

## Privacy Notice regarding Whistleblower System of MHP Management- und IT-Beratung GmbH General Information

MHP Management- und IT-Beratung GmbH ("**MHP**" or "**we**") ensures compliance with applicable laws and regulations through an appropriate compliance organization, legally compliant processes and other measures to prevent and react to possible violations of law. These measures include the implementation and operation of a Whistleblower System by MHP. The employees of MHP ("**employees**") and external parties can use the Whistleblower System to inform (via "**tip**") MHP about possible violations of legal requirements or internal regulations ("**violations**") and thus contribute to their detection and prosecution.

We hereby inform you in accordance with Art. 13, 14 EU General Data Protection Regulation (GDPR) about the processing of your personal data ("**data**") in the course of the Whistleblower System. MHP will process personal data within the scope of the Whistleblower System only in accordance with the applicable data protection regulations. These requirements result in particular from the GDPR and the German Federal Data Protection Act (BDSG). This Privacy Notice contains further information on data processing activities which serve to investigate tips received in the course of the Whistleblower System ("**investigatory measures**"). It supplements our general Privacy Notice for the employment relationship.

### 1. Who is responsible for processing your data?

The data controller in accordance with Art. 4 No. 7 GDPR is

#### **MHP Management- und IT-Beratung GmbH**

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Film- und Medienzentrum  
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[info@mhp.com](mailto:info@mhp.com)

You can contact our **data protection officer** at the address above or at [dataprivacy@mhp.com](mailto:dataprivacy@mhp.com).

In the course of the Whistleblower System, MHP and Porsche AG process some personal data also as joint controllers within the meaning of Art. 26 GDPR. Further information on the relevant Group Agreement can be found [here](#) ("Privacy Notice Whistleblower System"). Depending on the type and scope of the measures required, MHP may engage external service providers. These are not bound by instructions to execute the necessary investigatory measures. These service providers may include auditors, law firms or tax consultants. In this case, the service providers often act as independent data controllers in accordance with Art. 4 No. 7 GDPR.

## 2. Background information regarding the processing of your data

MHP must ensure compliance with applicable laws within the scope of its business operations. This applies, for example, to provisions of criminal law, the law on administrative offences, tax law, data protection law, stock corporation law, labor law, antitrust law and other binding legal provisions.

If MHP does not sufficiently comply with these legal requirements, disadvantages, such as monetary penalty or imprisonment, administrative fines, claims for damages or damage to its reputation may result. In order to comply with its legal obligations, MHP therefore takes appropriate measures to ensure compliance with legal requirements or internal regulations within the group. These measures include the implementation and operation of a Whistleblower System.

Employees are obliged to inform MHP about possible violations according to the Directive No. P50-MHP "Whistleblower System". Employees and external persons who report a possible violation ("**whistleblowers**") can use internal and external channels to report possible violations. MHP has taken appropriate measures to ensure that the information received is followed up promptly and effectively. Within the framework of the investigatory measures to be carried out, it is ensured in particular that the legitimate interests of the persons affected by or named in tips ("**data subjects**") are considered appropriately.

More detailed information on the various whistleblowing channels and the procedure of a whistleblowing process can be found on the intranet at ONE / MHP Compliance or at <https://www.mhp.com/en/whistleblower-system> as well as at [www.porsche.com/whistleblower-system](http://www.porsche.com/whistleblower-system).

## 3. For what purposes do we process your data?

MHP processes your data in compliance with applicable laws, in particular for the following specific compliance and investigatory purposes:

- **Review the plausibility of tips:** MHP will review, among other things, whether the information provided by the whistleblowers appears plausible and indicates a violation by an employee of MHP. The processing of your data serves among other things this plausibility review.
- **Cooperation with ombudspersons:** You also have the possibility to submit tips to our external ombudspersons. These ombudspersons are two external attorneys who are subject to the attorney-client privilege and guarantee the anonymity of the whistleblower. The data processing carried out within the framework of the Whistleblower System also serves, among other things, the cooperation with these ombudspersons.
- **Investigation of misconduct:** Investigatory measures can serve to uncover and resolve possible violations of contractual obligations or criminal offences committed by employees of MHP in the performance of their duties as well as other violations of rules and grievances within the company. This concerns, for example, the investigation and sanctioning of fraud, corruption, tax offences, antitrust violations, money laundering or other economic offences or violations of Code of Conduct.
- **Implementation of legal obligations:** MHP is subject to comprehensive legal supervisory and compliance obligations. These result, among other things, from Sec. 130, 30 of the German Administrative

Offences Act (OWiG) and Sec. 93, 111 AktG. Investigatory measures are typically intended to implement those legal and other obligations.

- **Prevention of future misconduct:** Furthermore, the results of the investigatory measures – to the extent suitable for this purpose – also contribute to general, preventive compliance measures (e.g. training courses) and thus help to prevent or aggravate future violations of contractual obligations or criminal offences by employees of MHP.
- **Exercise of rights:** Investigatory measures can also serve to compensate for and ward off imminent economic or other damages or disadvantages for MHP and thus to effectively defend, exercise and enforce rights. For example, MHP will use the results and information obtained through investigatory measures in the context of labor court proceedings or other legal disputes.
- **Discharge of employees:** MHP also takes suitable investigatory measures – in coordination with the data subjects – in order to resolve possible accusations against persons wrongly suspected and to discharge them (so-called rehabilitation).
- **Review of relevance for other Group Companies:** MHP will forward any information from whistleblowers that may also concern Volkswagen AG, Porsche AG or any other Group Company. The processing of your data serves, among other things, to review whether a respective transfer of data is necessary in individual cases.
- **Implementation of duties of cooperation:** MHP may be obligated by law to cooperate in submitting data collected in the course of the investigatory measures to law enforcement agencies or other authorities. This may be the case, for example, if a criminal prosecution authority initiates criminal investigation proceedings against a data subjects as a result of investigatory measures.

In addition, the possible purposes of data processing are those stated in the general Privacy Notice for the employment relationship under Section 3.

#### 4. Which data or categories of data are affected by investigatory measures?

As part of investigatory measures, we may process the following data or categories of data about you:

- **Data relating to tips:** As part of the whistleblowing process, we collect, among other things, the time, content and other relevant circumstances relating to the information provided by whistleblowers. For example, we will record whether the whistleblower submitted the report through an internal or external reporting channel. If a whistleblower discloses his or her identity as part of the report, we will also collect this information.
- **Operational data:** In the context of investigatory measures, we may also process operational information about you (e.g. function in the company, job title, possible superior position, business e-mail address, business telephone number).
- **Information on relevant facts:** Typical investigatory measures often refer to concrete facts. The determination and evaluation of relevant information on the respective facts may allow conclusions to be drawn about your behavior or actions taken by you. In individual cases, this may also include violations of duty or criminal offences.
- **Business-related documents:** We will also review business-related documents in the context of investigatory measures. In individual cases, these may include travel expense reports, time sheets or hourly time sheets, contracts, performance records, logbooks or invoices. These documents may also contain personal data about you.

- **Communication behavior:** In addition, investigatory measures can help us to draw conclusions about your communication behavior when using company communication systems. For example, MHP may also access the content of e-mails in your company's e-mail inbox for the purpose of e-mail review. In addition, MHP may also analyze log data or metadata.
- **Personal data:** As part of investigatory measures, we may process general personal information about you (e.g. name, private address, private telephone number, private e-mail address).
- **Private contents:** In individual cases, the data records to be reviewed may also allow conclusions to be drawn about private content that affects you. This may be the case, for example, if a report submitted by a whistleblower contains corresponding content. However, MHP will take appropriate technical and organizational measures to ensure that data records with purely private content are not evaluated.
- **Data on criminal convictions and offences:** In the context of investigatory measures, we may also need to collect data about you which may allow conclusions to be drawn about crimes or criminal convictions affecting you. However, MHP will only process this data in accordance with the relevant data protection regulations, in particular Art. 10 GDPR.
- **Special categories of personal data:** In individual cases, we also collect special categories of personal data within the meaning of Art. 9 (1) GDPR as part of investigatory measures. This may be the case, for example, if a report submitted by a whistleblower contains respective data. The special categories of personal data include, for example, health data, data on possible trade union membership, biometric data or data on political or religious attitudes. MHP will process such data only in accordance with the relevant provisions of data protection law, in particular Art. 9 (2) GDPR or Sec. 26 (3) BDSG.

## 5. On what legal basis do we process your data?

MHP will only process your data within the scope of investigatory measures if at least one applicable data protection regulation applies. This includes in particular the provisions of the GDPR, the BDSG and other relevant statutory regulations.

We may base permissible data processing within the scope of investigatory measures in particular on the following legal bases:

- **Performance of the employment relationship (Sec. 26 (1) sentence 1 BDSG):** Data processing within the scope of investigatory measures may be necessary, among other things, for the initiation and termination of the employment relationship with employees. This applies, for example, to investigatory measures to uncover violations of duty under the employment relationship which do not constitute a criminal offence. Investigatory measures may also be necessary for the performance of employment relationships. This may be the case, for example, if MHP imposes labor law sanctions on data subjects on the basis of investigatory measures.
- **Investigation of criminal offences (Sec. 26 (1) sentence 2 BDSG):** If investigatory measures serve to uncover possible criminal offences in the context of employment relationships, they may be justified in accordance with Sec. 26 (1) Sentence 2 BDSG. However, MHP will only base the respective data processing on Sec. 26 (1) Sentence 2 BDSG if documented factual indications substantiate the suspicion of a criminal offence in the employment relationship and the interests of the data subjects are not outweighed.

- **Implementation of legal obligations (Art. 6 (1) lit. c GDPR):** As already described in Sections 2 and 3 of this Privacy Notice, MHP is subject to comprehensive legal supervisory and compliance obligations. The investigatory measures carried out by MHP thus also serve, among other things, to ensure compliance with these legal obligations of MHP.
- **Works council agreements (Art. 88 (1) GDPR, Sec. 26 (4) BDSG):** MHP may also process your data on the basis of a valid works council agreement that regulates the implementation and operation of the Whistleblower System.
- **Protection of legitimate interests (Art. 6 (1) f) GDPR):** MHP may also process your data in order to protect its own or a third party's legitimate interest. These legitimate interests may include, among other things:
  - **Legal defense:** Investigatory measures shall prevent damage to its own company. In this respect, data processing can also serve the legitimate interests of MHP in the form of assertion, defense and exercise of legal claims.
  - **Improving compliance structures:** Investigatory measures can also indirectly serve to improve MHP's internal compliance structures. For example, the MHP can identify and eliminate possible weaknesses in its internal compliance organization through investigatory measures. This is also a legitimate interest of MHP.
  - **Support of data subjects:** Among other things, investigatory measures can also serve to discharge data subjects from wrong accusations. This is basically a legitimate interest of a third party.
  - **Compliance with foreign legal regulations:** In addition to national and EU regulations, MHP is also subject to comprehensive legal regulations of countries outside the EU. These include, for example, anti-corruption or competition guidelines under US law. Ensuring compliance with such foreign legal regulations can also be a legitimate interest.

MHP will ensure that investigatory measures to protect legitimate interests are only carried out if they do not outweigh the conflicting legitimate interests and rights of the affected employees.

## 6. To whom will we transfer your data?

MHP will only transfer your data to third parties as part of investigatory measures if there is a valid legal basis for doing so or if we have obtained your prior consent for the respective data transfer.

MHP may transfer your data in the course of investigatory measures particularly to the following recipients:

- **External ombudspersons:** Whistleblowers can submit their comments, among others, to one of our external ombudspersons. If you choose this option, we may need to share information about you with the relevant Ombudsperson in order to properly and effectively initiate and conduct the whistleblowing process.
- **Works councils and other interest groups:** We may also disclose your data to the works council and/or other employee interest groups in accordance with the applicable works constitution and data protection laws. This may be the case, for example, if the prior consent of the works council is required for specific investigatory measures.
- **Other Group Companies:** In order to investigate possible compliance issues, we may also have to transfer your data to other Volkswagen AG or MHP Group Companies. Such group data transfers may occur, in particular, if the investigation affects several or other Group Companies.

- **Courts, authorities and other public bodies:** MHP may also disclose the results of investigatory measures to public authorities. This applies, for example, to German or foreign public prosecutors' offices, courts or other authorities. Such disclosure may be necessary in particular if MHP is legally obliged to disclose the corresponding data. This may be the case, for example, in the context of criminal investigations initiated as a result of investigatory measures.
- **Service providers:** When carrying out investigatory measures, we may also use the support of external service providers, such as law firms or auditing companies. We will take appropriate measures to ensure that these service providers process your data only in compliance with relevant data protection regulations.
- **Processors bound by instructions:** We may also involve processors within the meaning of Art. 28 GDPR, e.g. for document management purposes, in the context of investigatory measures. MHP will ensure that these processors process data for MHP only on the basis of an effective and valid data processing agreement.
- **Other third parties:** Provided that this is necessary to carry out the purposes stated in this Privacy Notice and no conflicting interests of data subjects worthy of protection prevail, it is also possible that your personal data may be passed on to opposing parties or insurance companies.

The general Privacy Notice for the employment relationship contains a more detailed list of possible recipients of your personal data under Section 4, as well as information on the relevant legal basis.

If we have not collected your personal data processed for compliance purposes directly from you, we will typically receive it from the parties, business partners or similar sources mentioned above in this Section of the Privacy Notice.

## 7. What data protection rights do you have?

As a person implicated, you can exercise various rights of access. In order to exercise your rights, you can contact MHP using the contact details listed in Section 1. These rights include in particular:

- Right to access (Art. 15 GDPR);
- Right to rectification (Art. 16 GDPR);
- Right to deletion (Art. 17 GDPR);
- Right to restrict processing (Art. 18 GDPR);
- Right to appeal to a data protection supervisory authority;

The general Privacy Notice for the employment relationship explains the prerequisites and the scope of the individual rights of data subjects in more detail in Section 8.

## 8. How long do we store your data?

MHP will store or delete the data collected in the course of investigatory measures in accordance with the relevant data protection regulations, in particular Art. 17 GDPR. This means that MHP will delete your data if it is no longer required for the purposes stated in this Privacy Notice.

However, statutory retention obligations or legitimate interests of MHP may justify longer storage of your data. For example, MHP may continue to retain your data during current litigation, which is the result of possible investigations.

The retention periods are determined on a case-by-case basis according to MHP's interest in retaining the data, taking into account the importance of retention for MHP, the legitimate interests of affected parties in the deletion of the data, and the probability that a suspicion reported in the Whistleblower System proves to be true. The general Privacy Notice for the employment relationship contains further information on the relevant requirements for the storage of personal data of employees under Section 7.

**9. To what extent are automated individual decision-making or profiling measures taken?**

Neither automated individual decision-making nor profiling measures within the meaning of Art. 22 GDPR take place in the context of investigatory measures.

**10. Where can I find the relevant legal regulations?**

The text of the GDPR can be found at <https://eur-lex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>.

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