

PRIVACY NOTICE (EEA & UK)

COMPLIANCE HOTLINE

At the BorgWarner group of companies we take data protection very seriously and are committed to respecting and protecting your privacy. We have developed this Notice in particular to clearly inform you about how we collect, use, disclose and otherwise process personal data as required by applicable law or as we require in the course of fulfilling our professional responsibilities and operating our business as well as about your rights under GDPR. Please find descriptions of all definitions used in Annex 1 of this Notice.

1. For whom is this Privacy Notice?

This Notice covers our processing of personal data under GDPR with respect to reporters who use our compliance hotline in connection with an entity of the BorgWarner group in the **EEA** or in the **UK**.

By providing this Notice to you, we comply with our information obligations under GDPR. Please note that this Notice shall not confer upon you any rights or obligations that are not conferred upon you by law and regulations.

2. Who are we and how can you contact us?

The controller of your personal data is the BorgWarner entity or entities which are concerned in the Compliance Report acting as separate controllers.

For a list of the relevant BorgWarner entities with their contact details as well as for information regarding the contact details of the relevant **data protection officer** or other privacy contact (if no data protection officer is appointed locally by the relevant BorgWarner entity), please contact privacy@borgwarner.com.

In any case, you may always contact privacy@borgwarner.com with respect to questions about this Notice, the processing of your personal data in general and to exercise your rights towards BorgWarner as outlined below under no. 9.

3. Where do we collect your data?

4. We collect your personal data directly from you. Be aware that you are not required to provide your personal data to us since, Compliance Reports can be made anonymously. However, keep in mind that Anonymous Compliance Reports are often difficult to investigate if the reporter has not provided sufficient information or if there is not the possibility to contact or interview the involved parties.

5. How is your data used (purposes and legal bases)?

Purpose of processing	Legal basis	Legitimate interest (where relevant)
To operate an internal reporting channel pursuant to the local implementations of the EU Whistleblowing Directive.	Legal obligation Article 6 Section 1 (c). If special categories of data are concerned Article 9 Section 2 (b).	N/A

6. Who has access to your information (recipients)?

Within the Controller, only authorized employees with appropriate responsibilities have access to your personal data. In addition we may share your personal data with the following categories of recipients:

6.1 We may share your personal data with service providers that process personal data on our behalf and subject to our instructions as so called processors, for the purpose of providing their professional services to us:

- Compliance Hotline operator (USA).

6.2 We may share your personal data with the following third parties:

- Other entities of the BorgWarner group of companies: We may share your personal data with other entities of the BorgWarner group of companies for the purposes listed in no. 4 above.

The legal bases relevant for the transfer of personal data to third parties can be found in no. 4 above.

7. Do we transfer your data internationally (third country transfers)?

Some recipients of personal data may be located outside the EEA/UK and in countries that do not offer a level of protection equivalent to the one granted in the EEA/UK. Where personal data is transferred to locations outside the EEA/UK, we will, as required by law, ensure that your privacy rights are adequately protected either because the European Commission has decided that the country to which personal data are transferred ensures an adequate level of protection (Art. 45 GDPR) or the transfer is subject to appropriate safeguards provided by entering into standard data protection clauses of the European Union with the recipient (Art. 46 GDPR) unless GDPR provides for an exception (Art. 49 GDPR). In addition to this, we intend to, where necessary, agree on additional measures with recipients to ensure an adequate level of data protection.

A copy of the standard data protection clauses of the European Union can be found [here](#).

Copies of other safeguards can be requested by contacting privacy@borgwarner.com.

8. How long do we store your data?

Your personal data will generally only be stored until the personal data are no longer necessary in relation to the purposes for which they were collected (or otherwise processed).

Personal data which are manifestly not relevant for the handling of a specific Compliance Report shall be deleted without undue delay.

As an exception, personal data may be stored longer where their processing is necessary for compliance with a legal obligation – including compliance with statutory retention periods – to which we are subject or for the establishment, exercise or defense of legal claims.

9. What rights do you have under GDPR?

You have the following rights under GDPR provided that the legal requirements therein are met:

8.1 Right of access. You may request information about the processing of your personal data and a copy of the personal data undergoing processing insofar as such copy does not adversely affect the rights and freedoms of others.

- 8.2 Right to rectification. You may request correction of your personal data that is inaccurate and/or completion of such data which is incomplete.
- 8.3 Right to erasure. You may request deletion of your personal data, in particular where (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, (ii) you objected to the processing and there are no overriding legitimate interests for the processing, (iii) your personal data has been unlawfully processed or (iv) your personal data has to be erased for compliance with a legal obligation to which we are subject. The right to deletion, however, does not apply in particular where the processing of your personal data is necessary for compliance with a legal obligation or for the establishment, exercise or defense of legal claims.
- 8.4 Restriction of processing. You may request restriction of processing (i) for the period in which we verify the accuracy of your personal data if you contested the accuracy of the personal data, (ii) where the processing is unlawful and you request restriction of processing instead of deletion of the data, (iii) where we no longer need the personal data, but you require the data for the establishment, exercise or defense of legal claims or (iv) if you objected to processing until it has been verified whether our legitimate grounds override your interests, rights and freedoms.
- 8.5 Right to data portability. You may request to receive your personal data, which you have provided to us, in a structured, commonly used machine-readable format and transmit those data to another controller without hindrance from us, where the processing is based on consent or a contract and the processing is carried out by automated means; in these cases you may also request to have the personal data transmitted directly to another controller where this is technically feasible (data portability).
- 8.6 Right to withdraw consent. You may withdraw your consent at any time for the future where processing is based on your consent, without affecting the lawfulness of processing based on consent before its withdrawal.
- 8.7 Right to object.

Right to object

You have the right to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on our or a third party's legitimate interests.

We then will no longer process your personal data for the purpose to which you have objected unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defense of legal claims.

- 8.8 Right to lodge a complaint. You may lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of an alleged infringement if you consider that the processing of your personal data infringes the GDPR.

A list of the European supervisory authorities can be found [here](#).

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Please address your requests to exercise your rights to privacy@borgwarner.com. (with the exception of the right to lodge a complaint with a supervisory authority).

10. Changes to this Notice

We reserve the right to amend or modify this Notice at any time to ensure compliance with applicable laws. Please check regularly whether this Notice has been updated. We will notify you in case there are substantial changes to this Notice that affect you.

This Notice has been updated last in 3/7/2024.

Annex 1 – Definitions

The terms and expressions in capital letters used in this Notice have the meanings set forth below. Additionally, the definitions included in Art. 4 of the GDPR shall apply.

“**Affiliate**” shall mean BorgWarner Inc. and any entity which directly or indirectly controls, or is controlled by, BorgWarner Inc. ‘Control’ means direct or indirect ownership or domination of more than 50% of the voting interest of the respective entity.

“**Controller**”, “**we**”, “**us**”, “**our**” shall mean the BorgWarner entity which is controller of your personal data according to no. 2 of the Notice.

“**Compliance Hotline**” shall mean the independently operated third-party compliance hotline (*Convercent*) where reporters can submit their Compliance Reports. Issues can be reported via the internet at www.compliancehotline.borgwarner.com or by telephone. Toll Free numbers applicable for the concrete jurisdiction can be found at www.convercent.com/report.

“**Compliance Report**” shall mean an oral or written communication in good faith about suspected or actual misconduct and/or wrongdoing.

“**DPO**” shall mean data protection officer.

“**EEA**” shall mean European Economic Area.

“**EU Whistleblowing Directive**” shall mean the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

“**GDPR**” shall mean the General Data Protection Regulation (Regulation (EU) 2016/679) or UK GDPR where UK GDPR is relevant.

“**Notice**” shall mean this privacy notice in connection with the Compliance Hotline.

“**UK**” shall mean United Kingdom.

“**UK GDPR**” shall mean the GDPR as transposed into UK national law by operation of section 3 of the European Union (Withdrawal) Act 2018, together with the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019 and other data protection or privacy legislation in force from time to time in the UK.