

Privacy *Policy*



Royal BAM Group nv

Privacy Policy

Document code	BG-GC-P-006		
Document Owner	Group Data Protection Manager		
Function	Governance & Compliance		
Stakeholder panel	Legal, Divisional Data Protection Managers, COR, RCC		
Approved by	Date	Executive Committee	22 August 2022
Version	v2.0		

Table of contents

1.	Objective	1
2.	Scope	1
3.	Principles	1
4.	Requirements	1
	4.1 Data Privacy Impact Assessment.....	1
	4.2 Processing of personal data by BAM Group.....	1
	4.3 Use for other purposes	3
	4.4 Quantity and quality of data	3
	4.5 Information, access and rectification	3
	4.6 Security and confidentiality	4
	4.7 Automated decision-making and profiling.....	4
	4.8 Transfer personal data to third parties.....	4
	4.9 Personal data breach.....	5
	4.10 Complaints procedure.....	5
	Roles and responsibilities	6
	Reference to supporting documents	6
	Document Control	6

1. Objective

The Privacy Policy describes how personal data must be processed (encompassing all processing activities such as personal data collected, handled, stored, and deleted) to meet BAM's privacy requirements. Personal data is all information relating to (an) identified or identifiable individual(s) (such as name, date of birth and contact details).

2. Scope

This policy applies to all companies, employees and any other representatives of BAM Group.

All definitions that are used in this policy correspond with the definitions as included in the BAM Glossary.

3. Principles

- The processing is in compliance with this Privacy Policy and applicable privacy legislation.
- The personal data is adequate, relevant and the access to and processing of personal data is limited to only what is necessary for specific, determined, legitimate business purposes.
- The personal data is kept accurate and up to date, is only kept as long as is necessary for the intended purposes and is then securely destroyed.
- All personal data is treated and protected according to its level of confidentiality.
- Employees and any other representatives of BAM Group have a duty to report any (suspected) personal data breaches.
- The reasons for collecting and processing personal data are determined and are clearly communicated to the relevant individuals as is the information necessary to ensure a fair and transparent processing.
- A Data Processing Agreement (DPA) must be in place before any personal data is processed on behalf of BAM Group by a third party.
- The rights of individuals to access, correct, object against the processing of, restrict and remove their personal data will be respected.
- Privacy risks need to be assessed and appropriate internal controls need to be designed before implementing new business processes or services such as new IT systems.

4. Requirements

4.1 Data Privacy Impact Assessment

Prior to the implementation of each new process or system that includes the processing of personal data, a quick scan of the impact of the envisaged processing operations on the protection of personal data will be carried out. Where the outcome of the quick scan shows that the processing of personal data is likely to result in a high risk to the rights and freedoms of individuals, a Data Privacy Impact Assessment (DPIA) will be carried out and the measures identified in the DPIA will be implemented.

4.2 Processing of personal data by BAM Group

BAM Group processes the personal data of:

- **Employees**, including job applicants, former employees of BAM Group and temporary workers working under the direct supervision of BAM Group such as independent contractors and trainees.

- **Third parties**, including customers, suppliers and business partners.

4.2.1 Purposes for processing personal data of employees

BAM Group processes personal data of employees necessary for the following purposes:

- Human resources and personnel management.
- Business process execution and internal management.
- Health, safety, security and integrity.
- Organizational analysis and development, management reporting and acquisition and divestitures.
- Compliance with laws and regulations.

The legal basis for the processing of any personal data will be one or more of the following:

- necessary for the performance of a (e.g. employment) contract to which the employee is a party, or to take steps to enter into a contract;
- necessary for compliance with a legal obligation to which the organization is subject;
- necessary for protecting the vital interests of the employee;
- necessary to perform a task carried out in the public interest or exercise of official authority of the organization;
- necessary for pursuing the legitimate interests of BAM Group or a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the employee;
- necessary for the processing of personal data based on consent by the employee for one or more specific purposes approved by the (Group) Data Protection Manager (DPM), such as for the use of cookies or publication of personal photos on company websites. In general, employee consent is not a legitimate basis for processing personal data of BAM Group employees, because employee consent is not considered by the data protection authorities to be given freely.

One of the purposes listed above must exist for any processing of personal data of employees of BAM Group.

4.2.2 Purposes for processing personal data of third parties

BAM Group processes personal data of third parties which are necessary for the following purposes:

- Assessment and acceptance of a customer.
- For compliance with a legal obligation.
- Conclusion and execution of agreements.
- Health, safety, security and integrity.
- Business process execution, internal management and management reporting.
- Relationship management and (direct)marketing.
- Development and improvement.

The legal basis for the processing of any personal data will be one or more of the following:

- necessary for the performance of a contract to which the individual is a party, or to take steps to enter into a contract;
- necessary for compliance with a legal obligation to which BAM Group is subject;
- necessary for protecting the vital interests of the third party;
- necessary to perform a task carried out in the public interest or exercise of official authority of the organization;
- necessary for pursuing the the legitimate interests of the controller or a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the individual;
- necessary for the processing of personal data based on consent by the third party.

4.3 Use for other purposes

Personal data will only be processed if one of the purposes as listed in this Privacy Policy exists and for purposes that are closely related to the purposes listed in this Privacy Policy. Depending on the sensitivity of the relevant personal data and whether use of the personal data for a closely related purpose has potential negative consequences for the individual, this secondary use may require additional measures. Whether a closely related purpose exists must be assessed before the start of the processing for such secondary purpose and the appropriate (Group) Data Protection Manager must be consulted.

4.4 Quantity and quality of data

BAM Group will restrict the processing of personal data to those personal data that are adequate, relevant and limited to what is necessary to the purposes. BAM Group will take reasonable steps to delete personal data that are not required for the applicable purpose.

BAM Group generally retains personal data only for the period required to serve the applicable purpose or to the extent necessary to comply with an applicable legal requirement. Promptly after the applicable retention period has ended, the data will in accordance with the applicable privacy regulations be securely deleted or destroyed, anonymized, or transferred to an archive (unless this is prohibited by law or an applicable records retention schedule).

Personal data must be accurate, complete and kept up-to-date in view of the applicable processing purposes.

4.5 Information, access and rectification

Prior to the processing of data, BAM Group provides to individuals information with respect to the processing of their personal data in accordance with the *BAM Employee Privacy Statement* and the *BAM Privacy Statements for third parties including customers, subcontractors, suppliers and business partners*. This information includes information with respect to the purpose(s) of the processing and information necessary to ensure fair and transparent processing.

Each individual may request BAM Group to confirm whether or not personal data relating to him/her are being processed by BAM Group, and if this is the case, an overview of their personal data processed by or on behalf of BAM Group. Where reasonably possible, BAM Group will provide an overview including the following information:

- types of personal data processed;
- purposes of processing;
- categories of recipients;
- envisaged retention period;
- existence of the right to request BAM Group for rectification or erasure or restriction of processing of personal data or object to such processing;
- the right to lodge a complaint with a supervisory authority, and
- where the personal data is not collected directly from the individual, the source of the data and the existence of automated decision making, including profiling and at, at least in those cases, meaningful information about the logic involved as well as the significance and the envisaged consequences of such processing for the individual.

If the personal data is incorrect, incomplete or not processed in compliance with the applicable laws and regulations, the individual may have their personal data rectified, erased, blocked, or its processing restricted. In addition each individual will, under specific circumstances, have the right to receive their personal data in a machine-readable format and have the right to transmit those data to another controller or have this personal data transmitted. Under certain circumstances, the individual also has the right to (temporarily) object to the processing of their personal data. Finally, an individual has the right to object to the processing of personal data for direct marketing purposes.

4.6 Security and confidentiality

BAM Group has taken appropriate reasonable technical and organizational measures to protect personal data from misuse or accidental, unlawful, or unauthorized destruction, loss, alteration, disclosure, acquisition, access or other processing. To achieve this, BAM Group has developed and implemented the *BAM Information Security Governance Policy* and underlying standards, which can be found on BAM Connect.

Employees are only authorized to access and process personal data to the extent necessary to serve the applicable purpose and to perform their job. Employees who have access to personal data need to meet their confidentiality obligations.

4.7 Automated decision-making and profiling

BAM Group uses automated decision-making, including profiling, to make decisions. If decisions have a negative outcome for the individual, BAM Group will not base decisions solely on the results provided by automated decisions tool, unless:

1. the use of automated tools is necessary for the performance of a task carried out to comply with or authorized by law; or
2. the decision is made by BAM Group for the purposes of entering into, managing or performing a contract with the individual; or
3. the individual has given their explicit consent.

If the decision-making requires the processing of sensitive personal data BAM Group will not base decisions solely on automated decision making tools or profiling.

In the cases referred to in 2. and 3. of this paragraph, BAM Group will take suitable measures to safeguard the legitimate interests of the individual, e.g. by providing the individual with an opportunity to express their point of view and follow-up on adjustments for any justified objections raised by the individual].

4.8 Transfer personal data to third parties

BAM Group only transfers personal data to a third party to the extent necessary to serve the purpose for which the personal data are processed and to the extent that this purpose is permitted under this Privacy Policy and applicable laws.

There are two categories of third Parties:

- **Processors:** These are third parties that process personal data solely on behalf of BAM Group and at its direction and includes parties to which BAM Group discloses personal data or where BAM Group provides remote access to.

- **Controllers:** These are third parties that process personal data for their own purposes and determine the purposes and means of the processing

BAM Group concludes a DPA with processors and controllers where the processing of personal data is (part of) the primary scope of the activities of controller before processing commences.

If it is not (fully) clear whether the third party is a controller or processor the Data Protection Manager of the relevant Division or the Group Data Protection Manager can be asked for guidance

Personal data must not be transferred outside the EU and UK without the prior written approval of the Group Data Protection Manager or the Data Protection Manager of a division.

4.9 Personal data breach

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed by BAM Group. Examples are an e-mail sent to the wrong recipient, unauthorized access to personal data, loss of documents, or the intrusion by a hacker.

In case of a personal data breach, the *BAM Data Breach Procedure* on BAM Connect will be applicable. A personal data breach must be reported to the relevant (Group) Data Protection Manager, who will assess whether the security breach qualifies as personal data breach. In the case of a personal data breach, the (Group) Data Protection Manager will, without undue delay and, where feasible, no(t) later than 72 hours after BAM Group having become aware of it, notify the personal data breach to the competent supervisory authority of the respective country, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of individual(s).

In case of a personal data breach, BAM Group will report such personal data breach to the individual(s) concerned if the personal data breach is likely to result in a high risk to the rights and freedoms of the individual within a reasonable period of time following discovery of such breach.

4.10 Complaints procedure

Individuals may file a complaint regarding compliance with this Privacy Policy or violations of their rights under applicable privacy law with the appropriate Data Protection Manager. The Data Protection Manager will initiate an investigation and when necessary, advise the relevant Division on the appropriate measures for compliance and monitor, through to completion, the steps designed to achieve compliance.

Within four weeks of BAM Group receiving a complaint, the appropriate Data Protection Manager will ensure the individual is informed in writing of BAM's position with regard to the complaint and any action BAM Group has taken or will take in response or when the individual will be informed of BAM Group's position.

An individual may file a complaint with the Group Data Protection Manager within four weeks receiving the outcome of the Data Protection Manager of the Division if the solution of the complaint by the appropriate Data Protection Manager of the Division is unsatisfactory to the individual.

Roles and responsibilities

- The Executive Committee of BAM Group is responsible and ultimately accountable for providing direction on and commitment to this Privacy Policy.
- The Group Data Protection Manager is responsible for the development, awareness, maintenance and monitoring of the Privacy Policy and providing oversight of the execution.
- Divisional and Corporate Centre management is responsible for the implementation of this Privacy Policy by ensuring that all their employees are aware of and apply his Privacy Policy.
- The Data Protection Manager of the Division is responsible to oversee, steer and support the division and the Group Data Protection Manager with implementing and managing policy requirements and promote awareness. The Data Protection Manager of the Division reports to the management of the Division and to Corporate Centre based on predetermined dashboard.
- The (Group) Legal Counsel is responsible for providing legal advice regarding new privacy law developments and privacy topics.
- The Procurement Function is responsible for including the privacy & security requirements into the procurement process.
- The IT-Function is responsible for ensuring the proper IT technical security controls based on BAM Group policies and the assessed privacy risk.
- Each employee is responsible for adhering to this Privacy Policy.

Reference to supporting documents

- BAM Privacy Statements for employee data and the BAM Privacy Statement for customer, subcontractor, supplier and business partner data BAM
- Data Breach Procedure
- BAM Retention policy and underlying country retention schedules
- BAM Information Security Governance Policy
- BAM Information Security Risk analysis and classification procedure

Document Control

Document Version Number	Description of Revision (Include Reason for change)	Author	Date
V1.0	New Policy	W. Swinkels	December 2017
V2.0	Minor changes to reflect current situation in new TOM	T. Coumans	25 July 2022
	Reviewed and no changes required	W. Swinkels	November 2023