



# DATA PROTECTION INFORMATION



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## On The Whistleblower System

One Mobility GmbH ensures compliance with laws and regulations through an appropriate compliance organization, legally compliant processes, and other measures to prevent and respond to possible violations of rules.

These educational measures include, among other things, the introduction and operation of a whistleblower system (Law for Better Protection of Whistleblowers (Whistleblower Protection Act - HinSchG)).

The following information provides you (hereinafter "you" or "your") with details in accordance with Articles 13 and 14 of the GDPR about the nature and scope of the processing of your personal data (data) within the framework of the whistleblower system, the purposes of the processing and the legal basis, as well as your rights.

This privacy policy contains further explanations on data processing for the purpose of recording and investigating reports received through the whistleblower system ("investigative measures"). With regard to employees, it supplements our general privacy policy for the employment relationship.

### **1. Who is responsible for data processing and who can I contact?**

a) The controller within the meaning of Art. 4 No. 7 GDPR is:

**One Mobility GmbH**

Marktstrasse 155, 72793 Pfullingen, Germany

Email: [info@onemobility-group.com](mailto:info@onemobility-group.com)

hereinafter referred to as "One Mobility," "we," or "us."

#### **b) Data protection officer**

You can contact our data protection officer by email at [dpo@onemobility-group.com](mailto:dpo@onemobility-group.com) or by post at the above address, adding "For the attention of the data protection officer."

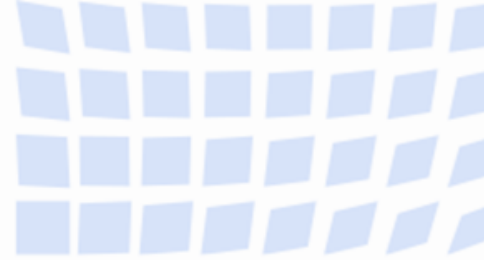
#### **c) Use of service providers**

Depending on the type and scope of the measures required, One Mobility may entrust independent service providers with the specific implementation of the relevant investigative measures. These service providers may include auditors, law firms, or tax advisors. In this case, the service providers often act as their own data controllers within the meaning of Art. 4 No. 7 GDPR.

### **2. Processing of personal data within the framework of the whistleblower protection system**

#### **a) Types of personal data**

The categories of personal data processed include, in particular



- Data relating to reports: As part of the whistleblower procedure, we record, among other things, the time, content, and other relevant circumstances relating to the reports submitted by whistleblowers. For example, we will record whether the whistleblower submitted the report via an internal or external reporting channel. If a whistleblower discloses their identity in the report, we will also record this.
- Operational information: As part of our investigation measures, we may also process operational information about you (e.g., position in the company, job title, possible supervisory position, work email address, work phone number).
- Information on relevant facts: Typical investigations often relate to specific facts. The investigation and evaluation of relevant information on the respective facts may, in some cases, allow conclusions to be drawn about your behavior or actions. In individual cases, this may also include breaches of duty or criminal offenses.
- Company-generated documents: As part of our investigation measures, we may also evaluate company-generated documents. In individual cases, this may include travel expense reports, time sheets or hourly records, contracts, performance records, logbooks, or invoices. These documents may also contain personal data about you.
- Communication behavior: Investigative measures may also allow conclusions to be drawn about your communication behavior when using company communication systems. For example, One Mobility may also access the contents of emails in your company email inbox as part of necessary email evaluations. In addition, One Mobility may evaluate log data or metadata.
- Personal information: As part of investigative measures, we will process general personal information about you (e.g., name, private address, private telephone number, private email address) if necessary.
- Private content: In individual cases, data records to be evaluated may also allow conclusions to be drawn about private content relating to you. This may be the case, for example, if a report submitted by a whistleblower contains such content. However, One Mobility will take appropriate technical and organizational measures to ensure that data records with purely private content are not evaluated.
- Data on criminal convictions and offenses: As part of our investigation measures, we may also need to collect data about you that allows conclusions to be drawn about criminal offenses or criminal convictions relating to you. However, One Mobility 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 our investigations. This may be the case, for example, if a report submitted by a whistleblower contains such data. Special categories of personal data include, for example, health data, data on possible trade union membership, biometric data, or data on political or religious beliefs. One Mobility will only process such data in accordance with the relevant data protection regulations, in particular Art. 9 (2) GDPR and § 26 (3) BDSG.

## **b) Purposes and legal basis of processing**

One Mobility must ensure compliance with applicable laws in the course of its business operations. This applies, for example, to provisions of criminal law, administrative offense law, tax law, data protection law, labor law, antitrust law, and other binding legal requirements.

If One Mobility does not sufficiently comply with these legal requirements, it may face disadvantages such as fines, penalties, claims for damages, or damage to its reputation. In order to comply with its legal obligations, One Mobility therefore takes appropriate measures to ensure compliance with legal requirements or internal company regulations. These measures include, among other things, the introduction and operation of a whistleblower system.



### In detail:

One Mobility processes your data in accordance with applicable laws, in particular for the following specific compliance and educational purposes

- **Legal obligation to introduce a whistleblower protection system:** We are legally obliged to introduce a whistleblower protection system (Art. 6 (1) (c) GDPR in conjunction with § 10 HinSchG).
- **Works agreement:** One Mobility may also process your data on the basis of an existing works agreement that regulates the introduction and operation of a whistleblower system (Art. 88 (1) GDPR, Section 26 (4) GDPR).
- **Checking the plausibility of reports:** Before initiating investigative measures, One Mobility will, among other things, check whether the reports submitted by whistleblowers appear plausible and indicate a violation of rules by an employee of One Mobility. The processing of your data serves, among other things, this plausibility check.
- **Investigation of misconduct:** Investigative measures may serve to uncover and investigate possible breaches of employment contract obligations or criminal offenses by One Mobility employees in the performance of their official duties, as well as other violations of rules and abuses within the company. This concerns, for example, the detection and punishment of fraud, corruption, tax offenses, antitrust violations, money laundering, or other economic crimes, as well as violations of codes of conduct and internal policies. The legal basis for this is Art. 6 (1) (c) GDPR in conjunction with § 10 HinSchG.
- **Implementation of legal obligations:** One Mobility is subject to comprehensive legal supervisory and compliance obligations. These arise, among other things, from Sections 130 and 30 of the German Administrative Offenses Act (OWiG) and from corporate, tax, antitrust, and criminal law, among others. For example, we carry out educational measures to ensure that our services and products comply with legal and regulatory requirements (compliance) and to uncover possible conflicts of interest within the company.
- **In order to detect criminal offenses,** personal data of the whistleblower and the accused may be processed if documented factual evidence gives rise to a concrete suspicion that you have committed a criminal offense in the course of your employment, processing is necessary for detection, and your legitimate interest in excluding processing does not outweigh this, in particular if the nature and extent are not disproportionate in relation to the occasion. (Section 26 (1) sentence 2 BDSG).
- **Exercise of legal rights:** Investigative measures may also serve to compensate for and ward off imminent economic or other damage or disadvantages for One Mobility and thus serve the effective defense of legal rights, the exercise and enforcement of rights. For example, One Mobility will use the results and information obtained through investigative measures in labor court proceedings or other legal disputes, if necessary.
- **Exoneration of employees:** In consultation with the person concerned, One Mobility also takes appropriate investigative measures to clarify possible allegations against persons who have been wrongly suspected and to exonerate them (so-called rehabilitation, Art. 6 (1) (f) GDPR).
- **Prevention of future misconduct:** Furthermore, the results of the clarification measures – insofar as they are suitable for this purpose – are also incorporated into general, preventive compliance measures (e.g., training courses), thus helping to prevent or hinder future breaches of employment contract obligations or criminal offenses by One Mobility employees (Art. 6 (1) (f) GDPR).
- **Review of relevance for affiliated companies:** One Mobility will forward information from whistleblowers that may also concern affiliated companies to these companies. The processing of your data also serves, among other things, to check whether a corresponding data transfer is necessary in individual cases. The legal basis for this is the legitimate interests of One Mobility and its affiliated companies (Art. 6 (1) (f) GDPR).
- **Implementation of foreign legal provisions:** In addition to national and EU legal requirements, One Mobility and affiliated companies are also subject to comprehensive legal provisions of countries outside the EU in the area of compliance. These include, for example, anti-corruption or

competition guidelines under US or Taiwanese law. Ensuring compliance with such foreign legal provisions may also constitute a legitimate interest (Art. 6 (1) (f) GDPR).

### 3. To whom is your data disclosed?

Only those persons who need your personal data to fulfill our contractual and legal obligations or to protect legitimate interests have access to it.

#### **Data transfer in the context of investigative measures**

In the case of data transfers in the context of investigative measures, the following recipients of data are particularly relevant:

- 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 regulations. This may be the case, for example, if the prior consent of the works council is required for specific investigative measures.
- Affiliated companies: In order to investigate possible compliance issues, we may also need to transfer your data to other affiliated One Mobility companies. Such internal data transfers may be considered in particular if investigative measures are based on facts that affect several or other affiliated companies.
- Courts, authorities, and other public bodies: One Mobility may also disclose the results of investigations to public bodies. This includes, for example, German or foreign public prosecutors, courts, or other authorities. Such disclosure may be necessary in particular if One Mobility is legally obliged to disclose the relevant data. This may be the case, for example, in the context of criminal investigations initiated as a result of investigations.
- Other third parties: If necessary to carry out the purposes stated in this privacy policy and if no conflicting interests of data subjects that are worthy of protection prevail, your personal data may also be disclosed to opponents in legal proceedings or to insurance companies.

#### **Service providers and processors**

Service providers and vicarious agents employed by us may also receive data for these purposes. We may only disclose information about you if required to do so by law, if you have given your consent, if we are legally authorized to provide information or disclose data, and/or if processors commissioned by us equally guarantee compliance with confidentiality and the provisions of the General Data Protection Regulation and the Federal Data Protection Act.

- Service providers: When carrying out educational measures, we may also seek the support of external service providers, such as law firms or auditing companies. We will take appropriate measures to ensure that these service providers only process your data in accordance with the relevant data protection regulations.
- Processors bound by instructions: We may also involve processors within the meaning of Art. 28 GDPR in the context of information measures, e.g., in the context of document management. One Mobility will ensure that these processors only process data for One Mobility on the basis of an effective data processing agreement.

Under these conditions and taking into account § 9 HinSchG, the following recipients, among others, may receive data to the extent necessary for the processing purposes:

- Cortina Consult GmbH, Hafengeweg 24, 48155 Münster, as the commissioned internal reporting office pursuant to Sections 12 (2) and 14 (1) HinSchG,
- Affiliated companies in the context of data processing as processors
- Affiliated companies within the scope of support in plausibility checks and the investigation of misconduct
- External IT forensic experts
- External service providers such as lawyers, auditors, and tax advisors
- Data destruction service providers



#### **4. Is data transferred to a third country or to an international organization?**

Your personal data will only be transferred to countries outside the EU or the EEA (so-called third countries)

- to the extent that this is permitted or required by law,
- to affiliated companies and external service providers within the scope of order processing,
- to public authorities, if required or ordered.

If cloud providers and service providers in third countries are used, they are obliged to comply with the level of data protection in the EU in addition to written instructions by agreeing to the EU standard contractual clauses or by other protective measures in accordance with Art. 44 ff. GDPR.

#### **5. How long will my data be stored?**

We process and store your personal data for as long as is necessary to fulfill our contractual and legal obligations in connection with the investigation of the report. We delete your personal data as soon as it is no longer required for the above-mentioned purposes. In addition, we store your personal data to the extent that we are legally obliged to do so. The relevant documentation and retention obligations arise in particular from Section 11 (5) HinSchG and amount to three years.

#### **6. To what extent is there automated decision-making (including profiling)?**

Within the scope of educational measures, neither automated individual decision-making nor profiling measures within the meaning of Art. 22 GDPR take place.

#### **7. What data protection rights do I have?**

Requests to assert any rights of data subjects can be directed to us or our data protection officer using the contact details provided. The right to assert data subject rights against all controllers involved in this processing remains unaffected. Corresponding requests should be directed to: see section 1 a) and b).

You have the following rights:

The rights of data subjects include in particular:

- a) Right of access (Art. 15 GDPR);
- b) Right to rectification (Art. 16 GDPR);
- c) Right to erasure (Art. 17 GDPR);
- d) Right to restriction of processing (Art. 18 GDPR);
- e) Right to object (Art. 21 GDPR);
- f) Right to lodge a complaint with a data protection supervisory authority

The general data protection information for employees and applicants as well as the data protection information for customers, suppliers, and business partners explain the requirements and scope of the individual rights of data subjects in more detail. Supplementary provisions may result from any existing works agreements on the whistleblower system.