

COHESITY

CANDIDATE DATA PRIVACY NOTICE

This Candidate Data Privacy Notice (**this Notice**) is intended to ensure that you are aware of what personal data we process in relation to you and other individuals, and how we use that data. The controller of your personal data is the Cohesity group company recruiting for the position for which you apply. A list of Cohesity group companies can be found [here](#).

Please read the following carefully to understand our use of your personal data.

Scope

This Notice applies to you because you are applying to work with us (whether as an employee, agency worker, consultant, individual contractor or director). It also applies to third parties whose information you provide to us in connection with our relationship with you (for example, in respect of references). Please ensure that you provide a copy of this Notice to any third parties whose personal data you provide to us in connection with your application to work for us.

This Notice does not form part of any offer of employment or any contract of employment and does not confer any contractual right on you, or place any contractual obligation on us.

It applies to all personal data collected, maintained, transmitted, stored, retained, or otherwise used (i.e. processed). You are being provided with the up to date version of this Notice, but we may update this Notice at any time. We will notify you of any substantive changes to this Notice.

What is Personal Data?

Personal data is any data relating to a living individual who can be identified directly or indirectly. We hold some or all of the types of personal data set out in Appendix 1, in relation to you.

Purpose and Legal Basis for Processing

We process personal data when we have a legal justification, or 'legal basis', for doing so. The legal bases we rely upon are:

- *Pre-contractual Steps* – processing is necessary to perform precontractual steps at your request;
- *Legal Obligation* - processing is necessary to comply with applicable EEA or UK law;
- *Legitimate Interests* - processing is necessary to further our legitimate interests, provided they are not overridden by your rights, freedoms or interests.

We will hold, process and may disclose personal data, set out in Appendix 1 of this Notice, for the following purposes and legal bases:

Purpose	Legal Basis
<ul style="list-style-type: none">➤ Assessing your job application;➤ Providing you with building and IT access;➤ Payroll and finance including reimbursing any applicable expenses associated with the recruitment process e.g. travel expenses;	<ul style="list-style-type: none">➤ <i>Pre-contractual Steps</i>. This processing of your personal data is necessary to process job applications submitted by you or on your behalf, and to assist in our determination as to whether to enter into

	a contract of employment (or engagement) with you.
<ul style="list-style-type: none"> ➤ Monitoring and promotion of equal opportunities consisting of the review of gender breakdown and recruitment, where and to the extent permitted by applicable laws; 	<ul style="list-style-type: none"> ➤ <i>Legitimate Interests.</i> This processing of your data is necessary for our legitimate interests in hiring a gender diverse workforce and promoting equal treatment of candidates in order to protect our reputation as a diverse and welcoming workplace and to attract the best candidates. Please note that you have a right to object to processing of your personal data on grounds relating to your particular situation where that processing is carried on for our legitimate interest.
<ul style="list-style-type: none"> ➤ For the purpose of diversity monitoring, requesting demographic information (such as identification with certain ethnic groups, or disability status), where and to the extent permitted by applicable laws. Where not permitted (such as France and Italy) we will not ask you for diversity data. 	<ul style="list-style-type: none"> ➤ <i>Legitimate Interests.</i> This processing of your data is necessary for our legitimate interests in hiring a diverse workforce and promoting equal treatment of candidates in order to protect our reputation as a diverse and welcoming workplace and to attract the best candidates. Please note that you have a right to object to processing of your personal data on grounds relating to your particular situation where that processing is carried on for our legitimate interest.
<ul style="list-style-type: none"> ➤ Conducting background checks on candidates to the extent permitted by applicable laws; such checks consist of education verification checks. In some countries, we may also check global watchlists, verify prior employment, review adverse media (professional information only) and/or conduct criminal background checks, where necessary for the position you are applying for, and with your consent where required, or if such check is required by applicable law. See Appendix 2 for details. 	<ul style="list-style-type: none"> ➤ <i>Legal Obligation.</i> In specific circumstances, applicable law may require a background check due to the nature of the position you are applying for. ➤ <i>Legitimate Interests.</i> This processing of your data is necessary for our legitimate business interests in ensuring that we recruit persons who are sufficiently qualified and of probity. Please note that you have a right to object to processing of your personal data on grounds relating to your particular situation where that processing is carried on for our legitimate interest. ➤ <i>Consent.</i> Where required by applicable law, we will conduct a background check only where you have provided your consent.
<ul style="list-style-type: none"> ➤ Managing health and safety at work and incident reporting, including in connection with pandemic public health measures; ➤ Verifying eligibility for work; 	<ul style="list-style-type: none"> ➤ <i>Legal Obligation.</i> This processing of your personal data is necessary in order for us to comply with any legal or regulatory obligations, including COVID19 or similar public health directives.
<ul style="list-style-type: none"> ➤ Exercising our right to defend, respond to or conduct legal proceedings.; 	<ul style="list-style-type: none"> ➤ <i>Legitimate Interests.</i> This processing of your data is necessary for our legitimate business interests in defending our rights, assets and reputation. exercising our respective rights. Please note that you have a right to object to processing of your personal data on grounds relating to your particular

	situation where that processing is carried on for our legitimate interest.
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We will inform you in advance if we intend to further process or disclose your personal data for a purpose other than the purposes set out above or elsewhere in this Notice.

Further Information on Verifications and Background Checks

If you are successful in your application and join the Cohesity team, you are likely to have access to sensitive data of Cohesity customers (including government agencies) in highly regulated industries. Because of this access, Cohesity is under strict contractual obligations to do a certain amount of due diligence on its workforce.

Part of that due diligence is a requirement that we validate information provided to us during the application process. We are also required to conduct background checks on prospective employees and, where such checks have not been completed during the recruitment process, on new hires. To this end, we have engaged a third party, Checkr, to conduct background checks on our behalf, but only to the extent required for our hiring decision or for carrying out the employment contract with you with regard to the specific position you have applied or have been engaged for. These background checks might result in the collection and processing of personal data relating to you from publicly accessible sources, including online sources. In addition to the third party background checks, we may also request you to voluntarily declare any unspent criminal convictions which you may have but again only to the extent required for our hiring decision or for carrying out the employment contract with you with regard to the specific position you have applied or have been engaged for. While such disclosure is entirely voluntary, if you do make a declaration and it is subsequently established to have been false or misleading, disciplinary action up to and including dismissal may be taken against you.

Not all checks are carried out in all countries for all positions. Details regarding the verifications we carry out are found in **Appendix 2**.

Consent

We may from time to time, (i) ask for your consent to use your personal data for a specific purpose; and/or (ii) process your personal data (including special categories of personal data) in order to protect your vital interests or the interests of another. If we do so, we will provide you with full details of the data that we would like and the reason we need it. We will also inform you about the fact that you can revoke your consent at any time and how you should do that. Once we have received notification that you have withdrawn your consent, we will no longer process your personal data on the grounds of consent.

Where you do not provide us with your Personal Data

If you do not provide us with your personal data we may not be able to process your job application, or assess your suitability for a particular role, comply with our legal obligations or manage our business. We will tell you when we ask for information which is a statutory or contractual requirement or needed to comply with our legal obligations.

Security and Storage of Personal Data

We use appropriate means to securely store your personal data in a centralised database, with controlled access to such database. Access to personal data (including special categories of personal data) in both electronic and paper form is restricted to members of the HR Department and employees who have a legitimate and justifiable reason to view such data.

Recipients of Personal Data

We may disclose (or you may have already disclosed) your personal data to [Cohesity Inc.]] and one or several group companies [listed [here](#),]including, for the following reasons: in order to run global processes, carry out group wide reporting, or take decisions about hiring or promotion.

It may be necessary from time to time for us to disclose personal data to the following categories of third parties or agents:

- Checkr or such other pre-employment screening provider appointed from time to time, to conduct background checks to the extent described in this Notice and produce a report on candidates.
- Third parties to assist in the administration, processing and management of certain activities pertaining to prospective employees.
- Individuals or companies employed by Cohesity to carry out specific services, functions or consultancy work including external reference agencies ;
- Relatives or legal representatives of prospective employees;
- Regulatory bodies to whom we are obliged or required to disclose information including the Workplace Relations Commission, Courts and Court-appointed persons;
- Legal and medical practitioners
- Relevant Government departments and agencies (for successful candidates); and
- Other support service providers necessary to assist Cohesity with the above.

We take reasonable steps, as required by law, to ensure the safety, privacy and integrity of such data and information and, where appropriate, enter into contracts with such third parties to protect the privacy and integrity of such data and any information supplied.

Transfer of Personal Data outside the EEA

The personal data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area (EEA) or UK, for the purposes described above. Due to the global nature of our

business, your personal data may be disclosed to Group Companies outside the EEA or UK, including in particular Cohesity Inc. in the USA, a country that does not have laws providing protection to personal data equivalent to EEA or UK laws. It may also be processed by personnel operating outside the EEA or UK, including in the USA, who work for us or for one of our suppliers who act on our behalf; see here for a list of countries where Cohesity group personnel are located. We will ensure suitable contractual safeguards are in place to protect the privacy and integrity of your personal data in such circumstances. You can obtain information and a copy of documentation pertaining to these safeguards from the Director of HR where applicable.

Data Retention

Data will be stored for as long as required to satisfy the purpose for which the data was collected and used, unless a longer period is necessary for our legal obligations or for the exercise or defence of legal claims.

Our retention practices are reviewed and updated from time to time in line with legal requirements and best practice. Further information can be obtained here.

Your Data Rights

You have several rights in relation to your personal data. You have a right to:

- obtain additional information about the personal data we hold about you, and access a copy of your personal data held by Cohesity;
- request rectification of your personal data if it is inaccurate or incomplete;
- request erasure of your personal data in certain circumstances;
- restrict our use of your personal data in certain circumstances;
- move (or port) personal data which is automated in certain circumstances;
- *candidates for positions in France and Italy only*: issue directives concerning the disposal of your personal data after you are deceased;
- **object to the processing of your data on grounds relating to your particular situation where our legal basis for processing your data is our legitimate interests;**
- withdraw consent at any time without affecting the lawfulness of processing based on consent before its withdrawal; and
- lodge a complaint with a supervisory authority, in particular with the authority competent for your place of residence.

However, some of these rights may not be exercised in certain circumstances, for example, the right to request erasure does not apply if the processing of your data is necessary to comply with a legal obligation or for the exercise or defence of legal claims. If you wish to exercise any of your rights in this regard please contact us here. We will respond to your request as soon as practicable. We may request proof of identification to verify your request.

Further Information

If you require any further clarification regarding this Notice, please contact:

General Counsel
Cohesity, Inc.
legal@cohesity.com

Appendix 1

General Personal Data

- **Personal** - contact/identifying details including name, address, email address, date of birth, photograph, civil status, gender, nationality, immigration/visa status;
- **Professional** - including previous employment background, references from previous employers, record of interview/interview notes, selection and verification records, educational details, professional and/or academic transcripts, professional certifications, work permits/residency documentation, special skills including (driver) licenses, language skills, memberships of committees or other bodies;
- **Premises access** – including information required to access company premises.
- **General correspondence/meetings** - relating to the recruitment process.
- **Fees, remuneration and benefits** – proposed fees/payment and benefits package, base salary, bonus, compensation type, long term incentives, pension scheme, health insurance scheme (and any third party beneficiaries),;
- **Information on criminal convictions and offences** - if provided by you and if relevant for the specific position you have applied for.

Special Categories of Personal Data
Physical or mental health data - such as information about your physical or mental health or condition; for example, we will use information about disability status to consider whether we need to provide for appropriate adjustments during the recruitment process in accordance with our legal obligations
Other special categories of personal data - such as racial or ethnic origin; veteran status; disability status.

Appendix 2

Verifications

Country	Recruiting Company	Verifications
Austria	Cohesity Germany GmbH	<ul style="list-style-type: none"> ● International Adverse Media Search ● International Global Watchlist Search ● International Education Verification ● International Employment Verification ● International Criminal Search (solely if justified by the sensitive nature of the job)
Belgium	Cohesity International Limited	<ul style="list-style-type: none"> ● International Adverse Media Search ● International Global Watchlist Search (with candidate consent where justified given the relevant job vacancy) ● International Education Verification ● International Employment Verification
Denmark	Cohesity International Limited	<ul style="list-style-type: none"> ● International Adverse Media Search ● International Global Watchlist Search ● International Education Verification ● International Criminal Search (director level; for other candidates if justified by the sensitive nature of the job and the candidate has a reasonable chance of getting the job) ● International Employment Verification (with candidate consent)
Finland	Cohesity International Limited	<ul style="list-style-type: none"> ● International Education Verification [highest level of education] ● International Employment Verification ● International adverse media search (only if in relation to the profession)
France	Cohesity International Limited	<ul style="list-style-type: none"> ● International Global Watchlist Search ● International Education Verification [highest level of education] ● International Employment Verification ● International Adverse Media Search (if it does not concern the candidate's private life) ● International Criminal Search (only if justified by the sensitive nature of the job)
Germany	Cohesity Germany GmbH	<p>(only if justified in the specific case)</p> <ul style="list-style-type: none"> ● International Adverse Media Search ● International Global Watchlist Search ● International Education Verification ● International Employment Verification ● International Criminal Search
Ireland	Cohesity International Limited	<ul style="list-style-type: none"> ● International Education Verification ● International Employment Verification ● International Adverse Media Search (only if justified) ● International Global Watchlist Search (only if necessary for the specific role).

Country	Recruiting Company	Verifications
Italy	Cohesity Italy S.R.L.	<ul style="list-style-type: none"> ● International Education Verification ● International Employment Verification (only for verifying discrepancies or if relevant for assessing the candidate's suitability for the job) ● Adverse Media Search (only professional information relevant for the specific role) ● International Criminal Search V2 (if provided by the applicable Collective Bargaining Agreement)
Netherlands	Cohesity Germany GmbH	<p>(only if justified in the specific case)</p> <ul style="list-style-type: none"> ● International Education Verification ● International Adverse Media Search (if justified by the role) ● International Global Watchlist Search (if justified by the role) ● International Employment Verification (if justified by the role)
Norway	Cohesity International Limited	<ul style="list-style-type: none"> ● International Adverse Media Search ● International Global Watchlist Search ● International Education Verification ● International Employment Verification
Spain	Cohesity International Limited	<ul style="list-style-type: none"> ● International Education Verification ● International Employment ● International Adverse Media Search (for managers or directors if the position is external / public facing)
Sweden	Cohesity International Limited	<ul style="list-style-type: none"> ● International Education Verification ● International Employment Verification ● International Criminal Search (if justified by the sensitive nature of the job) ● International Adverse Media Search ● International Global Watchlist Search (if required by EU or EU Member State Law to allow such processing)
Switzerland	Cohesity International Limited	<ul style="list-style-type: none"> ● International Education Verification ● International Employment Verification ● International Criminal Search V2 (if justified by the sensitive nature of the job) ● International Global Watchlist Search (if justified by the sensitive nature of the job)
UK	Cohesity UK Limited	<p>(only if justified in the specific case)</p> <ul style="list-style-type: none"> ● International Adverse Media Search ● International Global Watchlist Search (where required by law or there is a substantial public interest because of the nature of the job) ● International Education Verification (any relevant qualifications) ● International Employment Verification ● International Criminal Search (where required by law or there is a substantial public interest because of the nature of the job)

