent will only apply to future processing activities and will not apply retroactively.
- Object to reliance on our legitimate interests as the basis for processing of your personal data (GDPR Art. 21).

Note that these rights are not unlimited; there are exceptions to these rights under the GDPR and applicable local laws. For example, it will not be possible for us to delete your data if we are required by law to keep it (e.g., for tax and account purposes), or if we hold it in connection with a contract with you. Similarly, access to your data may be refused if making the information available would reveal personal data about another person or if we are legally prevented from

disclosing such information. If we decline your request, we will tell you why, subject to legal restrictions.

You can submit a request by email to [privacy@jm.com](mailto:privacy@jm.com) or our postal address provided below. Where necessary, we may request specific information from you to help us confirm your identity prior to processing your request.

If you would like to submit a complaint about our use of your personal data or our response to your requests regarding your personal data, you may contact us at [privacy@jm.com](mailto:privacy@jm.com). If you have unresolved concerns, you also have the right to lodge a complaint with a supervisory authority in the Member State where you reside or work, or where the alleged infringement of the GDPR took place.

### **How to Contact Us**

Johns Manville's German Data Protection Officer can be contacted via e-mail or regular mail at:

Johns Manville Europe GmbH  
Max-Fischer-Straße 11  
86399 Bobingen, Deutschland  
Datenschutzbeauftragter: Bernd Christensen  
Telefon: +49 (9342) 801-455  
E-Mail: [Bernd.Christensen@jm.com](mailto:Bernd.Christensen@jm.com)

Johns Manville can also be contacted via e-mail or regular mail sent to our headquarters located in the United States at:

Johns Manville  
717 17<sup>th</sup> Street  
Denver, CO 80202, USA  
Point of Contact: Chief Privacy Officer  
Telephone: 1-866-256-1943  
E-mail: [privacy@jm.com](mailto:privacy@jm.com)

### **Changes to this Privacy Notice**

This Privacy Notice may be updated periodically and without prior notice to you to reflect changes in our information practices or relevant laws. We will post a notice on JM.com that points to this Privacy Policy to notify you of any substantive changes to the way we collect and use information. We will indicate at the top of the Privacy Policy when it was last updated.