

## **Data protection notice for Applicants**

The responsible body within the meaning of the EU General Data Protection Regulation ("GDPR") for processing your application is always the respective METRO Group company to which you have applied for a position. For Austria, these are the following companies:

- 1) METRO Cash & Carry Österreich GmbH ("METRO")
- 2) Avilo Marketing Gesellschaft m.b.H („Avilo“)
- 3) Metro Cash & Carry International Holding ("MCCIH")
- 4) MCC AP Holding („MCCAPH“)
- 5) C & C Abholgroßmärkte GmbH („C&C“)

Below you will find the data protection notices that apply identically to each of the responsible persons listed above, as the application process at METRO has been implemented uniformly across the Group:

### **1. Purpose of these notes**

With this notice, the respective METRO Group company to which you have applied (hereinafter referred to as "we" or "METRO") would like to inform you in accordance with Art. 13 and Art. 14 of the General Data Protection Regulation ("GDPR") about the data processing in the context of your application and the implementation of the application procedure.

Should we enter into an employment relationship with you, we will further inform you about the use of your data in connection with an employment relationship as part of the conclusion of the employment contract.

### **2. Contact details of the data protection officer**

Inquiries to any of the companies listed above may be directed uniformly to METRO using the following contact information:

Attn: Datenschutz  
Metro Platz 1  
2331 Vösendorf  
Austria  
e-mail: [datenschutz@metro.at](mailto:datenschutz@metro.at)

### **3. Content of processing, purpose and legal basis**

We process your personal data in connection with your application with us, insofar as you provide us with this personal data together with your application documents or in the course of the application process. Personal data (hereinafter also referred to as "data") is any information relating to an identified or identifiable natural person, such as your name, address, telephone number or date of birth. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The application file may contain special categories of personal data. According to Article 9(1) of the GDPR, special categories of personal data are personal data revealing racial or ethnic origin, political opinions, religious (e.g. information on religion/denomination) or philosophical beliefs, or trade union membership, as well as the processing of biometric data uniquely identifying a natural person, health data (e.g. information on the degree of a severe disability) or data concerning a natural person's sex life or sexual orientation. **If your resume contains special categories of personal data, we do not process them willingly unless required for the specific job. We expressly ask you not to send us such data unless it is necessary for the job in question.**

In addition, we process the data you send us when contacting us, e.g. by e-mail.

If you send us an application or application documents, we will process the personal data contained in your application.

We also collect personal data from publicly available sources (e.g. media, career networks) and process personal data provided by our recruitment agencies to find suitable candidates for our vacancies. Your use of such third-party sources is governed by the respective terms and conditions of the third parties.

Below, we inform you about the purposes for which we process your data and the legal basis for such processing.

**a. Data processing for the decision regarding the establishment of an employment relationship**

We collect all personal data that you provide during the application process. In addition, we use all data that we collect in accordance with legal requirements from publicly available third-party sources (e.g. media, career networks) and that we collect from our recruitment agencies (for more details, see letter d.). This enables us to assess your skills and decide whether you are suitable for a vacant position in our company.

The applicant data may include, in particular, the following data: First and last name; your academic degree, if applicable; date and place of birth; contact details (address, e-mail address, telephone and/or cell phone number); application documents (cover letter, CV, certificates); language skills; skills; compensation data (e.g. salary expectations); regional mobility (availability for different locations); nationality, work permit, health suitability data, if applicable; a photograph of you; criminal record, if this must be stated for the vacancy; account details in the event of reimbursement of travel expenses.

Our decisions in the application process are based on the data provided, which are absolutely necessary to assess your suitability for the vacant position and within the framework of legal regulations. For example, we use your professional qualifications to decide whether to shortlist you, or personal impression in an interview to decide whether to offer you the position for which you have applied.

The easiest way to apply is through our job portal and the job ads posted there. You can apply here by leaving your data for the advertised position and thereby submitting your individual candidate profile for the respective position. In doing so, you have the option of sending us your data by linking to a social network, by entering it manually and/or by using "CV parsing" (transferring specific data from one of your existing profiles, e.g. Smarttr or LinkedIn).

If you do not wish to use the online job portal, you can of course also send applications to us by e-mail or in writing by post. Data from such applications can be manually transferred to our job portal.

Filling particularly sensitive positions may require further verification of your applicant data and background. The result of this review will be documented. We will inform you in advance about the necessity of such a check. This review will be carried out in compliance with local legal requirements and with the involvement of carefully selected service providers.

The legal basis for the processing of this data results from Art 6 p. 1 lit b GDPR.

#### **b. Data processing of special categories of personal data**

If you voluntarily provide us with special categories of personal data in your application documents, contrary to our express request, subject to Art. 9 p. 1 GDPR (e.g. information concerning your political opinion or your membership in a trade union), we will process this data on the basis of your consent. This also applies if you provide us with other special personal data in the course of the application process.

By voluntarily providing this data, you consent to the storage of this special personal data in the course of the application process.

In these cases, the information is always voluntary and is provided with your express consent. This explicit consent is accompanied by the voluntary provision of such data.

If we are required by law to process special categories of personal data subject to Article 9 p.1 of the GDPR (e.g. information on religious affiliation or disabilities), we will only process your data in accordance with the legal purpose (e.g. tax collection or compliance with labor laws, social security laws and social protection laws).

We will not consider this particular personal data in the selection decision unless consideration of this personal data is required by law. For example, it is possible in some job postings that persons with disabilities may receive preferential treatment in accordance with applicable law.

The legal basis for the processing of voluntarily provided data is Art 6 p. 1 lit a GDPR. The legal basis for data required by law is Art. 6 p. 1 lit b GDPR.

#### **c. Data processing on the basis of your consent**

If you voluntarily become a member of one of our applicant communities, the data you provide will be published for all HR employees responsible in the respective country. By voluntarily agreeing to become a member of the applicant community, you agree to be informed about interesting job offers and events of all responsible companies listed in the introduction. This can be done by e-mail or telephone call.

You can cancel your membership at any time by sending a message to the contact details above. In any case, your application data will be stored as described under 7 - insofar as they have been made available to us.

If you have already been in contact with us, e.g. through an interview, we can include a short evaluation in our applicant tool or applicant community.

In the case of a speculative application, we may consider your application for suitable open positions in our company. In addition, we may consider your unsolicited application for other suitable vacancies within the METRO Group and forward your data to the respective company offering the vacancy, provided we have received your prior consent to do so.

The legal basis for processing this data is Art. 6 p. 1 s. 1 lit. a), GDPR.

#### **d. Proactive search for suitable candidates**

We collect personal data from publicly available sources (e.g. media, career networks) or process personal data provided by our recruitment agencies to find suitable candidates for vacancies in our company. We use this personal data only to evaluate an applicant's skills, to decide whether the candidate is suitable for a vacant position in our company, and to invite the candidate to apply for the relevant position. Data from career networks will only be processed in accordance with the relevant terms and conditions of the operator of the relevant network. Processing is limited to that information that you have provided about yourself on publicly available online networks or platforms with a career focus.

The personal data collected from an applicant, if and to the extent provided, includes the information as set forth above in subparagraph (a).

The legal basis for the processing of this data is Art. 6 p. 1 s. 1 lit. a) GDPR; Art. 6 p. 1 s. 1 lit. f) GDPR.

#### **e. Compliance with legal requirements and legal defense**

We process your personal data to fulfill our legal obligations. On this basis, it may be necessary for us to disclose your data to third parties (e.g. public authorities) in order to comply with legal requirements to disclose or share information. In addition, we may process your data in order to assert, exercise or defend legal claims (in particular discrimination claims), and to disclose it to third parties (e.g. lawyers, courts, prosecutors).

The legal basis for processing this data is Art. 6 p. 1 s. 1 lit. c) GDPR and Art. 6 p. 1 s. 1 lit. f) GDPR. Our legitimate interest is the proper assertion and enforcement of legal claims and the defense against legal claims asserted against us, as well as the prevention of damage to our company.

The master data (e.g. name, date of birth) that you have given us will be checked by us against the EU sanctions lists as set out in the European Council Regulations. We are required by law to ensure that we do not provide financial benefits to recipients listed in the relevant European Council Regulations. Therefore, the data processing is based on Art. 6 p. 1 s. 1 lit. c) GDPR. These verifications further allow us to benefit from certain customs procedures that are in our legitimate interest. Therefore, this processing is also based on Art. 6 p. 1 s. 1 lit. f) GDPR.

#### **f. Transfer of data**

Your data will only be passed on to external recipients if we are required by law to provide information, report or pass on data (see above), provided you have given us your consent to transfer data to third parties or to external service providers who work

on our behalf as data processors. Initially, your personal data will only be processed by our employees.

The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. a) GDPR; Art. 6 p. 1 s. 1 lit. c) GDPR; Art. 28 GDPR.

#### **4. Sources**

We receive data that we have not directly collected from you from the following sources:

- Authorities or other government bodies, e.g. tax offices,
- Your former employers, if you have agreed to us contacting them during your recruitment process,
- Publicly available data (e.g. media, career networks),
- Recruiting agencies.

Diagnostic programs for executives are conducted either by ourselves or by an external diagnostic service provider. Should the external diagnostic service provider conduct the diagnostic, all data collected in the course of this diagnostic will be processed under the sole responsibility of the respective diagnostic service provider. In this case, we will only receive performance results and summary comments from the diagnostic service provider, which we will use under our responsibility. If you choose to participate in such diagnostic program, you consent to the transfer of such data to us for application purposes as set forth above.

#### **5. Recipients of data**

If you submit your application via our job portal, authorized METRO employees will first have access to your data. This includes employees of the IT department, the HR department and those persons who are responsible for the job advertisement and its filling. METRO processes the data provided here in the case of applications to the companies listed under 2.-5. as a processor pursuant to Art 28 GDPR. If you have consented to the transfer of your application to a company within the METRO Group, depending on the position, the latter may also include employees and managers of other companies within the METRO Group. Please note that when you apply via the job portal, the HR manager (Hiring Manager) always sees the entirety of the jobs for which you have applied.

For support and information provision purposes, system administrators of METRO AG may also access your data, e.g. to check the status of your profile or, if desired, to delete your data. For this purpose, your profile and the application you submitted can be accessed.

Your data may be forwarded to the central HR department at METRO AG for further processing and review. The HR department will then forward your data for purposes of the application process to those departments within our company that are involved in the respective selection process and will then use your data accordingly. Once the application process has been successfully completed, we can transfer your data to your personnel file. It goes without saying that all data will be treated confidentially.

If applicable, the responsible works council and the disabled representatives may also use your data to exercise your participation rights in filling vacancies.

Below we list the categories of external recipients of your personal data:

- IT service provider
- Data centers
- Data shredding companies
- Courier services

- Authorities
- Legal advisers
- Banks
- Recruiting agencies

If you consent to the forwarding of your application to a company of the METRO Group, your data may be forwarded to the companies listed in the introduction under 1.- 5. as well as to all other international companies of METRO as available under <https://www.metroag.de/de/ueber-uns/marken>.

## **6. Transfer into third countries**

Your personal data will only be transferred to countries outside the EU or the EEA (“third countries”) (i) if a transfer is required by law (e.g. tax reporting obligations) or contract, (ii) if you have given your consent or (iii) if we are using data processors. If a data processor is located in a third country and there is no adequacy decision, by which the Commission of the European Union has decided that the respective third country ensures an adequate level of protection, the data transfer will be based on appropriate safeguards, i.e. Standard Contractual Clauses. Further information or copies of these safeguards can be requested with a formless request addressed to our data protection officer using the contact details mentioned above.

## **7. Duration of storage**

We initially store your personal data for the duration of the application process.

If we do not fill the vacancy with you, we will delete your data six months after completion of any related application processes, unless you have consented to further storage. In case of consent, we will store your data until your consent is revoked. Should you have applied for an executive position and have not stated otherwise, we consider the application in general as an application for any comparable role in the METRO company group. For executive searches we consider the related application processes therefore as completed not till then every position for the respective role is occupied within the METRO company group.

If your application was successful and you enter into an employment relationship with us, we refer you to our data protection notice for employees, which explains how your data is processed and which retention periods will apply from there on.

Longer storage periods may also result from the fact that the data is necessary for asserting, exercising or defending legal claims or because legal retention obligations exist. The data will be stored for as long as is necessary to fulfil these purposes. The legal basis for the processing of these data results from Art. 6 p. 1 s. 1 lit. c) GDPR and Art. 6 p. 1 s. 1 lit. f) GDPR.

## **8. Obligation to provide data**

For some personal data that you provide to us in connection with your employment relationship, the provision of this data is required by law or contract or is required for the establishment or proper execution of your employment contract. You are therefore obliged to provide us with this personal data. We would like to point out that if you do not provide us with this personal data, this may mean that we cannot employ you in our company or cannot fulfil individual obligations arising from the employment contract.

## 9. Your right as a data subject

As a data subject, you can contact our data protection officer at any time with a formless notification under the contact dates mentioned above to exercise your rights according to the GDPR. These rights are the following:

- The right to receive information about the data processing and a copy of the processed data (right to access, Art. 15 GDPR),
- The right to demand the rectification of inaccurate data or the completion of incomplete data (right to rectification, Art. 16 GDPR),
- The right to demand the erasure of personal data and, in case the personal data have been made public, the information towards other controllers about the request of erasure (right to erasure, Art. 17 GDPR),
- The right to demand the restriction of the data processing (right to restriction of processing, Art. 18 GDPR),
- The right to receive the personal data concerning the data subject in a structured, commonly used and machine-readable format and to request the transmittance of these data to another controller (right to data portability, Art. 20 GDPR),
- The right to object the data processing in order to stop it (right to object, Art. 21 GDPR),
- The right to withdraw a given consent at any time to stop a data processing that is based on your consent. The withdrawal will not affect the lawfulness of the processing based on the consent before the withdrawal (right to withdraw consent, Art. 7 GDPR).
- The right to lodge a complaint with a supervisory authority if you consider the data processing to be an infringement of the GDPR (right to lodge a complaint with a supervisory authority, Art. 77 GDPR).

## 10. Automated decision making / profiling

We do not use automated decision making or automated profiling.

### **Information about your right of objection Art 21 GDPR**

**You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data concerning you that is carried out on the basis of Art. 6 (1) p. 1 lit. f) GDPR (data processing on the basis of a balance of interests).**

If you object, we will no longer process your personal data, unless we can demonstrate compelling legitimate grounds for the processing, which outweigh your interests, rights and freedoms, or the processing serves to assert, exercise, or defense of legal claims.

The objection can be made without formality and should be addressed to our data protection officer.

Due to possible changes to the processing described above or to the relevant laws, changes to this privacy notice may become necessary. In this case, we will inform you about the changes. Insofar as the changes concern processing for which we have your consent, we may ask for your consent again.