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| smiths medical | | | | Standard Number: | | |
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| Printed Name | | | | | | |
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Our Applicant Privacy Notice

From 6 January 2022, Smiths Medical became part of the ICU Medical, Inc. group of companies (the "ICU Group").

This Applicant Privacy Notice ("Notice") has been prepared by the ICU Group to let you know how the ICU Group (including your Smiths Medical prospective employing entity) uses your personal data when you apply for a role with Smiths Medical. We think that it is very important that you understand how we use your personal data, and we take our obligations in this regard very seriously. The purpose of this Notice is therefore to give you information about how your prospective employer and the ICU Group collects, processes, stores and otherwise uses information about you, and your rights in relation to that information.

Your prospective employer and the ICU Group need to process your personal data in connection with your application and this Notice provides you with information about the types of personal data we collect from you, when we collect your personal data, how long we keep it for, how we collect your personal data, our reasons for collecting and using your personal data, and information about how we share your personal data. *As local laws can impact the way that we process personal data in a particular country, if you are an applicant based in Germany please refer to Annex 1.*

We need to ask for your specific consent to process your personal data in a particular way in certain circumstances, such as for the purpose of conducting background checks prior to you commencing employment with us and to enable third parties to release information about you as part of those checks. We carry out these background checks only for roles which we consider "high risk" (e.g. which involve processing financial or highly confidential information) and if the laws in the country in which you are based permit us to do so. ***Where we obtain consent, we will provide you with a hard copy of this Notice together with the consent form as part of the recruitment process. Please sign and complete the consent form to confirm you consent to us processing your personal data for the purposes of carrying out the background checks listed.***

Although we might seek your consent in relation to certain background checks, you should note that in most cases we will process your personal data for the reasons set out in this Notice and it won't be necessary for you to provide consent as the legal basis for processing your personal data.

When we say "we", "us" or "our" in this Notice, we mean the Smiths Medical entity to which you applied and that is conducting the recruitment process. This Smiths Medical prospective employing entity is the data controller of your personal data processed as an applicant for employment of ICU Group. Please contact the recruitment agency or contact the Smiths Medical HR team for the full name and address of the entity that is conducting the recruitment process with you.

In this Notice, you'll see reference to the GDPR - that refers to the General Data Protection Regulation, which is a European law governing your rights in relation to your personal data, and how organisations should protect it.

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| Title | | | | | | |

We may update this Notice from time to time, for example if we implement new systems or processes that involve the use of personal data. If you have any questions on our Notice please contact us at ethicsandcompliance@icumed.com

What personal data do you collect from me and use?

We collect, store and use the following categories and types of data which identifies you or which can be used to identify you:

- **identification data**, such as your name, citizenship, passport data, national insurance number and tax reference;
- **personal information**, such as your date and place of birth, emergency contact details, and gender;
- **contact details**, such as your home address, telephone number and email address;
- **education and work experience**, such as contact details for your current/former employer, information about your educational background, your work experience and other experience;
- **other application data**, such as the information included in your application form/CV;
- **information collected as part of the interview process**, such as notes taken from your interview or information provided by recruitment agencies;
- **communications**, such as emails, instant messages and other communications;
- **bank account details**, where we have agreed to pay you travel or other expenses for the recruitment process; and
- **background check information**, such as information obtained through reference checks and confirmation about your work/educational background (to the extent permitted by applicable law).

If you apply for a job with us, we may also collect and use the following *special categories* of data:

- **health and medical data**, such as information about your medical conditions, sickness absence and reasons for it, or medical conditions resulting in mobility issues;
- **criminal records data**, relating to any previous criminal convictions or as a result of a background criminal check; and
- **diversity and inclusion data**, such as your race, religious background and/or sexual orientation.

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| Title | | | | | | |

However, we will only collect and/or use this sort of data if the laws in your country permit us to do so.

In most cases you provide your personal data directly to us or via a nominated third party, such as a recruitment service provider, in connection with your application (e.g. in your CV, reference letters, school degrees or certificates). However, we may receive some information about you from third parties such as government departments or current/former employers.

Overall, the provision of your personal data is voluntary for you and not required by law. However, we need you to provide us with your personal data in order to process your application. Not providing your personal data may result in disadvantages for you - for example, we may need to reject your application.

When do you collect my personal data?

We collect your personal data:

- when you apply for any job opportunity at one of our companies (including via our online application tools); and/or
- during the interview and recruitment process.

What activities do you carry out using my personal data – "Processing Activities"?

We collect and use your personal data for a variety of reasons linked to processing your application for a role with us. We set out a list of reasons why we collect and use your data (the "Processing Activities") below:

- administering and processing your application;
- determining your eligibility for the role you applied for (including right to work checks);
- conducting background checks as part of your application including potential criminal record checks (to the extent permitted by applicable law);
- complying with applicable laws and employment-related requirements;
- monitoring and ensuring compliance with applicable policies and procedures and laws;
- communicating with you, your prospective employer's employees, ICU Group employees and third parties, including informing you of future opportunities with ICU Group;
- responding to and complying with requests and legal demands from regulators or other authorities; and

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| Printed Name | | | | | | |
| Title | | | | | | |

- complying with corporate financial responsibilities.

Why do you carry out these Processing Activities using my personal data?

We need to collect, process and use the types of personal data we list above to carry out a variety of activities that are linked to your application for a role with us and our compliance with our obligations as part of the recruitment process.

Some of the laws that apply to us require us to tell you the legal reason for using your personal data. We list these below:

Legal Requirement: we use your data for compliance with our legal obligations, in particular the area of labour and employment law; for the legitimate interests of your prospective employer, the ICU Group, or other third parties (such as governmental bodies or courts). At times we may receive requests from regulators or other authorised bodies to use your personal data in order to comply with a legal or regulatory obligation. Where this is the case, we will ensure that the request is legitimate.

Consent: Where applicable and appropriate, we will ask for your consent to collect and use your personal data (for example in order to conduct background checks). If we need your consent to collect and use your personal data we will make clear to you that the provision of your consent is voluntary. You have the right to withdraw your consent at any time by contacting us using the contact information set out above.

Legitimate Interests: where we talk about the legitimate interests of your prospective employer, the ICU Group, or third parties, we mean:

- assessing your suitability for employment/engagement within the ICU Group;
- operation of a whistleblowing policy;
- implementation and operation of a group-wide organisational structure and group-wide information sharing;
- physical security, IT and network security;
- internal investigations;
- right to freedom of expression or information;
- proposed mergers and acquisitions;
- prevention of fraud, misuse of company IT systems, or money laundering; and
- compliance with our legal obligations.

When we rely on legitimate interests as the basis for processing your personal data, we will balance the legitimate interest pursued by us and any relevant third party, with your interest and fundamental rights and freedoms in relation to the protection of your personal data to ensure it is appropriate for us to rely on legitimate interests and to identify any additional steps we need to take to achieve the right balance.

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For how long do you keep my personal data?

We keep your personal information for no longer than is necessary. We may, for example, keep your personal information for a reasonable time after your application process is completed, in case we have future job opportunities that we consider you suitable for. Where personal information is kept, that period will be determined based on applicable local law.

Your rights in relation to your personal data

We explain here the rights that applicants for roles at one of our offices in the European Union may have in relation to personal data:

How can I find out what personal data you hold about me?

You may contact us using the contact information above if you would like more detailed information about what personal data we have collected from you, including the categories of personal data processed, the purposes of the processing and the third parties to whom that data is transferred. You may also request a copy of your data. Note that we do have to take into account the interests of others, and certain other legal obligations or restrictions, so this is not an absolute right.

Can I ask you to delete or correct my personal data?

You may contact us using the contact information above if you would like us to delete your personal data or to have your personal data corrected and, if required to do so, we will comply with your request.

Can I ask you to stop using my personal data?

You may contact us using the contact information above if you would like us to stop using your personal data (either entirely or for some of our Processing Activities) and, if required to do so, we will comply with your request.

Can I ask you to transfer my personal data to a third party?

You may contact us using the contact information above if you would like us to transfer your personal data to a third party in a structured, commonly used and machine readable format and, if required to do so, we will comply with your request.

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| Publish Date: | | APPLICANT PRIVACY NOTICE | | | Effective Date: | |
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| Signature | | | | | | |
| Printed Name | | | | | | |
| Title | | | | | | |

Can I object to the processing of my personal data and what about automated decision making?

Under certain circumstances you may have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal data, including profiling, by us and we can be required to no longer process your personal data. This may include requesting human intervention in relation to an automated decision so that you can express your view and contest the decision.

If you have any questions on your data rights please contact us at ethicsandcompliance@icumed.com

Do you securely store my personal data?

We apply strict security standards, controls and processes to protect your personal information from unauthorised access, loss or accidental deletion. These include restricting who can have access to your personal data and protecting your data with security tools appropriate to the type of information e.g. encryption software and secure file transfer tools. We also require that our third party processors who handle your personal data do the same.

Do you share my personal data with third parties?

As you know, we are part of the global ICU Group, and several entities in this group are involved in the Processing Activities. To ensure that the Processing Activities can be completed, your information may be shared with any of the entities within the ICU Group network. Where we do share data in this way, however, it is our policy to limit the categories of individual who have access to that personal information. Your prospective employer may transfer personal data to third parties, including to entities within and outside the ICU Group located in any jurisdictions where ICU Group entities are located, for the Processing Activities as follows:

- **Your Prospective Employer and ICU Group Entities** – as your prospective employing entity is part of a wider group headquartered in the USA with offices located across the globe, which all partially share management, human resources, legal, compliance, finance and audit responsibility, we may transfer your data and/or special category data to, or otherwise allow access to such data by other entities within the ICU Group, which may use, transfer, and process the data for the Processing Activities. Where we share your personal information with other ICU Group entities, they will use your information in a manner consistent with the purposes for which it was originally collected and consistent with this Notice and applicable data protection and privacy laws.

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| Printed Name | | | | | | | |
| Title | | | | | | | |

- **Our Data Processors** – from time to time, we may share your personal data with our third party service providers or with ICU Group entities who provide us with legal, event management, talent management, recruitment, communication and/or IT support services ("Data Processors"). In order to provide such services, our Data Processors process your personal data on our behalf. Our Data Processors have met our criteria as trusted guardians of personal data and are subject to contractual obligations to implement appropriate security measures to safeguard your personal data and to process personal data only as instructed by us.
- **Other Third Parties** – your personal data may also be transferred to regulators, courts, and other authorities (e.g., tax and law enforcement authorities) and independent external advisors (e.g. lawyers, auditors).

For the full list of the ICU Group entities and third parties that we may share your data with, please contact us at ethicsandcompliance@icumed.com.

Do you transfer my personal data overseas?

Some of the ICU Group entities, Data Processors and other third parties that we share your personal data with are located outside of the European Economic Area ("EEA").

If we transfer your personal data to entities outside of the EEA (which include our IT service providers, recruitment partners and other ICU Group entities in the US and India), we will make sure that your data is being protected as required by applicable data protection law. For transfers to other ICU Group entities from within to outside of the EEA, your prospective employer will be bound by the EU Standard Data Protection Clauses (see - Article 46(2)(c) of the General Data Protection Regulation). For transfers to third party service providers, we will do this by putting in place the EU Standard Data Protection Clauses (see - Article 46(2)(c) of the General Data Protection Regulation) with the third party to whom your personal data is being transferred.

You can ask for more information on the appropriate safeguards by contacting us at ethicsandcompliance@icumed.com.

What should I do if I am not happy with how my information is being used?

You can contact us using the contact information above if you are not happy with how we are handling your personal data.

You also have the right to complain to our relevant supervisory authority, which is the Information Commissioner's Officer (ICO) in the UK, who is responsible for ensuring we correctly follow the General Data Protection Regulations 2016. You can contact the ICO at:

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| Title | | | | | | |

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113

For applicants based in the European Union outside the UK, contact details of other European data protection supervisory authorities can be found here: http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=612080.

Annex
1

This Annex 1 applies if you apply for a job with **Smiths Medical Deutschland GmbH**.

1. Data Controllers

If you apply for a job with the following German Smiths Medical Entity, it is your data controller:

Smiths Medical Deutschland GmbH
Bretonischer Ring 3, D-85630 Grasbrunn, Germany
Tel: +49 (0) 89 242959 – 0

2. What personal data do you collect from me and use?

- a.) In deviation from the description in this Notice, the German Smiths Medical Entity does not collect the following personal data:
- health and medical data, such as information about your medical conditions, sickness absence and reasons for it, or mobility issues;
 - criminal records data, relating to any previous criminal convictions or as a result of a background criminal check; and
 - diversity and inclusion data, such as your race, gender, religious background and/or sexual orientation.

We do not receive information about you directly from third parties such as government departments or current/former employers.

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| Signature | | | | | | |
| Printed Name | | | | | | |
| Title | | | | | | |

**3. Why do you carry out these Processing Activities using my personal data?
What are the legal bases to do so?**

In deviation from the above, the German Smiths Medical entity does not carry out background screenings. When we process your personal data, we rely on the following legal bases:

| Processing Activities | Legal Basis |
|--|---|
| Administering and processing your application; | The processing is necessary in order to take steps at your request prior to and decide about the entering into an employment contract with you (Art. 6(1)(b) GDPR and Sec. 26(1) sentence 1 of the new German Federal Data Protection Act - "FDPA-new"). |
| Determining your eligibility for the role you applied for; | |
| Determining your eligibility for the role you applied for; | The processing is necessary for compliance with a legal obligation to which we are subject (Art. 6(1)(c) GDPR). The processing is necessary for the purposes of the legitimate interests pursued by us or a ICU Group entity (Art. 6(1)(f) GDPR) - as identified in the first column and in the main Notice. |
| Complying with applicable laws and employment-related requirements; | The processing is necessary for compliance with a legal obligation to which we are subject (Art.6(1)(c) GDPR). |
| Monitoring and ensuring compliance with applicable policies and procedures and laws; | The processing is necessary for the purposes of the legitimate interests pursued by us or a ICU Group entity (Art. 6(1)(f) GDPR) - as identified in the first column and in the main Notice. |
| Communicating with you, ICU Group employees and third parties, including informing you of future opportunities with ICU Group; | The processing is necessary in order to take steps at your request prior to and decide about the entering into an employment contract with you (Art. 6(1)(b) GDPR and Sec. 26(1) sentence 1 of the new German Federal Data Protection Act - "FDPA-new"). The processing is necessary for compliance with a legal obligation to which we are subject (Art. 6(1)(c) GDPR). The processing is necessary for the purposes of the legitimate interests pursued by us or an ICU Group entity (Art. 6(1)(f) GDPR) - as |

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| Signature | | | | | | |
| Printed Name | | | | | | |
| Title | | | | | | |

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| | identified in the first column and in the main Notice. You consented to the processing of your personal data for this purposes (Art. 6(1)(a) GDPR) |
| Responding to and complying with requests and legal demands from regulators or other authorities; and | The processing is necessary for compliance with a legal obligation to which we are subject (Art. 6(1)(c) GDPR). |
| Performance of our business, regulatory and legal obligations. | The processing is necessary for the purposes of the legitimate interests pursued by us or an ICU Group entity (Art. 6(1)(f) GDPR) - as identified in the first column and in the main Notice. |

4. For how long do you keep my personal data?

We keep your personal information for no longer than is necessary. In the event of a negative hiring decision, we will delete your personal data after three months.