

HCL TECHNOLOGIES GLOBAL “THE RIGHT WAY” DATA PRIVACY NOTICE (‘Notice’)

Effective Date: 01 December 2021

INTRODUCTION

HCL Technologies Limited is committed to protecting and securing the privacy and confidentiality of Personal Data which it collects and processes. This Notice outlines and explains how HCL Technologies Limited (hereinafter collectively referred as ‘HCL’, ‘we’, ‘our’, ‘us’) will protect your privacy by processing your Personal Data in accordance with applicable privacy legislation(s).

“The Right Way” (hereinafter referred to as ‘Portal’) is a grievance management portal for HCL. This Portal is hosted by Convercent on behalf of HCL, and your report will only be viewed by the investigator(s) or case manager(s), so you can be sure that you can submit your report in a confidential manner.

Please refer to ‘Annexure B’ for definitions.

What Does This Notice Cover?

The aim of this Notice is to provide you with information on what Personal Data we process, why we process your Personal Data, how we process your Personal Data (including details on the principles we will abide by), as well as informing you of certain rights that you may be able to exercise on your Personal Data with regards to the Portal.

This notice is supplemented by local privacy terms that may apply to your jurisdiction and are annexed to this notice, in particular pertaining to potential further data categories processed and/or processing operations rendered locally. In case of any contradiction between this notice and the local privacy terms, the local privacy terms will take precedence.

In some cases, we may present you an additional Personal Data processing notice, depending on the circumstances as they may exist. Typically, these additional notices would provide requisite information pertaining to, but not limited to, additional purpose(s) for processing of your Personal Data which are not covered under this Notice. Such a notice shall apply only for those respective cases referred to therein and shall not affect the validity of this Privacy Notice.

What Personal Data Do We Process?

For the purposes of this Notice, ‘Personal Data’ means any information about you from which you can be identified (whether derived from that information on its own or when combined with other information that we or another party may hold about you). This may include but may not be limited to the following:

General Personal Data :

- Personal data such as: your first name, last name, full name, personal e-mail address, contact information and gender.
- Professional data, from your HR file such as: your designation, employee ID, Reporting Manager identification, current working or personal location, HR partner details, Date of Joining HCL, Department, Organizational e-mail address and any other information that may be required for the purpose of facilitating the investigation(s) of your grievance or complaint.
- Technical Identifiers such as: Access Number, Password, Security Questions and Answers, IP Addresses, Cookies identifiers collected by Convercent
- Other information which may be provided by you as a User of the Portal such as personal contact details, photographs, documents, location details etc.

Special Categories of Personal Data:

HCL will only process Special Categories of Personal Data in limited circumstances and only where we are permitted to do so under applicable legislation(s) or if such information is provided by you voluntarily and/or is necessary to facilitate the investigation of the grievance raised by you.

How We collect your Personal Data?

We may collect your Personal Data directly from you through reporting mechanism opted by you (Portal, Phone or in some countries by SMS).

We may collect Personal Data from the database maintained by HCL, if you are an employee of HCL or associated companies.

We may collect your Personal Data indirectly from other sources strictly necessary as part of the investigation process. These source may include but are not limited to data collected from employees, prospective employees, ex-employees, interns, vendors, clients or their employees, or any other person depending on your grievance.

Why We process your Personal Data?

- a) We process your Personal Data for specified purposes and on the following legal grounds, for the various situations which may arise during the course of the investigation related to your grievance :
 - i) As it may be necessary for preserving our or a third party's **legitimate interests** (please see 'How do We use your Personal Data?' section below.);
 - ii) The processing is necessary for us to perform **contractual obligation(s)** in respect of your employment or engagement with HCL e.g. process your bank details and payroll information;
 - iii) As it is, or if it becomes, necessary to comply with any **legal obligation(s)**, including but not limited to, any local law(s), to the extent of the applicability of such law(s);
 - iv) As is necessary to protect your **vital interests** when you are physically or legally incapable of giving consent; and
 - v) Data processing based on your consent.
- b) in exceptional circumstances you may request us to disclose your personal data to third parties or organisations such as a law firm handling a data subject claim on your behalf, or otherwise.
- c) There may also be exceptional circumstances, where you may explicitly consent to the processing of your personal data, but only if the consent is truly freely given and unambiguous

Further to establishing valid legal ground(s) for processing your Personal Data, we also follow principles of data necessity, proportionality, minimisation and lawfulness, fairness, transparency amongst others.

When you choose to provide us with Personal Data about third parties, we will only use this data for the specific reason for which you elect to provide it. HCL would process the Personal Data provided by you about your next of kin or dependents for compliance with contractual obligations or to fulfil its legal obligations. It is your responsibility to ensure that when you disclose Personal Data of individuals other than yourself, you abide by applicable privacy and data security laws, including informing individuals and third-parties that you are providing their Personal Data to HCL, informing them of how it will be transferred, used, or processed. If you choose to provide HCL with a third-party's Personal Data, you represent that you have appropriate legal grounds to do so.

How We Use Your Personal Data?

The purposes for which we use your Personal Data include, but are not limited to:

- To set up a user account for facilitating grievance reporting;
- To provide, operate and maintain the Portal, respond to your enquiries and comments, and provide customer service and support with regards to your grievance and the associated investigations;
- To send alerts, updates, and other communications in relation to the reported grievance;
- To investigate complaints and prevent fraudulent activities, unauthorized access to the Portal and relevant systems, and other illegal activities.
- To provide recommendations to HCL Management upon any findings on the investigations conducted.
- To comply with any request/ notice received from legal authority/ local body in relation to the grievance reported.

Please note, in some circumstances we may share your Personal Data with independent third parties that may qualify as Controllers for the purposes of the facilitation of the investigation.

Otherwise, all third parties are Processors acting on the instructions of HCL. Wherever we engage a Processor, we require assurances that such Processors have implemented appropriate safeguards and controls in relation to the protection of your Personal Data. In addition to the third parties' legal obligations applicable to them, we require that such third parties are also contractually obligated to safeguard your Personal Data. Ongoing oversight is maintained on the relevant processing activities being carried out by the third party.

How Long Do We Retain your Personal Data?

We retain your Personal Data for as long as it is necessary to fulfill the purposes for which it is processed. We follow a deletion process designed to ensure that your Personal Data is safely and completely removed from our network or retained only in anonymized form. We try to ensure that we protect your information from accidental deletion. Because of this, there could be some delay between when data deletion is initiated and when data is deleted from our active and backup systems / network / servers et al.

Is Your Data Transferred Across International Borders?

HCL is a truly global organisation, so your Personal data may be transferred for any of the above stated purposes to one or more HCL group entities and/or third parties in other jurisdictions. These transfers will be undertaken in compliance with applicable law(s) and regulation(s).

If it is necessary to transfer your Personal Data to countries that do not offer adequate protections, for example if Personal Data originating from the EEA / EU will be transferred outside the EU/EEA then we will ensure that appropriate safeguards as required by applicable laws are put in place prior to the transfer of the data. To protect Personal Data when transferred outside the EU/EEA to countries which have not been deemed by the European Commission to adequately protect Personal Data, HCL will implement appropriate safeguards in order to adequately safeguard any such transfers in line with the requirements enshrined in applicable laws, e.g. by incorporating standard contractual clauses (more information about such clauses is available [here](#)) into contract(s) / data transfer agreement(s) established between the parties transferring the Personal Data.

What are your rights and how can you exercise them?

You may have several rights in relation to your Personal Data as per applicable privacy and data protection laws. Please refer to the [Annexure A](#) for information on data subject rights. Please note, these rights are subject to exemption(s) and may not apply in all circumstances. If you wish to exercise these rights, then HCL will provide you with the requested information or action your request within one month after receipt of your verified request, subject to any extensions that maybe required and communicated to you.

You can use the following channels to exercise your rights or request more information about your rights

- Submit your requests on the [Data Subject Request Portal](#);
- Alternatively, you can contact HCL's Privacy Office via privacy@hcl.com if you have any general query.

How Do We Safeguard your Personal Data?

We implement and maintain appropriate technical, organizational, and physical security measures to protect your Personal Data and these security measures are in line with industry best practices.

The security control in place include, but are not limited to:

- Access to data based on need to know and least privilege principle to ensure data is not accessed except by authorized individuals for performance of their duties.
- Layered security controls ranging from perimeter security to end user machine level controls such as Firewalls, Spam protection, Antivirus and Spyware solutions, security awareness trainings and incident management etc.
- To further reduce the risk associated with data processing, we make use of pseudonymisation / Anonymisation techniques where suitable
- Using encryption mechanisms, where appropriate such as email encryption, encryption of data during transfer, secure VPN access and disk/file level encryption etc.
- Third parties that process personal data on our behalf, do so based on written instructions and are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

What if you do not provide Personal Data?

If you do not provide the necessary information, our ability to assess, investigate or respond to your grievance may be impacted.

How Do We Update This Notice?

We may update this Notice from time to time. We will post any updated version of this Notice on the Portal. We may also communicate changes to this Notice to you by email or by other necessary mean(s), if need be.

Who can you contact?

If you have any questions, complaints or concerns about this data processing activity, you can reach out to us as follows:

- If you are an EU/EEA data subject, and you have any concerns about how your Personal Data has been processed then you can contact the HCL's Data Protection Officer using hclppo@hcl.com
- If you are a data subject from India, and you have any concerns about how your Personal Data has been processed then you can contact the Grievance Officer for India (Prashant Yadav) at grievance-india@hcl.com
- If you are a data subject that does not belong to EU/EEA or India, and you have any concerns about how your Personal Data has been processed then you can contact the Global Privacy Office online via privacy@hcl.com

If you are not satisfied with our response, you also have a right to lodge a complaint with a data protection supervisory authority in the jurisdiction of your habitual residence, place of work or place of the alleged infringement with regards to your Personal Data.

Annexure A

Data Subject Rights:

Your rights may differ depending on local laws applicable, but generally (as far as applicable laws provide you with such rights). You would be entitled to: object to the processing of Personal Data, access your data and have inaccurate data corrected, obtain a copy of Personal Data (in some cases in portable format), ask us about any relevant details of processing, ask for erasure or restriction of processing, and to lodge complaints with relevant authorities (in particular in the country where you live, work or where the alleged infringement took place). These rights can be summarised in broad terms with the EU General Data Protection Regulation as a baseline:

- **Right of access**
You have the right to confirm with us whether your Personal Data is processed, and if it is, to request access to that Personal Data including the categories of Personal Data processed, the purpose of the processing and the recipients or categories of recipients. We can only provide you with your Personal Data, not Personal Data about another person. Also, where access would adversely affect another person's rights, we're not required to provide this. Due to legal privilege, there are some records we are not able to share in connection with a claim or legal proceeding.
- **Right to rectification**
You may have the right to rectify inaccurate or incomplete Personal Data concerning you. We encourage you to review this information regularly to ensure that it is accurate and up to date.
- **Right to erasure (right to be forgotten)**
You may have the right to ask us to erase Personal Data concerning you. The right to erasure does not apply where your information is processed for certain specified reasons, including for the exercise or defence of legal claims.
- **Right to restriction of processing**
In certain situations you have the right to 'block' or suppress further use of your information. When processing is restricted, we can still store your information, but may not use it further. We keep lists of people who have asked for further use of their Personal Data to be 'blocked' to make sure the restriction is respected in future. This may affect our ability to provide services to you.
- **Right to data portability**
You may have the right to receive Personal Data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you may have the right to transmit that data to another entity.
- **Right to object and rights relating to automated decision-making**
Under certain circumstances you may have the right to object, on grounds relating to your particular situation, at any time to the processing of your Personal Data, including profiling, by us and we can be required to no longer process your Personal Data. This may include requesting human intervention in relation to an automated decision so that you can express your view and to contest the decision.

You are entitled to receive your Personal Data free of charge except in the following circumstances where we may charge a reasonable fee to cover our administrative costs of providing the Personal Data for:

- manifestly unfounded or excessive/repeated requests, or
- further copies of the same information.

To exercise any of the above mentioned rights please submit your request through our [Data Subject Request Portal](#).

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Annexure B – Definitions:

Applicable Law	Local laws applicable to HCL.
Controller	The entity/person who (either alone or jointly or in common with other entities/persons) determines the purposes for which and the manner in which any Personal Data are or are to be processed.
Processor	Any person or an entity who processes the data on behalf of the Controller.
Data Subject	Any identified or identifiable living individual natural person.
Personal Data	Any information relating to an identified or identifiable individual. An identifiable individual 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 physical, physiological, mental, economic, cultural or social identity.
Special Categories of Personal Data	Any Personal Data revealing race or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
Data Processing	Any operation or set of operations which is performed on personal data, such as collecting, recording, organizing, storing, adapting or altering, retrieving, consulting, using, disclosing by transmission, dissemination or otherwise making the data available, aligning or combining data, or blocking, erasing or destroying data. Not limited to automatic means.
Encryption	The method by which plaintext or any other type of data is converted from a readable form to an encoded version that can only be decoded by another entity if they have access to a decryption key.
Supervisory authority	Independent Authority or division associated with an Authority in any relevant jurisdiction, whose primary purpose and function is to regulate matters related to personal data.
Pseudonymisation	The processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.
Anonymisation	The process of either encrypting or removing personal data from a database, so that the individuals whom the data describe remain anonymous. This is done for the purpose of protecting individuals' private activities while maintaining the integrity of the data gathered and shared.
Consent	Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
Data Retention	The policies and processes used within HCL for determining the time period for archiving and storing of personal data.
Profiling	Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.
Third Party	A natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data. This includes agencies engaged for the purpose of this tool, as well as clients, agents and vendors engaged in business with HCL, and with whom any employee of HCL is engaged for the period in question, as well as third party service providers, whose employees are engaged in services with HCL for the period in question.
User	A User is any person who reports a concern to "The Right Way" using the Portal, or by contacting HCL through Convercent over telephone hotline or SMS service for the purpose or raising a concern. This shall include Employees, prospective employees, ex-employees, interns, vendors, clients or their employees, or any other person who accesses the application through the website or any other service (SMS or Telephony) for the purpose of raising a concern.