

Edwards Lifesciences

Data Privacy Notice for Employment Candidates in Europe (including Switzerland, Norway and the United Kingdom)

Updated 1 October 2019 to update applicable laws and Privacy Shield entities, and

1. Overview

Edwards Lifesciences Corporation and its subsidiaries and affiliates, including affiliates located in Europe (collectively "**Edwards Lifesciences**") issue this Data Privacy Notice for Job Candidates ("Candidates") in Europe to describe how we handle the personal information we receive about you. This Notice extends to all persons who apply for employment with any Edwards Lifesciences group company in the European Economic Area, whether you submit your information to us directly, or whether your information is provided to us by an independent recruiter.

Edwards Lifesciences is committed to complying with all applicable data protection and privacy requirements. We respect the privacy rights of individuals and are committed to handling personal information responsibly and in accordance with applicable law, including the EU General Data Protection Regulation (Regulation 2016/679) ("GDPR"), the UK Data Protection Act 2018, Norway's Data Protection Act, and the Swiss Federal Act on Data Protection (collectively the "Privacy Laws"). This Notice sets out the personal information that we collect and process about you, the purposes of the processing and the rights that you have in connection with it. Note that for the purpose of the Privacy Laws, the data controller in relation to your data will be the Edwards Lifesciences group company which has listed the employment position you are seeking; a list of these companies is attached to this Notice.

If you are in any doubt regarding the applicable standards, or have any comments or questions about this Notice, please contact us at the contact details further below.

2. Types of personal information we collect

We will process personal information about you in connection with your application to Edwards Lifesciences.

The types of personal information we process include, but are not limited to:

- Identification data – such as your name, photograph, gender, date of birth, racial/ethnic origin (for purposes of assuring diversity and equal employment opportunities).
- Contact details – such as address, telephone/email address, emergency contact details.
- Background information – such as academic/professional qualifications, education, CV/resume, details of previous employment, languages, criminal records data and other independent background checks (where permissible and in accordance with applicable law), information obtained through references.
- National identifiers – such as national ID/passport numbers, immigration status, driver's license, social security numbers.

- Information you have made publicly available, such as social media (e.g., Facebook, Instagram, Twitter, LinkedIn, and the like) profiles and posts (where authorized by law).

In some circumstances we may need to collect, or request on a voluntary disclosure basis, some Sensitive Personal Information relating to you, where it is pertinent to the job you are applying for. Sensitive personal information includes any information that reveals your racial or ethnic origin, trade union membership, or information about your health ("Sensitive Personal Information").

We will process your Sensitive Personal Information only for legitimate recruitment-related purposes, for example:

- Information about your racial/ethnic origin, gender, trade union membership and health conditions/disabilities for the purposes of equal opportunities monitoring, to comply with anti-discrimination laws, obligations to have in place and consult with relevant consultative bodies (e.g. works councils) and for government reporting obligations (although any reports produced by us in this context would not directly identify you); and/or
- Information about your physical or mental condition to understand physical fitness for a particular position (where pertinent to the job you are applying for), to provide work-related accommodations (for example to job functions, formal procedures or examinations), and/or in relation to claims against or involving Edwards Lifesciences.

3. Sources of personal information

Usually you will have provided the information we hold about you but there may be situations where we collect personal information or Sensitive Personal Information from other sources. For example, we may collect:

- Certain background information from recruitment agencies, academic institutions or training and certification providers engaged by Edwards Lifesciences.
- Information from references you provide
- Information on your training and development from external training partners.
- Information about your health, where pertinent to the job you are applying for, including your fitness to carry out work and/or any accommodations to be considered from your doctor, other specialist medical adviser or our appointed medical expert.
- Information from publicly available sources as referred to above.

4. Purposes for processing personal information

We collect and process this personal information primarily for the purpose of evaluating your qualifications for the position to which you have applied.

Much of the processing for this purpose is carried out using a hosted recruitment platform, Workday, which helps us to administer recruitment activities. Note though that some of our processing activities are carried out outside those HR platforms, particularly where a candidate is referred to us through an external recruitment agency.

We may also collect and use personal information when it is necessary for other legitimate purposes, such as to investigate violations of law or breaches of our own internal policies and workplace rules – whether by you or any other person.

We may also use your personal information (or Sensitive Personal Information, where appropriate) where we consider it necessary for complying with laws and regulations, including collecting and disclosing information as required by law (e.g. for tax, health and safety, anti-discrimination, immigration / right to work and other employment laws), under judicial authorisation, or to exercise or defend the legal rights of Edwards Lifesciences.

5. Who we share your personal information with

Edwards Lifesciences takes care to allow access to personal information about our candidates only to those who require such access to perform their tasks and duties, and to third parties who have a legitimate purpose for accessing it. Whenever we permit a third party to access personal information, we will implement appropriate measures to ensure the information is used in a manner consistent with this Notice and that the confidentiality and integrity of the information is maintained and require them to have in place and maintain appropriate technical and organizational security measures.

(i) Transfers to other group companies

We will share your personal information with other Edwards Lifesciences companies around the world in order to administer recruiting and human resources tasks, as well as for other legitimate business purposes (such as tax & accounting purposes, general business management).

(ii) Transfers to third party agents and service providers

We will transfer your personal information to third parties where legally required to carry out our obligations. In addition, we make certain personal information available to third parties who provide services to us. We do so on a "need to know basis" and in accordance with applicable data privacy law.

Furthermore, in some cases we rely on third-party vendors to assist us in facilitating the employment relationship or carrying out our business functions, and some of your personal information may therefore be transferred to third parties for these purposes.

For example, personal information (and, in some cases, Sensitive Personal Information) will be shared with:

- third parties who conduct criminal records searches and other background checks (where permissible and in accordance with applicable law); the name of the applicable company is available through the contact information provided below.
- third parties who assist in facilitating travel arrangements in the event you are required to travel as part of the recruitment process, and who need personal information required for travel (such as name, address, country of citizenship, passport number, travel details, etc.), e.g. Carlson Wagonlit Travel (CWT).
- third-party software providers who facilitate expense reporting and process expense reimbursements, in the event you incurred reimbursable expenses during the recruitment process.
- auditors, advisors, legal representatives and similar agents in connection with the advisory services they provide to us for legitimate business purposes and under a contractual prohibition of using the personal information for any other purpose.

(iii) *Transfers to other third parties*

We may also disclose personal information to other third parties on other lawful grounds, including:

- To comply with our legal obligations, including where necessary to abide by law, regulation or contract, or to respond to a court order, administrative or judicial process, or to meet national security or law enforcement requests, including, but not limited to, a subpoena or search warrant.
- With your consent.
- As necessary to establish, exercise or defend against potential, threatened or actual litigation.
- Where necessary to protect the vital interests of you or another person.
- In connection with the sale, assignment or other transfer of all or part of our business.

6. Legal bases for processing personal information.

Our legal bases for collecting and using the personal information (and, where applicable, Sensitive Personal Information) described in this Notice will depend on the information concerned and the specific context in which we collect it. Some of the bases we rely on are set out above.

In summary, we will normally collect personal information from you only where the processing is in our legitimate interests and not overridden by your data protection interests or fundamental rights and freedoms, where the processing is necessary to comply with a legal obligation or (in limited circumstances) where we have your consent to do so.

If you have questions about or need further information concerning the legal basis on which we collect and use your personal information, please contact us using the contact details below.

Where we request personal information and Sensitive Personal Information from you, you can choose not to provide it to us. However, unless otherwise indicated, the personal information we request from you is normally required in order to enter into our contract of employment with you or in order to comply with our legal obligations. Failure to provide it may prevent us from effectively administering our contractual relationship with you (including any related employment benefits) and/or complying with applicable legislation, which may mean we are unable to continue your employment.

7. Transfers of data across borders.

Edwards Lifesciences is a global group of companies headquartered in Irvine, California in the United States. Many of our human resources functions are administered centrally by Edwards Lifesciences, LLC in the United States, and your personal information may be stored and processed by Edwards Lifesciences on servers in the US.

In relation to the transfer of your personal information to the US, these Edwards Lifesciences companies (as well as Harpoon Medical, Inc., CAS Medical Systems, Inc.)

participate in the EU-US and Swiss-US Privacy Shield Frameworks. We commit to comply with the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfers, Security, Data Integrity & Purpose Limitation, Access, Recourse, Enforcement and Liability. To learn more about the Privacy Shield, and to view our certification page, please visit <https://www.privacyshield.gov>. The US-based Edwards Lifesciences companies are subject to the investigation and enforcement of the U.S. Federal Trade Commission.

As Edwards Lifesciences operates at a global level, we may also need to transfer personal information to other non-European countries where we operate. In respect of those inter-company transfers (as well as transfers to our US entities), we have entered into inter-company agreements which implement the European Commission's Standard Contractual Clauses, which are available through the European Commissioner's website [here](#).

As noted above, in some instances we need to share your Personal Information with third parties, and in some cases those third parties are located in the US or in other countries outside Europe.

Our Standard Contractual Clauses, and the other mechanisms we rely on can be provided on request.

8. Your data privacy rights

Under applicable law, you may have a right (i) to request access and obtain a copy of their personal information, (ii) to request updates, rectification or erasure, including if your personal information is inaccurate or no longer necessary in relation to the purposes for which it was collected; (iii) to restrict the processing of your personal information; (iv) if applicable, to request portability of your information; and (v) in some countries, to dictate how your Personal Data may be processed after your death.

In certain circumstances, you may also have the right to object to the processing of your personal information.

Any such request can be made to the Privacy office at privacy@edwards.com.

If you have concerns that your data are being processed improperly, you have the right to lodge a complaint free of charge with your local EU data protection authority (DPA) or, for Staff Members in Switzerland, the Swiss Federal Data Protection and Information Commissioner. Contact details of the European DPAs are available here: https://edpb.europa.eu/about-edpb/board/members_en

If we are relying on your consent to process your personal information, you have the right to withdraw your consent at any time. Please note however that this will not affect the lawfulness of processing that took place before consent was withdrawn, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.

9. Data retention periods

The guiding principle adopted by Edwards Lifesciences is that your personal information will be stored in accordance with applicable laws and kept as long as needed to carry out the purposes described in this Notice or as otherwise required by contractual agreements with third parties, law or other Edwards Lifesciences policies.

If you are hired as an employee of Edwards Lifesciences, information collected during the recruitment process will be transferred to the HR system used to manage employees, and you will be given a Privacy Notice which describes our privacy practices for employees in Europe.

If you are not hired as an employee, your information will be retained for twelve (12) months from the date the job requisition is closed.

10. Automated Decision-Making.

Edwards Lifesciences does not engage in automated decision-making with candidate data.

11. Status this Notice

This Notice does not form part of any contractual relationship between Edwards Lifesciences and a candidate. The Notice may be changed at any time.

12. Questions and Concerns

You can address any questions or concerns relating to this Notice and our privacy practices to the contact details further below.

As noted above, you also have a right to lodge a complaint free of charge with your local data protection authority (DPA) or, for candidates in Switzerland, the Swiss Federal Data Protection and Information Commissioner. Contact details of the European DPAs are available here: https://edpb.europa.eu/about-edpb/board/members_en

We will cooperate with the relevant DPA in investigations and resolutions of complaints relating to this Notice, including where your complaint is in relation to the handling of your information in the US under the Privacy Shield Frameworks. We commit to cooperate and comply in good faith with the advice of these authorities. Where appropriate, your local DPA may also forward the matter to the US Department of Commerce or FTC for consideration. In certain circumstances you may be able to invoke binding arbitration under the Privacy Shield.

Of course we value the opportunity to deal with any concerns directly before they are shared externally and would encourage you to raise them using the contact details below as a first step.

13. Contact details

Questions, concerns or requests relating to your data, or to data protection generally, may be addressed to the Privacy Office, Edwards Lifesciences, One Edwards Way, Irvine, CA 92614, (949) 756-4584 or by email to privacy@edwards.com.

Edwards Lifesciences Entities Employing Personnel in Europe

Austria	Edwards Lifesciences Austria GmbH
Belgium	Edwards Lifesciences S.P.R.L.
Czech Republic	Edwards Lifesciences AG (Czech branch)
Czech Republic	Edwards Lifesciences Czech Republic sro
Denmark	Edwards Lifesciences A/S
Finland	Edwards Lifesciences Nordic AB Filial i Finland
France	Edwards Lifesciences SAS
Germany	Edwards Lifesciences GmbH
Greece	Edwards Lifesciences (Hellas) MEPE
Ireland	Edwards Lifesciences Ltd. Edwards Lifesciences Ireland, Ltd.
Italy	Edwards Lifesciences Italia Spa
Netherlands	Edwards Lifesciences B.V.
Netherlands	BMEYE B.V.
Norway	Edwards Lifesciences Nordic AB NUF
Poland	Edwards Lifesciences Poland Sp zoo
Portugal	Edwards Lifesciences (Portugal) Comercio e Distribuição de Dispositivos Médicos, Lda
Spain	Edwards Lifesciences SL
Sweden	Edwards Lifesciences Nordic AB
Switzerland	Edwards Lifesciences AG
United Kingdom	Edwards Lifesciences Ltd.