

Privacy Policy

At InCommodities A/S ("InCommodities") we understand the importance of correct processing of your personal data. We are committed to be compliant with the current regulations and this privacy policy ("**Privacy Policy**") is prepared with reference to applicable data protection legislation, namely the General Data Protection Regulation ("**GDPR**").

This Privacy Policy is relevant to these different groups of people:

1. Job applicants
2. Employees
3. External parties e.g. contact persons employed at vendors, business partners, customers or other external parties that may contact our traders for instance by email or phone.

In Commodities is data controller for the processing of the personal data. Please see below for further information about, inter alia, the categories of personal data processed about each category of data subject.

1. Job applicants

1.1 Information and purpose

We collect and process different types of information about you, in connection with the recruitment process. This includes:

- Name, address, e-mail, and phone number
- Information in your application, CV, and other materials you consider relevant to send us, and which is necessary as part of the recruitment process.

InCommodities does not process or otherwise use your your CPR number in the recruitment process. We highly recommend that you do not send us your CPR number and that you remove your CPR number from all your documents, before uploading them to our system.

We gather and process this information to run an efficient recruitment process, where you as a candidate can be evaluated fairly and thoroughly.

1.2 Legal basis for processing of your personal data



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The legal basis for the necessary processing of your personal data as a job applicant (such as name, contact information, CV, education, etc.) is:

- your consent pursuant GDPR Article 6(1)(a),
- for implementing measures at your request prior to the conclusion of a contract of which you are a party to, in accordance with the GDPR Article 6(1)(b), and/or
- to pursue our legitimate interest in evaluating job applicants thoroughly before hiring them, and this interest is considered to override your interests or fundamental rights and freedoms, in accordance with the GDPR Article 6(1)(f).

In certain cases, we may obtain your consent for the processing of your general personal data, cf. GDPR Article 6(1)(a). This applies e.g. if we wish to obtain references from external parties.

1.3 Sources

We collect your personal data through our Recruitment system “HR-ON Recruit” which is an integrated part of our website. We only collect and further process the personal data you voluntarily send to us.

1.4 Transfer of personal data to third parties

As a clear starting point, InCommodities will not share or disclose your personal data to third parties in connection with the recruitment process in other cases than those described in this Privacy Policy.

Your personal data can be accessed by our Recruitment system provider, as they act as our data processor, and they have sub-processors who can get access to your personal data as well. Both the data processor and sub-processors will only process your personal data on behalf of InCommodities and in accordance with the instructions of InCommodities.

In certain specific cases e.g. in connection with disputes, including when the disclosure of your personal data is necessary for the establishment, exercise or defence of



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InCommodities' legal claims, InCommodities may disclose your personal data to its advisers or other relevant third parties provided it is deemed necessary and lawful.

1.5 Transfer of personal data to countries outside EU/EEA

InCommodities and our data processors and sub-processors do not transfer your personal data to any countries outside of the EU/EEA.

If necessary in exceptional cases, both InCommodities and its' data processors and sub-processors, will take all necessary measures to ensure the lawfulness of the transfer of your personal data to the country outside EU/EEA, and this Privacy Policy will be updated to inform you about such transfers and the legal basis thereof.

1.6 Storage of your personal data

Your personal data will be deleted upon termination of the recruitment process. In specific cases, namely for documentation of a fair and lawful recruitment process, we may store your personal data for up to six months after the end of the recruitment process. We may also ask for your consent for a longer retention period. When your consent is no longer a valid legal basis for the processing or it has been withdrawn from you, your personal data will automatically be deleted.

If the result of the recruitment process ends with an employment contract with you, we will transfer your personal data to our HR-system, and the storage period of that is therefore extended. See section 2.4.

2. Employees

2.1 Information and purposes

We collect and process different types of personal data about you, in connection with your employment. This includes:

- Name, address, and phone number
- CPR or social security number
- Date of employment, place of work, and job title



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- Previous employer and seniority
- Holiday and absence
- Sick leave
- Bank details and tax information
- Any information related to injuries or special employment
- Health information, if relevant, e.g. allergies or disabilities
- Education, qualification, courses, competence profile, development plans, and evaluations
- Personality profile
- Documentation in cases of disciplinary matters e.g. warnings
- Portrait photos
- Recordings of your telephone conversations when you are using the company telephone and are employed by InCommodities as a trader

2.2 Legal basis for processing of your personal data

The legal basis for necessary processing of your personal data as an employee (such as name, contact information, CV, education, etc.) is:

- your consent pursuant to GDPR Article 6(1)(a)
- implementation of measures taken at your request prior to the conclusion of an employment contract of which you are a party to, cf. GDPR Article 6(1)(b),
- compliance with a legal obligation to which InCommodities is subject, cf. GDPR Article 6(1)(c). Such legal obligation might follow from the Danish Bookkeeping Act or tax legislation. Furthermore, InCommodities is subject to an obligation to record certain employees' telephone conversations for instance if you are employed as a trader. Such obligation is implied in the rules, best practice and industry standards pursuant to Regulation on Wholesale Energy Market Integrity and Transparency ("REMIT"),
- to pursue our legitimate interest in managing employees and this interest is considered to exceed the consideration of your interests or fundamental rights and freedoms, cf. GDPR Article 6(1)(f),



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- carrying out the obligations and exercising specific rights of InCommodities or of you in the field of social security and social protection law, if these are authorized in applicable law or collective agreement, cf. GDPR Article 9(2)(b), and
- for the establishment, exercise or defence of legal claims, cf. further GDPR Article 9(2)(f).

Sensitive personal data

Pursuant to Section 12(2) of the Danish Data Protection Act, the processing of employees' sensitive personal data can be carried out if InCommodities deems that the processing is necessary to enable us or a third party to pursue a legitimate interest that arises from other applicable legislation or collective agreements, provided the interests or fundamental rights or freedoms of you as an employee are not overridden.

Personal data on criminal offences

If any personal data on criminal offences are processed about you as an employee in Denmark, the legal basis of such processing will be carried out if we assess that InCommodities' legitimate interests *clearly* override your interests, cf. Section 8(3) of the Danish Data Protection Act. The legitimate interests of InCommodities are, among others, to protect any business-related data, including trade secrets and to prevent fraud or any kind of deception. The processing of such personal data may otherwise take place if the conditions laid down for the processing of sensitive personal data are satisfied, cf. Section 8(5), cf. Section 7 in the Danish Data Protection Act.

CPR-number

In some cases, InCommodities may process your CPR-number, as such processing may be required pursuant to applicable national legislation, cf. Section 11(2)(1) of the Danish Data Protection Act.

In other cases, if it deemed necessary to process your CPR-number, we will either obtain your consent, cf. Section 11(2)(2) of the Danish Data Protection Act, or assess whether the



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conditions regarding processing of sensitive personal data are complied with, cf. Section 11(2)(4) of the Danish Data Protection Act.

2.3 Transfer of personal data to third parties

As a general rule, InCommodities will not share or distribute your personal data in connection to your employment to a third party, unless otherwise stated in this Privacy Policy.

Your personal data can be accessed by our system providers, as they act as our data processor, and they have sub-processors who can get access to your personal data as well. Both our data processor and any sub-processors will only process your personal data on behalf of InCommodities and in accordance with the instructions of InCommodities.

The third-party systems where your personal data is processed includes:

- HR-ON Staff (HR system)
- Danløn (Salary system)
- Velliv Pensionsportal (Pension provider)

In certain specific cases e.g. in connection with disputes, including when the disclosure of your personal data is necessary for the establishment, exercise or defence of InCommodities' legal claims, InCommodities may disclose your personal data to its advisers or other relevant third parties provided it is deemed necessary and lawful.

2.4 Transfer of personal data to countries outside EU/EEA

InCommodities, and our data processors and sub-processors, do not transfer your personal data to any countries outside of the EU/EEA.

If necessary in exceptional cases, both InCommodities and its' data processors and sub-processors, will take all necessary measures to ensure the lawfulness of the transfer of your personal data to the country outside EU/EEA, and this Privacy Policy will be updated to inform you about such transfers and the legal basis thereof.



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2.5 Storage of your personal data

We store your personal data as long as you are employed at InCommodities, in order to fulfill the purposes stated above.

After the expiry of your employment period, we will only store your personal data if it is relevant and necessary, and no longer than 5 years after the last day of employment. It might be relevant for us to keep your personal data for a longer period after your employment has ended. E.g. for bonus payments, bookkeeping or if a dispute arises between you and InCommodities.

In relation to the above-mentioned recordings of certain employees' telephone conversations, we generally store such recordings for 6 months from the recording has been carried out. In certain specific cases if deemed necessary and lawful for instance for the establishment, exercise or defence of legal claims, this storage period may be extended for documentation purposes.

3. External parties

3.1 Information and purpose

We collect and process different types of personal data about you if you e.g. are employed at a vendor, a business partner, a customer or other external parties that may contact us for instance by email or phone. In this connection we process the following categories of personal data about you:

- Name, email address, and phone number
- Your title and information about where you are employed
- The content of your inquiry
- Recording of the telephone conversation you have had with our traders

3.2 Legal basis for processing of your personal data

The legal basis for processing of your personal data is:



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- to pursue our legitimate interest in business development, building and maintaining relationships, answering inquiries, etc. and this interest is considered to exceed the your interests or fundamental rights and freedoms, cf. GDPR Article 6(1)(f), and
- the processing is necessary for compliance with a legal obligation to which InCommodities is subject, cf. GDPR Article 6(1)(c). This legal basis specifically applies e.g. when we record your telephone conversations with our traders, as InCommodities must comply with the rules, best practice and industry standards pursuant to REMIT.

3.3 Transfer of Personal Data to third parties

As a clear starting point, InCommodities will not share or disclose your personal data to third parties, unless otherwise described in this Privacy Policy.

Your personal data can be accessed by our system providers, as they act as our data processor, and they have sub-processors who can get access to your data as well. Both the data processor and sub-processor will only process your personal data on behalf of InCommodities and in accordance with the instructions of InCommodities.

In certain specific cases e.g. in connection with disputes, including when the disclosure of your personal data is necessary for the establishment, exercise or defence of InCommodities' legal claims, InCommodities may disclose your personal data to its advisers or other relevant third parties if deemed necessary and lawful.

3.4 Transfer of personal data to countries outside EU/EEA

InCommodities and our data processors and sub-processors do not transfer your personal data to any countries outside of the EU/EEA.

If necessary in exceptional cases, both InCommodities and its' data processors and sub-processors, will take all necessary measures to ensure the lawfulness of the transfer of your personal data to the country outside EU/EEA, and this Privacy Policy will be updated to inform you about such transfers and the legal basis thereof.



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At InCommodities we do not collect any data about you when you visit our website www.incommodities.com.

3.5 Storage of your personal data

We store your personal data as long as we have an existing business relationship with your employer or if we deem it is otherwise necessary for documentation purpose.

In relation to the above-mentioned recordings of the telephone conversations you have had with our traders, we generally store such recordings for 6 months from the recording has been carried out. In certain specific cases if deemed necessary and lawful for instance for the establishment, exercise or defence of legal claims, this storage period may be extended for documentation purposes.

4. Your rights as a data subject

When we store and process your personal data as per above, you become a "data subject".

InCommodities has implemented a number of security measures to protect your personal data and ensure your rights. As a data subject, you can exercise the rights listed below. However, some of the rights only apply under certain circumstances.

4.1 Right of access

You have the right to request access to, including the disclosure of a copy of, the personal data that we process about you as well as the right to receive information on:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries and in that connections the necessary measures carried out prior to the transfer;
- the envisaged storage period or the criteria used to determine that period;



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- the existence of the right to request rectification, erasure, restriction or objection against processing of your personal data, including especially processing of personal data in connection with direct marketing purposes;
- the right to lodge a complaint with the Danish Data Protection Agency;
- where your personal data are obtained from if the personal data are not collected from you; and
- the existence of automated decision-making, including profiling, and as a minimum meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for you.

4.2 Right to rectification

You have the right to have inaccurate personal data about yourself rectified as well as the right to request completion of incomplete personal data concerning you.

4.3 Right to erasure ("right to be forgotten")

Under certain circumstances you have the right to obtain from InCommodities the erasure of personal data concerning you, for instance if the processing is based on your explicit consent and you withdraw this consent.

4.4 Right to restriction of processing

You have the right to restrict InCommodities's processing of your personal data, for instance, in the event you dispute the accuracy of the personal data.

4.5 Right to data portability

When our processing of your personal data is carried out automatically and is based on your consent or a contract with you, you have the right to receive the personal data concerning you in a structured, commonly used and machine-readable format and the right to transmit those personal data to another data controller, if this is technically feasible.

4.6 Right to object



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You have the right to object, on grounds relating to your particular situation, at any time to our processing of your personal data which is based on point (e) or (f) of Article 6(1) in the GDPR. This applies at any time where personal data are processed for direct marketing purposes.

4.7 Right to not be subject to automated individual decision-making

You have the right not to be subject to a decision based solely on automatic processing, including profiling, which produces legal effects concerning you or similarly significantly affects you.

4.8 Right to withdraw a consent

If you have given us your consent to the processing of your personal data, you have the right to withdraw such consent at any time. However, the withdrawal of your consent will not affect the lawfulness of processing of your personal data based on consent before its withdrawal.

6. Complaints

You have the right to submit a complaint to the Danish Data Protection Agency, which is an independent public authority responsible for monitoring and enforcing the application of the GDPR and the supplementary provisions in the Danish Data Protection Act. The Danish Data Protection Agency's contact information is available on its website: www.datatilsynet.dk.

5. Contact details

If you have any questions relating to this Privacy Policy, you wish to exercise your rights as a data subject as mentioned above, or you disagree with the way we process your personal data, you can contact us at hrsupport@in-commodities.com.

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Date of change	Responsible	Summary of change
13 January 2021	Ida Hedam Pedersen HR Coordinator	Policy updated



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