



## **INFORMATION NOTICE FOR THE PROCESSING OF PERSONAL DATA OF PROSPECTIVE EMPLOYEES FOR THE RECRUITMENT PROCEDURE**

### **What is the purpose of this notice?**

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- Pursuant to the European Regulation 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 (hereinafter the “GDPR”) and any national laws applicable to the protection of Personal Data, bioMérieux is required to process the personal data of the prospective employees in the context of the recruitment procedure and further if necessary.
- Indeed, the protection of natural persons with regard to the processing of personal data actually is a fundamental right. The above regulations aim to specify and strengthen the rights of data subjects, and the obligations of those who determine the purpose and perform the processing of Personal Data.
- This privacy notice (“Notice”) applies to Prospective Employees (as defined below) and the purpose of this Notice is to inform the Prospective Employees about the way of the Personal Data are processed, but also the principles of the protection of Personal Data applicable for these processing, and how bioMérieux complies with the legal obligations related to data protection.
- The table available in Appendix A at the end of this Notice summarizes all the information related to the processing of your Personal Data.

### **Data Controller and Data Protection Officer**

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The Data Controller is bioMérieux which is registered on LYON RCS under the number 673 620 399, and has its registered office at Marcy L’Etoile, 69280, France.

The person representing the Data Controller is Mr Alexandre Mérieux, in his capacity as Chairman and Executive Officer and whose contact details are as follows: Campus de L’étoile, 100 Allée Louis Pasteur, Marcy L’Etoile, 69280, France.

bioMérieux has appointed a Data Protection Officer (“DPO”) whose contact details are as follows: Mr Yves Raisin, Délégué à la Protection des Données, PrivacyOfficer@biomerieux.com, 04 78 87 21 42, Campus de L’étoile, 100 Allée Louis Pasteur, Marcy L’Etoile, 69280, France.

### **Definitions**

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You can find all the definitions such as Personal Data, Prospective Employees, Purpose, Processing, Data Controller and Recipient below:

- > **“Personal Data”**: any information that relates to an identified or identifiable natural person, i.e. the employees; an identifiable natural person is considered as a *“natural person [...] 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 to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity”*;
- > **“Prospective Employees”** means any internal employee of bioMérieux but also external people of bioMérieux who submit the application for a job in bioMérieux which can be an employment contract, fixed terms contract or internship;
- > **“Purpose”**: is the objective for the processing of the personal data. In this Notice, the purpose of the processing are specified in paragraph 3 below;
- > **“Processing”**: any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- > **“Data Controller”**: the entity which is determines the purpose and the means of the processing of the personal data, i.e. bioMérieux, hereinafter the “Data Controller”;
- > **“Recipient”**: the natural person or legal entity, the public authority, the department or any other organisation that receives disclosure of personal data, regardless of whether that person is a third party, and which is referred below;
- > **“Data Processor”** means a natural or legal person other than the Data Controller which processes personal data on behalf of the Data Controller;

## General Data protection principles

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bioMérieux collects and processes the Personal Data of Prospective Employees in compliance with GDPR and the applicable data protection regulations in force and in compliance with the principles set out below:

**Lawfulness, fairness and transparency of processing:** Prospective Employees' personal data is always collected and processed on the basis of a specific justification (the "legal basis" as defined below). No processing contrary to the principles of this Notice and the GDPR may be carried out. In addition, clear, transparent and complete information is provided to Prospective Employees on the processing carried out on their Personal Data;

**Limitation of purposes:** Prospective Employees' personal data is always collected and processed for specific purposes, from the start of processing;

**Data minimization:** the personal data of Prospective Employees that is collected is strictly necessary to achieve the intended objectives. No superfluous personal data, taking into account the processing operations carried out, is collected or used;

**Security:** Prospective Employees' personal data is stored and processed in a manner that guarantees their security and confidentiality.

## Why does bioMérieux use your Personal Data?

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In accordance with Article 6 of the GDPR, any processing of your Personal Data by bioMérieux acting as Data Controller will have a legal basis to process Personal Data.

The “legal basis” is the foundation for data processing under the GDPR. It means that if an organisation wants to process Personal Data, there is a need to identify specific legal grounds for the processing. GDPR has defined six legal bases for processing:

- legal obligation,
- performance of a contract,
- legitimate interest,
- consent,
- public interest, and
- protection of a vital interest

Only one of these legal bases is sufficient as basis of the data processing. As part of the bioMérieux recruitment procedure, the legal basis is the “consent”.

The consent of a Prospective Employees to the use of his/her Personal Data must always be free, specific, informed and unambiguous. As a Prospective Employee you can decide to withdraw your consent for these purposes (see last paragraph below relating to your rights). However, this withdrawal has no consequences on the validity of the processing operations already carried out with the consent of the Prospective Employees.

## **How does bioMérieux use your Personal Data?**

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bioMérieux is processing your Personal Data in compliance with the purpose listed in the table in Appendix A. You will find in this table the purpose for this processing, and the legal basis on which the Personal Data are collected.

The purpose of processing the Personal Data of Prospective Employees by bioMérieux is to manage the recruitment procedure and in particular to allow the potential manager of Prospective Employees, to carry out interviews and the selection process, to manage the pool of Prospective Employees and pre-recruitment.

## **What kind of Personal Data does bioMérieux hold about you?**

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As part of the recruitment procedure, bioMérieux collects and processes the Personal Data of Prospective Employees, which are as follows:

- personal identification: first name, last name, age, nationality,
- contact information: email, phone numbers, personal postal address,
- education and skills: resume, education and training history, interview by video, languages,
- browsing information: user name, password, IP address, cookies.

Some of your Personal Data may be necessary for the examination of your application by bioMérieux’ recruitment teams. At the time of collection, an asterisk will let you know that your data must be entered. If this data is not provided, the Data Controller will not be able to process the application.

## **How is your Personal Data collected?**

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bioMérieux collects your Personal Data either:

- directly from you through electronic web form or paper form,
- indirectly from an application, or from third parties.

## **How long does bioMérieux keep your Personal Data?**

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Personal Data will be retained for a period that does not exceed the period required for the purposes for which they are processed bioMérieux will fulfil its legal and regulatory obligations and exercise its rights recognized by law or jurisprudence.

Accordingly, the retention period for the data will be limited to the strict minimum, in accordance with the timeframes determined by the law or the “Commission Nationale Informatique & Libertés”, French Data Protection Agency (CNIL) recommendations on this issue.

## **Who are the Recipients of my Personal Data and why might bioMérieux share my Personal Data with third parties?**

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bioMérieux as Data Controller may have to share all or part of your Personal Data with some Recipients, always in conformity with the purpose.

bioMérieux as Data Controller may have to share your Personal Data especially with:

- internal departments at bioMérieux Group level, if they need to have access to your Personal Data in compliance with the purpose of the processing; in the context of recruitment procedure, this concerns in particular Human Resources, but also employees of the bioMérieux Group who need to know this information;
- third parties, outside of bioMérieux for example other companies, including third-party service providers, like recruiting firm. bioMérieux requires third parties as sub-data processor according to GDPR to respect the security of your Personal Data and to treat it in accordance with the laws for the protection of Personal Data.

bioMérieux shares your personal information with third parties where required by law, or where it is necessary to administer the relationship with you or where bioMérieux has a legitimate interest in doing so. All third parties that undertake to process your Personal Data must provide appropriate security measures to protect your Personal Data in line with bioMérieux' policies.

## **Transfer of your Personal Data outside European Union (EU)**

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bioMérieux may be required to transfer your Personal Data outside of the EU especially to:

- subsidiaries of the bioMérieux Group outside of the EU, or also
- third parties where required by law, or where bioMérieux has a legitimate interest in doing so (as explained above about Recipients).

bioMérieux ensures that the appropriate safeguards are in place (such as tools of transfer including standard contractual clauses provided by the European Commission) before such transfer is taking place.

bioMérieux ensures that the appropriate protection mechanisms are implemented (such as transfer tools including the standard contractual clauses of the European Commission) before proceeding with a transfer of personal data. Standard contractual clauses are a transfer contract between the controller and a recipient specifying the obligations of the controller and the recipient in the event of a transfer of personal data outside the EU.

## **Your rights regarding the processing of your Personal Data**

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You as Prospective Employee enjoys the rights referred to in the following articles.

If you exercise your rights, the Data Controller undertakes to respond as soon as possible, in any event within a period of one (1) month as from receipt of the request by the Data Protection Officer. If necessary this timeframe may be extended by two (2) months in view of the complexity or number of requests, if necessary.

bioMérieux, the Data Controller will inform you in regard to this extension and the reasons for this report within a period of one (1) month as from receipt of your request.

Where your request is submitted in electronic format, the information will by default be provided electronically where possible, unless you expressly request for it to be provided in another manner (hard-copy paper format).

If bioMérieux, the Data Controller does not follow your request submitted, bioMérieux will inform you without delay and in any event within a period of one (1) month as from receipt of the request, stating the reasons why bioMérieux will not take action and informing you about your right to lodge a claim with your local data protection authority and/or to seek judicial remedy.

Your rights regarding your Personal Data are summarized below. Please note that depending on the situation your rights may be limited and subject to restrictions:

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- Right to access: You have a right to get a confirmation from bioMérieux, the Data Controller whether or not your Personal Data are processed by bioMérieux and to get access to such data.
- Right to correction: You have a right to ask bioMérieux the Data Controller to correct any inaccurate Personal Data as soon as practicable.
- Request to delete (“Right to forget”): You have a right to ask bioMérieux, the Data Controller to delete your Personal Data as soon as practicable.

bioMérieux must delete your Personal Data as soon as practicable in the following cases:

- the Personal Data are no longer required for the purposes for which they were gathered or processed in another way;
- the Prospective Employee concerned is exercising their right to object to the processing of their Personal Data;
- the Personal Data have been made subject of unlawful processing;
- the Personal Data must be erased in order to comply with a legal obligation provided for by European Union law, or by the domestic law that governs bioMérieux, the Data Controller; However, erasure cannot apply in the following cases:
  - the processing is required to exercise the right to freedom of expression and information;
  - the processing is required in order to comply with a legal obligation provided for by European Union law, or by the domestic law that governs bioMérieux, the Data Controller;
  - the processing is required to establish, exercise, or defend rights in court.
- Right to object: You have a right to object at any moment for reasons due to the particular situation to the processing of your Personal Data by bioMérieux, the Data Controller. You may not exercise your right in case the processing is required by law.
- Right to request the restriction of processing: You have a right to request that bioMérieux, Data Controller, restricts the processing of your Personal Data in the following cases:
  - the accuracy of the Personal Data is disputed by you or any Prospective Employee concerned for a period that enables bioMérieux, Data Controller, to check the accuracy of the Personal Data;
  - the processing is unlawful and you and any Prospective Employee concerned object to the erasure of the Personal Data, and are requiring the restriction of their use instead;
  - bioMérieux, Data Controller, no longer requires Personal Data for processing purposes, but they are still required by Prospective Employee concerned in order to establish, exercise, or defend a legal right.

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- Right to request the transfer of your Personal Data: You have a right to receive Personal Data that have been provided to bioMérieux, Data Controller, in a structured, currently used and machine readable format and you have the right to transfer your Personal Data to other Data Controllers. bioMérieux may not object to this. You also have the right to request that your Personal Data be directly transferred by bioMérieux to other Data Controllers if the transfer is technically possible. This right applies only in case the processing is based on your consent, or for the execution of a contract.

To exercise these rights, You may submit your request to the DPO by filling the data subject right form available on bioMérieux website and by clicking [here](#).

### **Right to lodge a claim with a supervisory authority**

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Notwithstanding any other administrative or legal recourse, any Prospective Employee who believes that their Personal Data were processed in a manner violating the GDPR and the principles set out in this Notice has the right to lodge a claim with CNIL.

To assert your rights, you and any Prospective Employee, may also appoint a body, an organization, or a non-profit organization that has been validly and legally incorporated, the statutory goals of which are in the public interest, and which is active in the protection of the rights and freedoms of the individuals concerned as part of the protection of your Personal Data.

This body organization or association mandated on your behalf may introduce a claim in its name with CNIL or exercise in its name its right to a judicial recourse against a Data Controller or subcontractor.

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bioMérieux,  
Mr Alexandre Mérieux  
The representative of the Data Controller

Mr Yves RAISIN,  
Data Protection Officer

Appendix A: table of the Processing of Personal data of Prospective Employees

<b>Department/ Functions in charge of processing</b>	Human resources
<b>Name of the processing</b>	Recruitment procedure for Prospective Employees (internal and external)
<b>Purpose of processing</b>	Online Recruitment
<b>Description of the processing</b>	Manage the recruitment procedure of Prospective Employees of bioMérieux Group
<b>Legal basis for processing</b>	Consent of Prospective Employees
<b>Legitimate interest</b>	Non applicable
<b>Internal department who has access/use data</b>	Human Resources Department, managers who needs to have access to Personal Data of Prospective Employees in the context of their request of recruitment
<b>Name - processor / location</b>	<ul style="list-style-type: none"> <li>• ICIMS – New Jersey USA</li> <li>• KELLY OCG - France,</li> <li>• PERFORMANSE - France,</li> <li>• SAP –Germany (hosting of the recruitment site)</li> <li>• RANDSTAD IN HOUSE (RIS)</li> </ul>
<b>Data Source</b>	Indirectly from the application and/or Providers of bioMérieux, and/or directly from Prospective Employees
<b>Automated decision making</b>	No
<b>Cross-border transfer mechanism(s)</b>	Transfer of Personal Data are based on the standard contractual clauses
<b>Data retention</b>	<ul style="list-style-type: none"> <li>• 3 years for CV starting from the last activity with the Prospective Employees ;</li> <li>• 90 days for the videos, starting from the date of the registration</li> </ul>
<b>Additional information</b>	<ul style="list-style-type: none"> <li>• The user account of the Prospective Employee can be deleted by the Prospective Employee himself/herself directly on the website of recruitment</li> </ul>