

THE CONTROLLER BINDING CORPORATE RULES EXTRACT

21 April 2024

The purpose of this document is to provide information to Data Subjects on their rights related to ACS Affiliates processing their Personal Data as controllers, including transfers of their Personal Data within ACS Group, and to explain principles related to processing their Personal Data that ACS Group applies.

This document is based on the Controller Binding Corporate Rules of ACS Group, in particular on commitment to transparency provided for in section 4 thereof, and to the extent relevant reflecting their content.

ACS Group means Adept Services Pte. Ltd., having a registered office at Luna I North Bridge Road, #24-02 High Street Centre Singapore 179094, and ACS Affiliates.

1. PROCESSING PRINCIPLES

Personal Data will be processed lawfully, fairly, in a transparent manner in relation to the Data Subjects and in accordance with the legal rights of the Data Subjects as described in this document and/or as provided by applicable law.

Personal Data means any information about a Data Subject.

Personal Data will only be processed for specific, explicit and legitimate purposes as specified in the relevant statement of ACS Group provided to the Data Subject in accordance with Article 13 and/or Article 14 GDPR, and will not be further processed in a way that is incompatible with these purposes.

ACS Affiliates individually shall adopt appropriate measures to keep the Personal Data adequate, relevant and not excessive and to retain

Data Subject means an identified or identifiable natural person, or if so provided by national laws – a legal person.

An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his/her physical, physiological, mental, economic, cultural or social identity.

the Personal Data for no longer than is necessary for the purposes for which it was collected, unless the Personal Data is otherwise required to be kept by generally applicable law.

Personal Data will be accurate and kept up-to-date.

Special category Personal Data will be provided with additional safeguards such as required under the Data Protection Laws.

(wording as per section 2 of Controller Binding Corporate Rules, version 3.0)

Data Protection Laws means the GDPR together with all implementing laws and any other applicable data protection or privacy laws or any other laws.

2. ACCOUNTABILITY

Every ACS Affiliate acting as the Controller shall be responsible for compliance with the Controller Binding Corporate Rules of ACS Group.

Controller means a natural or a legal person, which alone or jointly with others determines purposes and means of processing of Personal Data.

In order to demonstrate compliance, every ACS Affiliate shall maintain a record of all categories of processing activities carried out in line with the requirements as set out in Article 30(1) GDPR. This record shall be maintained in writing, including in an electronic form (digitally), and shall be made available to the relevant Data Protection Authority on request.

ACS Affiliate means with respect to any specified person or entity, any other person or entity directly or indirectly controlling or controlled by or under direct or indirect common control with ACS Group B.V. The shareholding companies controlling ACS Group B.V. and their successors are not ACS Affiliates.

“Control” means the power to direct or cause the direction of the management or policies of such person or entity, whether through ownership of voting securities or by contract or otherwise; the terms “controlling” and “control” have meaning correlative to the foregoing.

Furthermore, every ACS Affiliate shall carry out data protection impact assessments for processing operations that are likely to result in a high risk to the rights and freedoms of natural persons as provided for in Article 35 GDPR.

Where a data protection impact assessment carried out in accordance with Article 35 GDPR indicates that processing would result in the high risk to the rights and freedoms of natural persons in the absence of measures taken by the Controller (the respective ACS

GDPR means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

21 April 2022 | Public

Affiliate) to mitigate the risk, the relevant Data Protection Authority, prior to processing, shall be consulted as provided for in Article 36 GDPR.

Appropriate technical and organisational measures shall be implemented which are designed to implement data protection principles and to facilitate compliance with the requirements set up by the Controller Binding Corporate Rules of ACS Group in practice (data protection by design and data protection by default).

(wording as per section 2 of Controller Binding Corporate Rules, version 3.0)

3. RIGHTS OF DATA SUBJECTS

The relevant ACS Affiliate shall provide in an intelligible form - including an electronic (digital) form - upon a written Data Subject Request from an individual, information that constitutes the Personal Data processed by ACS Group in relation to the individual, together with required supporting information, unless the ACS Affiliate is obliged by law to refuse or only comply partially with the request.

The relevant ACS Affiliate will, for instance, be obliged to refuse or only partially comply with the Data Subject Request when compliance would mean that the ACS Affiliate provides Personal Data of another Data Subject to the individual or when compliance would mean that confidential business information of ACS Group would be provided.

A procedure on how to comply with a Data Subject Request is specified in section 8 below.

A Data Subject Request must be addressed to the ACS Affiliate involved in collection and other processing of the Personal Data of Data Subject, or to the addresses included in section 8 below.

The relevant ACS Affiliate may, where permitted by law, charge a fee for the provision of copies of the Personal Data pursuant to a Data Subject Request. The fee will only see to administrative costs and will not exceed the legal maximum.

Data Subject Request means any request or complaint from any individual, including Data Subjects, submitted to ACS Group or ACS Affiliate with regard to processing the individual's personal data by ACS Group or ACS Affiliate, in particular related to exercising of rights of the Data Subject provided for in the Data Protection Laws.

If any Personal Data is inaccurate or incomplete, the Data Subject may request that the Personal Data be amended or restrict its processing. The Data Subject may also restrict processing his/her Personal Data when processing is unlawful but the Data Subject opposes its erasure, the controller no longer needs the Personal Data or when the Data Subject objected the Personal Data processing as mentioned below.

The Data Subject may also request that his/her Personal Data is erased. The relevant ACS Affiliate will accept such a Data Subject Request, unless grounds exist for further processing the Personal Data.

Every Data Subject has the right to object, at any time on legitimate grounds relating to his/her particular situation, to the processing of their Personal Data, unless that processing is required by law. Where the objection is justified, the relevant ACS Affiliate(s) will cease the processing.

Every Data Subject has the right to object at any time to the processing of his/her Personal Data which the Controller anticipates being processed for the purposes of direct marketing, or to be informed before Personal Data is disclosed for the first time to third parties or used on their behalf for the purposes of direct marketing.

Furthermore, every Data Subject has the right to receive the Personal Data concerning him or her, which he or she has provided to a ACS Affiliate, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller (data portability), subject to the requirements set out in Data Protection Laws.

(wording as per section 5 of Controller Binding Corporate Rules, version 3.0)

4. LIABILITY

The EU Headquarters are responsible for and will take the necessary action to remedy the acts of other ACS Affiliates outside the European Economic Area. The EU Headquarters will pay compensation for any awarded damages resulting from the violation of the Controller Binding Corporate Rules of ACS Group by any ACS Affiliate and has sufficient assets to do so.

If the Controller Binding Corporate Rules of ACS Group are violated by a ACS Affiliate outside the European Union, the courts or Data Protection Authorities in the European Union will have jurisdiction and the Data Subject will have the rights and remedies against the EU Headquarters as if the violation had taken place by the EU Headquarters.

Data Subjects may choose to lodge a complaint either before the relevant Data Protection Authority or a court of a jurisdiction of:

- ④ ACS Affiliate at the origin of the transfer; or
- ④ the EU Headquarters.

The EU Headquarters bears the burden of proof to demonstrate that the ACS Affiliate is not liable for the violation resulting in the damages claimed by the Data Subject. If the EU Headquarters can prove that the ACS Affiliate is not liable for the violation, it may discharge itself from any responsibility.

(wording as per section 13 of the Controller Binding Corporate Rules, version 3.0)

EU Headquarters means ACS Group B.V., having the statutory seat and registered address of ACS Group B.V., at Luna ArenA, Herikerbergweg 238, 1101 CM Amsterdam Zuidoost, the Netherlands, and any successor/live entity as registered in the Netherlands Chamber of Commerce from time to time.

Data Protection Authority means the authority of each member state of the European Union which is responsible for monitoring the application within its territory of the provisions adopted by the member states of the European Union pursuant to Data Protection Laws.

5. MUTUAL ASSISTANCE AND COOPERATION WITH DATA PROTECTION AUTHORITY

Each ACS Affiliate will cooperate and assist other ACS Affiliates to handle a request or complaint from a Data Subject or an investigation or inquiry by Data Protection Authorities.

Each ACS Affiliate will respond diligently and appropriately to requests from the Data Protection Authorities in the country where the ACS Affiliate is located. Each ACS Affiliate will abide by the advice of the relevant Data Protection Authorities on any issues regarding the interpretation of the Controller Binding Corporate Rules of ACS Group.

Each ACS Affiliate will inform the EU Headquarters of any requests and/or advices from Data Protection Authorities in the country where the ACS Affiliate is located.

The Chief Privacy Officer will manage the requests from and investigations by the Data Protection Authorities.

(wording as per section 14 of the Controller Binding Corporate Rules, version 3.0)

6. RELATIONSHIP BETWEEN NATIONAL LAWS AND THE CONTROLLER BINDING CORPORATE RULES OF TMF GROUP

The Controller Binding Corporate Rules of ACS Group are designed to provide a minimum compliant standard with respect to the protection of Personal Data for every ACS Affiliate. Where national laws require a higher level of protection than that provided for in the Controller Binding Corporate Rules of ACS Group, ACS Affiliate will process the Personal Data in accordance with these national laws.

Where the Controller Binding Corporate Rules of ACS Group could constitute a legal mechanism for international transfer of Personal Data in accordance with applicable national laws only if specific requirements under the national laws are complied with, ACS Affiliate will take necessary steps to ensure that the Controller Binding Corporate Rules of ACS Group constitute a lawful basis for international transfers of Personal Data.

If ACS Affiliate has a reason to believe that the legislation applicable to it prevents ACS Affiliate from fulfilling its obligations under the Controller Binding Corporate Rules of ACS Group and has substantial effect on the guarantees provided for therein, it will promptly inform the EU Headquarters and the Chief Privacy Officer and other persons holding relevant data protection roles at ACS Group, except where prohibited by a law enforcement authority such as a prohibition under criminal law to preserve the confidentiality of a law enforcement investigation. The EU Headquarters will take a responsible decision on what action to take and will consult the relevant Data Protection Authority in case of doubt.

If ACS Affiliate is subject to a legal requirement in a country outside the European Economic Area which is likely to have a substantial adverse effect on the guarantees provided by the BCRs, the issue will be reported to the relevant Data Protection Authority.

(wording as per section 16 of the Controller Binding Corporate Rules, version 3.0)

7. ENFORCEMENT RIGHTS AND MECHANISMS

The Controller Binding Corporate Rules of ACS Group grant rights to Data Subjects to enforce the following rules set out in the Controller Binding

Corporate Rules of ACS Group as third-party beneficiaries:

- ④ Data processing principles (section 2 of the Controller Binding Corporate Rules of ACS Group);
- ④ Transparency and easy access to the Controller Binding Corporate Rules of ACS Group (section 4 of the Controller Binding Corporate Rules of ACS Group);
- ④ Rights of access, rectification, erasure, restriction of processing, objection to processing, right not to be subject to decisions based solely on automated processing, including profiling (section 5 of the Controller Binding Corporate Rules of ACS Group);
- ④ Transparency where national legislation prevents ACS Group from complying with the Controller Binding Corporate Rules of ACS Group (section 16 of the Controller Binding Corporate Rules of ACS Group);
- ④ Right to complain through the internal complaint mechanisms of ACS Group (section 12 of the Controller Binding Corporate Rules of ACS Group);
- ④ Cooperation duties with Data Protection Authorities (section 14 of the Controller Binding Corporate Rules of ACS Group);
- ④ Liability and jurisdiction provisions (section 13 of the Controller Binding Corporate Rules of ACS Group), in particular the right to lodge a complaint with the relevant Data Protection Authorities and before the competent court of the Member States of the European Union.

If ACS Affiliate is subject to a legal requirement in a country outside the European Economic Area which is likely to have a substantial adverse effect on the guarantees provided by the Controller Binding Corporate Rules of ACS Group, the issue will be reported to the relevant Data Protection Authority.

(wording as per section 12 of Controller Binding Corporate Rules, version 3.0)

8. DATA SUBJECT REQUESTS AND COMPLAINTS CONTACT DETAILS

The processes of submitting Data Subject Requests or Complaints described below supplement any other remedies and dispute resolution processes provided by ACS Group or available under applicable law.

The Data Subject may at any time - without lodging a prior complaint with ACS Affiliate or the Chief Privacy Office - lodge a claim to the relevant Data Protection Authority and/or court.

8.1 Data Subject Requests

8.1.1 Contact Details

In order to execute any Data Subject rights as provided for in the Controller Binding Corporate Rules of ACS Group and described above, the Data Subject may contact:

- ④ the ACS Affiliate which collected and/or process the Personal Data of the Data Subject; and/or
- ④ the Privacy Officer to one of the following addresses:

ADDRESS	EMAIL
Adept Corporate Services Attn. Privacy Officer 1 North Bridge Road, #24-02 High Street Centre Singapore 179094	dataprotection@adept-cs.com

Employees of ACS Group may also submit the Data Subject Requests via internal channels as described in the Controller Binding Corporate Rules of ACS Group.

8.1.2 Information to be included in the Data Subject Request

The Data Subject Request needs to specify in description of the request:

- ④ full name, private or business address and email address;
- ④ the name of the relevant ACS Affiliate which should execute the Data Subject Request;
- ④ what Personal Data needs to be changed, if relevant;
- ④ whether the Personal Data needs to be deleted from the database or its processing restricted, or otherwise what limitations the Data Subject would like to put on ACS Group's processing of such Personal Data.

The relevant ACS Affiliate will respond to the Data Subject Request within the term consistent with the Data Protection Laws (principally within 30 days from the date of the request). If the required information to execute the Data Subject Request is not provided within this term, or no information is available about the Data Subject, he/she will be informed about the same.

8.1.3 Exceptions

ACS Group may need to retain certain Personal Data for recordkeeping purposes and/or to complete any transactions that the Data Subject began prior to requesting a change, deletion or exercising other rights, pursuant to applicable laws or competent court, supervisory or regulatory body ("retention reasons"), which require the retention of Data Subject Personal Data by ACS Group.

The Data Subject request can in such an event only be executed to the extent it is not contradicting the retention reasons.

8.1.4 Withdrawal of consent

In the event Personal Data of a Data Subject is processed on the basis of his/her consent, he/she must be able to withdraw consent at any time at the contact details indicated above, specifying his/her request, without affecting the lawfulness of processing based on consent before its withdrawal.

8.2 Data Subject Complaints

A Data Subject may lodge a complaint regarding compliance with the Controller Binding Corporate Rules of ACS Group, including about the way his/her Personal Data has been processed:

- ④ at the ACS Affiliate which collected and/or processed the Personal Data of the Data Subject; or
- ④ else submit their enquiry centrally at the Chief Privacy Officer at the address indicated in section 8.1 above.

The Privacy Officer for the relevant ACS Affiliate is authorised to review the complaint and will evaluate the complaint and inform the Data Subject without undue delay, and in any event within one (1) month after the complaint has been received, about the further treatment of the complaint and/or any possible measures taken to address the complaint.

In the event for the evaluation of the complaint further details are required, the Privacy Officer will contact the Data Subject promptly to request additional data.

(wording as per section 12 of Controller Binding Corporate Rules and appendix 3 thereto, version 3.0)

* * *