

California Applicant Privacy Notice and Policy

Last Updated: June 2023

This California Applicant Privacy Notice and Policy (the “**Applicant Notice**”) describes how the BorgWarner group of companies operated and hosted by BorgWarner Inc. (“**BorgWarner**”, “**we**”, “**our**”, or “**us**”) collects and uses personal information relating to California residents who are external job applicants and potential candidates for positions with BorgWarner (each an “**Applicant**”; “**you**” or “**your**”) and is intended to satisfy our notice and privacy policy requirements under the California Consumer Privacy Act (as amended, including by the California Privacy Rights Act) and its implementing regulations (as amended) (together, the “**CCPA**”).

The information in this Applicant Notice is intended to provide an overall description of our processing of Applicant personal information. We may provide Applicants additional notices about our data practices, such as those covered by other laws (e.g., if we conduct a background check). We encourage you to carefully read this Applicant Notice, together with any other privacy notice we may provide to you.

The personal information that we collect, and our use and disclosure of such personal information, may vary depending on the circumstances, such as the position(s) or location for which you apply, as well as the associated qualifications and responsibilities. In addition, if you visit one of our offices or locations, we may collect information as part of our onsite security. The information in this Applicant Notice is intended to provide an overall description of our processing of personal information about Applicants.

1. **Scope**

This Applicant Notice applies, generally, to the Applicant personal information that we collect and otherwise process about Applicants in the context of reviewing, assessing, considering, managing, storing, or processing their applications or otherwise considering them for a position with us. Your use of our website, or submission of an application or other information through this website, is subject to our [Terms of Use](#), which include terms governing limitations on liability and the resolution of disputes; our Terms of Use are incorporated by reference into this Applicant Notice.

This Applicant Notice does not address or apply to our collection of personal information that is not subject to the CCPA, such as consumer credit reports and background checks, publicly available data, or other information that is exempt under the CCPA. This Applicant Notice also does not apply to the personal information we collect from consultants or employees, which is subject to different privacy notices, or to the personal information we collect about customers subject to the BorgWarner US Privacy Policy (posted [here](#)).

2. **Categories of Personal Information Collected and Disclosed**

The table below generally identifies the categories of personal information about Applicants that we collect and have collected in the prior twelve (12) months, as well as the categories of third parties to whom we may disclose this information for a business or commercial purpose. In some cases (such as where required by law), we may ask for your consent or give you certain choices prior to collecting or using certain personal information.

Categories	Description	Third Party Disclosures for Business or Commercial Purposes
Identifiers	Such as real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, and account name.	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • internet service providers, operating systems, and platforms • others as required by law
	Such as social security number, driver's license number, tax ID, and other government identifiers.	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • others as required by law
Categories of Personal Information Related to Customer Records	Records containing personal information, such as name, signature, photo, contact information, education and employment history, Social Security number and other government identifiers, insurance policy number, financial or payment information, medical information, or health insurance information.	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • others as required by law
Characteristics of Protected Classifications Under California and Federal Law	Such as race or ethnicity, gender, sex, veteran status, disability, and other characteristics of protected classifications under California or federal law. (Note: generally, this information is collected on a voluntary basis, and is used in support of our equal opportunity and diversity and inclusion efforts and reporting obligations or where otherwise required by law.)	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • others as required by law

Internet or Other Electronic Network Activity Information	<p>Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding your interaction with an internet website or application, as well as physical and network access logs and other network activity information related to your use of any BorgWarner device, network, or other information resource.</p>	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • internet service providers, operating systems, and platforms • others as required by law
Location Data	<p>Location information about a particular individual or device.</p>	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • internet service providers, operating systems, and platforms • others as required by law
Audio, Electronic, Visual, Thermal, or Similar Information	<p>Audio, electronic, visual, or similar information, such as CCTV/video footage, photographs, call recordings, and other audio recording (e.g., recorded webinars), and thermal screenings.</p>	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • regulators, government entities, and law enforcement • others as required by law
Professional or Employment-related Information	<p>Such as performance information, professional membership records, references, assessment records, resumes, cover letters and work history.</p>	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • others as required by law
Education Information	<p>Such as degrees earned, educational institutions attended, transcripts, training records and other information about your educational history or background that is not publicly available personally identifiable information as defined under the Family Educational Rights and Privacy Act.</p>	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • others as required by law

<p>Sensitive Personal Information</p>	<p>Such as: (a) Social Security number and other government identifiers; (b) financial account and payment information (e.g., for direct deposit purposes); (c) racial or ethnic origin or sexual orientation (e.g., on a voluntary basis to support of our equal opportunity and diversity and inclusion efforts and reporting obligations, or where otherwise required by law, or union membership); (d) biometrics (e.g., for access controls); and (e) health information.</p>	<ul style="list-style-type: none"> • service providers • advisors and agents • affiliates and subsidiaries • others as required by law
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Sales and Sharing of Personal Information. California privacy laws define a “sale” as disclosing or making available to a third-party personal information in exchange for monetary or other valuable consideration, and “sharing” broadly includes disclosing or making available personal information to a third party for purposes of cross-context behavioral advertising. While we do not disclose personal information to third parties in exchange for monetary compensation, we may “sell” or “share” certain technical information, including IP address, digital identifiers, information about your web browsing and usage of our services, information about how you interact with our ads, and certain analytic information, with third party data analytics, marketing, and advertising partners. We do so in order to [improve and evaluate our advertising campaigns]. We neither sell or share (as defined by the CCPA) sensitive personal information nor personal information related to individuals who we know are under the age of 16.

Sources of Personal Information. In general, we may collect the Applicant personal information identified in the table above from the following categories of sources:

- Directly from you;
- Recruiters and recruiting platforms;
- Referrals and references;
- Internet service providers;
- Operating systems and platforms;
- Government entities;
- Social networks;
- Publicly available information and data brokers;
- Service providers, representatives, and agents; and
- Affiliates and subsidiaries.

Retention. BorgWarner retains the personal information we collect only as reasonably necessary for the purposes described below or otherwise disclosed to you at the time of collection. For example, we will retain your information as necessary to comply with our tax, accounting, and recordkeeping obligations, to consider you for additional positions (with your permission), as well as an additional period of time as

necessary to protect, defend or establish our rights, defend against potential claims, and comply with our legal obligations.

3. Purposes for Collecting, Using, Disclosing and Processing Personal Information

Subject to applicable legal restrictions, generally we collect, use, disclose and process Applicant personal information as reasonably necessary for the following general purposes:

- Recruiting, hiring, and managing, and evaluating Applicants: to review, assess, recruit, consider or otherwise manage Applicants, candidates, and job applications, including:
 - scheduling and conducting interviews;
 - identifying candidates, including by working with external recruiters;
 - reviewing, assessing, and verifying information provided, and otherwise screening or evaluating Applicants' qualifications, suitability, and relevant characteristics;
 - extending offers, negotiating the terms of offers, and assessing salary and compensation matters;
 - satisfying legal and regulatory obligations;
 - communicating with Applicants regarding their applications and about other similar position(s) for which they may be interested;
 - maintaining Applicant personal information for future consideration; and
 - in support of our equal opportunity employment policy and practices.
- Business operations and client services: relating to the organization and operation of our business and our performance of services to clients, including related to:
 - auditing and assessing performance and business operations, including client services and associated activities;
 - training and quality control;
 - client development and providing after-sales services to clients;
 - satisfying client reporting and auditing obligations;
 - facilitating business development opportunities, as relevant; and
 - facilitating communications in furtherance of the foregoing.
- Security and monitoring: to monitor and secure our resources, network, premises, and assets, including:
 - to detect, prevent, investigate, and respond to security and privacy incidents;
 - managing physical and technical access controls;
 - maintaining and reviewing access and use in order to ensure the security and functioning of our systems and assets; and
 - to ensure the security and functioning of our systems and assets, and secure our offices, premises, and physical assets, including through the use of electronic access systems and video monitoring.
- Health and safety: for health and safety purposes, such as contact tracing or conducting appropriate screenings of Applicants prior to entering or accessing certain locations or premises.
- Auditing, accounting, and corporate governance: relating to financial, tax and accounting audits, and audits and assessments of our business operations, security controls, financial controls, or compliance with legal obligations, and for other internal business purposes such as administration of our records retention program.

- M&A and other business transactions: for planning, due diligence, and implementation of commercial transactions, e.g., mergers, acquisitions, asset sales or transfers, bankruptcy, reorganization, or other similar business transactions.
- Defending and protecting rights: to protect and defend our rights and interests and those of third parties, including to manage and respond to job applicant and other legal disputes, to respond to legal claims or disputes, and to otherwise establish, defend, or protect our rights or interests, or the rights, interests, health, or safety of others, including in the context of anticipated or actual litigation with third parties.
- Complying with legal obligations: relating to compliance with applicable legal obligations (such as hiring eligibility, responding to subpoenas, and court orders) as well as assessments, reviews, and reporting relating to such legal obligations, including under employment and labor laws and regulations, Social Security and tax laws, environmental regulations, workplace safety laws and regulations, and other applicable laws, regulations, opinions, and guidance.

Sensitive Personal Information. Notwithstanding the purposes described above, we do not collect, use, or disclose sensitive personal information about Applicants beyond the purposes authorized by the CCPA.

4. Your CCPA Rights

California Applicants have certain rights under the CCPA with respect to their personal information, subject to certain limitations and exceptions:

- Know/access: the right to know what personal information we have collected about them, including the categories of personal information, the categories of sources from which the personal information is collected, the business or commercial purpose for collecting, selling, or sharing personal information, the categories of third parties to whom we disclose personal information, and the specific pieces of personal information we have collected about them.
- Deletion: the right to request deletion of their personal information that we have collected about them.
- Correction: the right to request correction of inaccurate personal information we maintain about them.
- Opt out of sales and sharing: the right to opt out of the sale and sharing of their personal information.
- Limit use or disclosure of sensitive personal information: the right to request to limit certain uses and disclosures of sensitive personal information. However, as discussed above, we do not use or disclose Applicant personal information beyond the purposes authorized by the CCPA, thus this right is not available to Applicants.
- Non-discrimination: the right not to be subject to discriminatory treatment for exercising their rights under the CCPA.

Submitting CCPA Requests. Applicants may exercise their CCPA privacy rights as set forth below:

Requests to know/access, correct, and delete. Applicants may submit a request to BorgWarner to exercise their CCPA rights to know/access, to delete, and to correct their personal information held by us by submitting a privacy request to us online through privacy@borgwarner.com or by phone at 1-248-754-0656 (toll free).

We will take steps to verify your request by matching the information provided by you with the information we have in our records. Your request must:

- Provide sufficient information that allows us to reasonably verify that you are either the person about whom we collected personal information or that you are an authorized representative (i.e., by completing all required fields on our webform, if you choose to submit a request in that manner).
- Describe your request with sufficient detail, allowing us to properly understand, evaluate, and respond to the request.

In some cases, we may request additional information in order to verify your request or where necessary to process your request. Authorized agents may initiate a request on behalf of another individual through one of the above methods; authorized agents will be required to provide proof of their authorization and we may also require that the relevant Applicant directly verify with us their identity and the authority of the authorized agent.

Requests to opt-out. You may exercise your right to opt out of the sale and sharing of your personal information by managing your cookie preferences [here](#). In addition, our website responds to global privacy control—or “GPC”—signals, which means that if we detect that your browser is communicating a GPC signal, we will process that as a request to opt that particular browser and device out of sales and sharing (i.e., via cookies and tracking tools) on our website. Note that if you come back to our website from a different device or use a different browser on the same device, you will need to opt out (or set GPC for) that browser and device as well. More information about GPC is available at: <https://globalprivacycontrol.org/>.

5. Contact Us About This Applicant Notice

For additional details, or if you have questions regarding our use of your personal information as described in this Applicant Notice, you may contact us at privacy@borgwarner.com.