

Apex

# Privacy Policy Center

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Cookie Preferences

## Website Privacy Policy

The protection of your personal data is an important concern to Apex. Your trust is our top priority. Therefore, we always treat your personal data as confidential and in accordance with the legal data protection regulations as well as this Website Privacy Policy (Privacy Policy).

This policy discloses the way and manner how Apex handles personal data on the internet, what information about the users of Apex websites is recorded and analyzed, and how this information is used, shared or otherwise processed. It furthermore describes how cookies and other technologies can be used in our applications.

When accessing our website, you will be informed about the use of cookies. Apex may change and update this Privacy Policy on a regular basis at its sole discretion. In that case, we will publish updated versions of this Privacy Policy on this and other relevant web pages. A revised Privacy Policy applies only to data that is collected after the date on which the policy takes effect. We recommend that you check this page regularly for updated information about our data privacy practices.

This policy will continue to apply to Apex websites that refer to this policy. It does not apply to Apex websites that are subject to separate privacy policies.

**If you are a California Resident please refer to our**  
**Privacy Statement California**

## **I. Name and address of the data controller**

The data controller in the definition of the EU General Data Protection Regulation and other, national data protection laws of the Member States as well as further data protection regulations is:

Kuehne + Nagel Management AG

Apex Haus

P.O. Box 67

8834 Schindellegi

Switzerland

Phone: +41 (0) 44 786 95 11

Email: [headoffice@kuehne-nagel.com](mailto:headoffice@kuehne-nagel.com)

## **II. Contact details Data Protection Officer**

The data protection officer of the data controller can be reached at:

Kuehne + Nagel Management AG

Apex Haus

P.O. Box 67

8834 Schindellegi

Switzerland

Email: [privacy@kuehne-nagel.com](mailto:privacy@kuehne-nagel.com)

## **III. General remarks on data processing**

### **1. Scope of the processing of personal data**

We use your personal data in the way described in this Privacy Policy in order to make our services available, to respond to your enquiries, and to the extent it is legally permissible or required or to assist in legal or criminal investigations. Furthermore, we may anonymize and aggregate data collected via this website for statistical purposes to expand our product portfolio and improve our services.

### **2. With whom do we share your personal data?**

We may store your personal data or otherwise pass it on to our affiliates or further trustworthy business partners, who perform services in our name, for example, for technical support to evaluate the usefulness of this website for marketing purposes or other types of service provision. We have concluded contracts with these parties to ensure that personal data is processed in accordance with applicable data protection laws, on the basis of our instructions, in compliance with this Privacy Policy, and other suitable measures regarding confidentiality and security.

We may pass on your personal data to these parties and other third parties exclusively to the required extent in order to render the services that you have requested or authorized and to protect your and our rights, property or security or, if we are obligated to do so based on applicable laws, orders by courts or other authorities, or if this disclosure is required in order to assist in legal or criminal investigations or court proceedings.

Please note that the companies of the Apex Group as well as authorities, customers and suppliers to whom we may pass on your personal data, may be domiciled outside of your home country, and potentially also in countries with data protection laws that may differ from those applicable in the country where you are domiciled. In such cases, we will ensure that suitable measures for the protection of your personal data are taken by introducing suitable legal mechanisms, e.g. EU standard contractual clauses. You can find a copy of the EU standard contractual clauses at:

[https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en).

### **3. Legal basis for the processing of personal data**

Insofar as we obtain a declaration of consent from the data subject for the processing of personal data, Art. 6 (1) point a) EU General Data Protection Regulation (GDPR) applies as the legal basis for the processing of personal data.

In the processing of personal data that is required for the fulfilment of a contract to which the data subject is a party, Art. 6 (1) point b) GDPR serves as the legal basis. This also applies to processing that is required to conduct pre-contractual measures.

Where processing of personal data is required for the fulfilment of a legal obligation imposed on our company, Art. 6 (1) point c) GDPR serves as the legal basis.

In the case that vital interests of the data subjects or another natural person necessitate the processing of personal data, Art. 6 (1) point d) GDPR serves as the legal basis. If the processing serves to safeguard a legitimate interest of our company or of a third party and if the interests, civil rights and fundamental freedoms of the data subject do not outweigh the interest mentioned first, Art. 6 (1) point f) GDPR serves as the legal basis for the processing.

## **4. Data erasure and period of storage**

The personal data of the data subjects will be erased or blocked as soon as the purpose for storage it ceases to apply. Data may also be stored beyond this point in time if this has been provided for by the European or national legislator in directives, laws and other regulations under EU law, which apply to the data controller. The data will also be blocked or erased when a storage period expires that is prescribed by said standards, unless there is a necessity for the continued storage of the data for a contract conclusion or contract fulfillment.

## **IV. Provision of the website and creation of logfiles**

## **1. Description and scope of the data processing**

Each time our website is accessed, our system automatically collects data and information from the accessing device. The following data is collected in the process:

- (1) Information on the browser type and the version used
- (2) The user's operating system
- (3) Data and time of the access
- (4) Websites from which the user's system reaches our website
- (5) Websites that are accessed by the user's system via our website

The data will likewise be stored in the logfiles of our system. This data will not be stored together with other personal data of the user.

## **2. Legal basis for the data processing**

The legal basis for the temporary storage of the data and logfiles is Art. 6 (1) point f) GDPR.

## **3. Purpose of the data processing**

The temporary storage of the IP address by the system is necessary to enable a delivery of the website to the computer of the user. For this purpose, the user's IP address must remain stored for the duration of the session. The logfiles are stored in order to ensure the functionality of the website. In addition, the data helps us optimize the website and ensure the security of our IT systems. The data is not analyzed for marketing purposes in this context. These purposes are also legitimate interests of Apex in data processing pursuant to Art. 6 (1) point f) GDPR.

## **4. Duration of storage**

The data will be erased as soon as it is no longer needed to achieve the purpose of its collection. This is the case when the respective session is ended in the case that data is collected for the purpose of providing this website.

In the event that the data is stored in logfiles, erasure will take place at the latest after 30 days. Storage beyond this point is possible. In that case, the users' IP addresses will be erased or anonymized, so it will not be possible anymore to attribute them to the retrieving client. 5. Right of objection and removal The collection of data for the purpose of providing the website and the storage of data in logfiles is necessarily required for the operation of the website. Consequently, there is no possibility to object for the user.

## V. Use of cookies

### **a) Description, purpose and scope of data processing**

In addition to the aforementioned data, cookies or similar technologies such as pixels (hereinafter generally referred to as "Cookies") are used on your device when you use and visit our website. Cookies are small text files or image files such as pixels, which are stored by your browser on your end device to store certain information. The next time you access our website from the same end device, the data stored in the Cookies will subsequently be sent back either to our website ("First Party Cookie") or to another website to which the Cookie is linked ("Third Party Cookie").

Based on the stored and returned information, the respective website recognizes that you have previously retrieved and visited this web page using the browser of your end device. We use this information to allow us to design and display the website optimally in accordance with your preferences. In this process only the Cookie on your computer will be identified. Any storage of personal data beyond this will take place only with your explicit consent or, where this is absolutely required, to enable the corresponding use of the offered service that you are accessing.

You can object to the use of non-Necessary Cookies at any time by making the appropriate adjustments to your Cookie settings by using our Cookie Banner. This Cookie Banner is displayed when you visit our website for the first time. You can also use the button on the right side at the top of this page to manage your Cookies.

We differentiate between the following Cookie types for the use of our website:

### **Necessary Cookies**

These Cookies are necessary for the proper functioning of the website and store session data so the page is displayed correctly and the security of the website is maintained. These Cookies might be used for:

- Consistency of language selection and login status
- Availability of security firewall and preventing attacks on our service
- Error-free navigation between different website areas
- Ensure that the website and its functions can load without significant delay

In order to identify errors and to maintain both the integrity and security of the website as well as for statistical purposes, First Party Cookies are used on our website and mobile app. These Cookies ensure you are guided correctly to your industry- or country-specific needs. The data is anonymous and analyzed in aggregated form. The collected data contains:

- Amount of page views on URLs, amount of error pages, page view sequences
- Clicks on important website functions like contact forms, navigation items, or quoting and booking requests
- Type of referrers and external links to our websites



- Technologies used like browsers, operating systems and device categories

The Cookies are erased after your website visit ends.

### **Performance & Comfort Cookies**

By accepting Performance & Comfort Cookies, we use Cookies to improve your website experience with improved page designs and guidance for new visitors. We also use technologies to better understand how some pages are used in order to improve their design. We use Comfort Cookies from the following provider:

#### **WalkMe**

On some of our web pages where you can register such as myKN or SeaExplorer, and where you may need help navigating the page, WalkMe will show information via, for example, information banners explaining the best way to use our website features. For using our quote, booking and tracking solution myKN, WalkMe stores your myKN user ID for 12 months.

You can object to the use of Performance & Comfort Cookies at any time by making the appropriate adjustments to your Cookie settings by using our Cookie Banner. This Cookie Banner will be shown when you visit our website for the first time. You can also use the button on the right side at the top of this page to manage your Cookies.

### **Marketing Cookies**

Based on your consent by accepting Marketing Cookies, we use analytic and marketing measurement and service technologies, which enable us and our advertising partners to increase the relevance of our actions and campaigns for you. We do this for the purpose of understanding and optimizing the success of our online marketing activities.

Upon obtaining your consent, we also use measurement and service technologies in newsletters.

Based on your specific business request we offer you different contact forms. Based on your explicit consent related to these contact forms, we may also evaluate your booking and online usage data. This is performed on a personal basis to determine how appealing you find our advertising materials, which products you might particularly like, which sales channels appeal to you, and what type of consumer you are.

We use Marketing Cookies from the following providers:

- **LinkedIn Marketing Solutions**

Some of our websites use functions of the LinkedIn network. The provider is LinkedIn Corporation, 2029 Stierlin Court Mountain View, CA 94043, USA. The responsibility for data protection matters outside the USA lies with LinkedIn Ireland, Wilton Plaza, Wilton Place, Dublin 2, Ireland.

When you click on one of our advertising campaigns on LinkedIn, some of them will forward you to our website. If you then send us a message using our contact forms, a technology from LinkedIn Marketing Solutions is used to measure this behavior.

LinkedIn saves the data for the purpose of campaign effectiveness measurement. The data is stored as long as the duration of the LinkedIn Marketing Solutions campaign lasts, which can take several months. The actual timing can differ between several campaigns using LinkedIn Marketing Solutions. Such campaigns are used in specific content-areas and offers on our website and for specific target groups.

For further information on this subject, please consult LinkedIn's privacy policy at <https://www.linkedin.com/legal/privacy-policy>.

- **Google Ads Conversion Tracking**

With this technology, Cookies are set when you interact with, e.g. click on, one of our advertisements on Google. When you click on one of our advertisements on Google, you will be forwarded to our website. If you then send us a message using our contact

forms, a technology from Google Ads is used to measure this behavior. Google Ads saves the data for the purpose of campaign effectiveness measurement. If you have consented to the Marketing Cookies category, we will use the Google Ads Conversion Tracking as described.

Google Ads Cookies expire 30 days after your click on Google Ads advertising links. For further information on this subject, please consult the Google privacy policy at <https://policies.google.com/privacy>.

- **Sklik**

If you visit our Czech Republic website ([cz.kuehne-nagel.com](http://cz.kuehne-nagel.com)) through a seznam.cz (Czech search engine) advertisement and then send us a message using our contact forms, a technology from Sklik is used to measure this behavior. Sklik saves the data for the purpose of campaign effectiveness measurement. We will only do this if you have consented to the Marketing Cookies category. Sklik advertising cookies expire 30 days after your click on Sklik advertising links.

For further information on this subject, please consult seznam.cz privacy policy at <https://www.seznam.cz/reklama/en/obsahovy-web/pravidla-reklamy/gdpr#ochrana-osobnich-udaju>.

The cookie file is only used for the purpose of measuring the efficiency of advertising campaigns and will not be used for any other purpose.

### **Data transfer Marketing Cookies**

We only transfer such data to providers in third countries, which have accepted a contractual agreement following the EU standard contractual clauses and additional security measures in order to establish a sufficient level of data protection. However, by accepting the Marketing Cookies category, you also consent to your data being processed by providers in other countries such as the United States. There is a chance that U.S. providers may have to share the data with the U.S. authorities. As such, the U.S. is assessed as a country with an insufficient level of data protection according to EU data protection standards. Therefore you can object to the use of Marketing

Cookies at any time by making the appropriate adjustments to your Cookie settings by using our Cookie Banner. This Cookie Banner will be shown when you visit our website for the first time. You can also use the button on the right side at the top of this page to manage your Cookies.

#### **b) Legal basis for the data processing**

The legal basis for the processing of personal data by means of technically Necessary Cookies is Art. 6 (1) point f) GDPR. The legal basis for the processing of personal data by means of Cookies for the purpose of performance, comfort and marketing, if the user has given their corresponding consent, is Art. 6 (1) point a) GDPR.

## **VI. Registration**

### **1. Description and scope of the data processing**

We offer users the possibility on our website to register by entering personal data. The data is entered in an input mask in the process and is transmitted to us and stored by us. The following data is collected in the course of the registration process:

(1) First name

(2) Last name

(3) Email

(4) Phone

(5) Company details

At the time of registration, the following data is also stored:

(1) Information on the browser type and the version used

- (2) The user's operating system
- (3) The user's IP address
- (4) Data and time of the access
- (5) Websites from which the user's system reaches our website
- (6) Websites that are accessed by the user's system via our website

## **2. Legal basis for data processing**

The legal basis for data processing, if the user has given consent, is Art. 6 (1) point a) GDPR. If the registration serves to fulfil a contract to which the user is a party or the execution of pre-contractual measures, the further legal basis for the processing of the data is Art. 6 (1) point b) GDPR.

## **3. Purpose of data processing**

The user must register for the fulfilment of a contract to which the user is a party or for the execution of pre-contractual measures.

Subject to your consent, which we request for said registration purposes and your option to deregister at any time again, we also use your data to offer you specific products and services that may be of interest to you. You can deactivate these services by clicking on "Deregister". If you request further correspondence from us after this time, we will recreate your subscription and you can then click on "Deregister" again if you wish to unsubscribe again.

## **4. Duration of storage**

The data will be erased as soon as it is no longer needed to achieve the purpose, for which it was collected.

This is the case during the registration process for the fulfillment of a contract or the execution of pre-contractual measures whenever the data is no longer needed for the execution of the contract. The need to store personal data of the contractual partner can also apply after conclusion of the contract, in order to fulfil contractual or legal obligations.

The personal data from your account will be stored for as long as required for the purposes for which the data has been collected or otherwise processed. This does not apply insofar as we are subject to statutory retention periods. Otherwise, the following applies: If you have not used your account for more than 365 days, we will use your email address to inform you that your account will be erased.

### **5. Possibility for objection and removal**

As a user, you have the option at any time to cancel your registration. You can request changes to the data stored about you at any time.

If the data is required for the fulfillment of a contract or execution of pre-contractual measures, premature erasure of the data is possible only if no contractual or legal obligations oppose such.

## **VII. Contact form and email contact**

### **1. Description and scope of data processing**

A contact form is provided on our website, which can be used to contact us electronically. If you use this option, the data entered in the input mask will be transmitted to us and stored at our establishment. This data is:

(1) First name

(2) Last name

(3) Company name

(4) Country

(5) Email

With regard to the processing of the data, reference to this Privacy Policy will be made in the transmission process. Your data will be processed for advertising purposes only with your consent.

If contact is offered via a provided email address, the user's personal data transmitted along with the email will be stored in that case.

The data will not be transmitted to third parties. The data will be used exclusively for the processing of the conversation and, if you have expressly consented to it, for advertising purposes.

## **2. Legal basis for data processing**

The legal basis for the processing of the data, if the user has given consent, is Art. 6 (1) point a) GDPR.

The legal basis for the processing of the data transmitted in the course of sending an email is Art. 6 (1) point f) GDPR. If the contact by email aims at the conclusion of a contract, the additional legal basis for the processing is Art. 6 (1) point b) GDPR.

## **3. Purpose of data processing**

Personal data from the input mask is processed solely for the purpose of processing communication. In the event of contact by email, this is also the required legitimate interest in the processing of the data. Unless you have consented to it, your data will not be processed for other than the specified purposes (e.g. for advertising purposes).

The other personal data processed in the course of the transmission process serves to prevent misuse of the contact form and to ensure the security of our IT systems.

#### **4. Duration of storage**

The data will be erased as soon as you withdraw your consent or if the data are no longer needed to achieve the purpose for which it has been collected. This is the case regarding the personal data originating from the input mask of the contact form and the data that has been transmitted with the email, when the respective communication with you has been concluded. The communication is deemed concluded when, based on the circumstances, the relevant facts have been clarified conclusively.

#### **5. Right to object and to withdrawal of consent**

You have the right at all times to withdraw your consent to the processing of personal data. If you contact us by email, you can object at any time to the storage of your personal data. In such a case, the communication cannot be continued.

Please address the withdrawal of consent and the objection to storage to us via <https://privacy.kuehne-nagel.com/en/dsar-form>.

All personal data that has been stored in the course of the contacting will be erased in such a case.

## **VIII. Advertising / Marketing**

We process the data of our customers for direct marketing purposes in accordance with statutory provisions. In particular, during this process we ensure that our services are tailored to your requirements as best as possible.

You can object to the processing of your data for advertising purposes at any time by sending a written message via <https://privacy.kuehne-nagel.com/en/dsar-form> or withdraw your consent without any costs other than the costs in accordance with the basic tariffs being incurred.



To unsubscribe from the newsletter, there is also a corresponding link at the end of the newsletter. We would like to point out that, in exceptional cases, advertising material may still be sent, even after receipt of your objection. This is due to technical reasons and does not mean that we will not implement your objection.

The legal basis for this processing is Art. 6 (1) point f) GDPR. Our interest in addressing advertising in line with requirements is considered to be legitimate in the sense of the aforementioned regulation.

### **Person-related Analysis**

We wish to inform you that we also may analyze your purchase and online user behavior data on a personalized basis in order to find out to what extent you find our advertising appealing, which products particularly interest you, which purchasing channels appeal to you and what type of consumer you are. During this process, your personal data (first name, surname, address, email address if applicable), transaction data (for example, purchase and order history), other core customer data/attributes and click data (for example website, newsletter) are processed in order to improve our service and tailor our offers to you (for example, campaigns that are of particular interest to the user, discounts, exclusive product tests).

The legal basis for this processing is Art. 6 (1) point a GDPR on the basis of your consent.

### **Newsletter**

With our Apex newsletters, you have the opportunity to be regularly informed by email about our services and campaigns. In particular, you can determine the newsletter focus points yourself by stating your preferences.

In so doing, your personal data (e.g. first name, last name, address, email address) and, if applicable, transaction data (e.g. purchase and order history), other master data as well as click data (e.g. website, newsletter) are processed to improve our service as

well as for advertising tailored to you (e.g. promotions that are of particular interest to the user).

You can withdraw your consent in accordance with Art. 6 (1) point a) GDPR at any time with effect for the future.

You can object to the processing of your email address for advertising purposes at any time at <https://privacy.kuehne-nagel.com/en/dsar-form> or withdraw your consent without any costs other than the costs in accordance with the basic tariffs being incurred.

Via individual functionalities in our newsletter, we can track on a personal basis which contents of our newsletter are of particular interest for our customers. We use the results of these analyses in relation to the respective person exclusively for the purpose of improving our service and tailoring it to meet requirements as well as for the purpose of direct advertising.

## **IX. Data processing in order to create a profile in the Apex Talent Community**

### **1. Description and scope of data processing**

On the Apex career page, you can create a profile in the Apex Talent Community in various ways: 1) Registration and uploading of your data and information at (<https://jobs.kuehne-nagel.com/global/en/jointalentcommunity?applyType=JTC>).

2) Use of the ChatBot as communication channel.

3) Subscribing to an automatically generated job notification, which informs you about current job offers at the Apex Group.

### **2. Purpose of data processing**

Registering in the Apex Talent Community offers the possibility, before and after an actual job application process, of making your profile available via a search function to affiliates of Apex to which you have not actively applied for a job. The registration is voluntary and depends on the respective application procedure.

### **3. Legal basis for data processing**

The legal basis for the storage of your profile without concrete application for a certain job and the transfer of your profile to the group affiliates is Art. 6 (1) point a) GDPR, your consent.

### **4. Duration of storage of your data**

Your consent will be valid until your profile is erased and it can be revoked at any time by you with effect for the future. If you revoke your consent, Apex will cancel the affiliates' rights to access your application data. Unless you have revoked your consent at an earlier point already, your profile will be erased at the latest three years after your last activity.

## **X. Rights of data subjects**

If your personal data is processed, you are a data subject in the definition of the GDPR and have the rights listed below in relation to the data controller. You can exercise your rights at any time via the following link <https://privacy.kuehnemann.com/en/dsar-form>.

### **1. Right to information**

You can request confirmation from the data controller as to whether personal data relating to you is being processed by us. If such processing applies, you can request information from the data controller regarding the following aspects:

- (1) The purposes for which the personal data is processed;
- (2) The categories of personal data that is processed;

- (3) The recipients or categories of recipients to whom personal data relating to you has been disclosed or will be disclosed in the future;
- (4) The planned duration of storage of the personal data relating to you or, if this cannot be specified in detail, the criteria for determining the storage duration;
- (5) Applicability of a right to rectification or erasure of the personal data relating to you, a right to restrict the processing by the data controller or a right to object to this processing;
- (6) Applicability of a right to lodge a complaint with a supervisory authority;
- (7) All available information on the origin of the data if the personal data has not been collected from the data subject;
- (8) Applicability of an automated decision-making process including profiling according to Art. 22 (1) and (4) GDPR and – at least in these cases – explanatory information about the involved logic and scope, as well as the intended effects for the data subject from such processing.

You have the right to demand information as to whether the personal data relating to you is being transmitted to a third country or an international organization. In this regard, you can ask to be informed about the suitable guarantees according to Art. 46 GDPR relating to the transmission.

## **2. Right to rectification**

You have a right to rectification and/or completion of data relating to the data controller, insofar as the processed personal data relating to you is incorrect or incomplete. The data controller has to make the correction without delay.

## **3. Right to restrict processing**

On the following conditions, you can request the restriction of the processing of personal data relating to you:

- (1) If you object to the correctness of the personal data relating to you for a period that enables the data controller to check the correctness of the personal data;
- (2) The processing is illegitimate and you reject the erasure of the personal data, and instead request the restriction of the use of the personal data;
- (3) The data controller no longer needs the personal data for the purposes of processing, but you require it for the assertion, exercise or defense of legal claims; or
- (4) If you have objected to processing according to Art. 1 GDPR and if it is not certain yet if the legitimate interests of the data controller outweigh your reasons.

If the processing of the personal data relating to you has been restricted, this data may be processed – other than for storage – only with your consent or only to assert, exercise or defend legal claims or to protect the rights of another natural person or legal entity, or for reasons of a compelling public interest of the European Union or of a Member State.

If the limitation of the processing has been applied according to the aforementioned conditions, you will be informed by the data controller before the limitation is lifted.

#### **4. Right to erasure**

##### **a) Obligation to erase**

You can demand from the data controller that the personal data relating to you is to be erased immediately and the data controller is to be obligated to erase this data immediately if one of the following reasons applies:

- (1) The personal data relating to you is no longer required for the purposes for which it has been collected or otherwise processed.

(2) You withdraw your consent that served as the basis for processing according to Art. 6 (1) point a) or Art. 9 (2) point a) GDPR and there is no other legal basis for processing.

(3) You object according to Art. 21 (1) GDPR to processing and there are no overriding legitimate reasons for the processing, or you object to the processing according to Art. 21 (2) GDPR.

(4) The personal data relating to you is processed illegitimately.

(5) The erasure of personal data relating to you is required to fulfill a legal obligation according to EU law or the laws of the Member States that apply to the data controller.

(6) The personal data relating to you has been collected with regard to offered services of information society according to Art. 8 (1) GDPR.

### **b) Information to third parties**

If the data controller has made the personal data relating to you publicly accessible and if it is obligated to erase it according to Art. 17 (1) GDPR, it will take appropriate measures, also of a technical nature, in consideration of the available technology and implementation costs, in order to inform the parties, who are responsible for the data processing and who process the personal data, of the fact that you, as the data subject, have requested that they erase all links to this personal data or copies or replications of this personal data.

### **c) Exceptions**

The right to erasure does not apply if processing is required:

(1) To exercise the right to free speech and information;

(2) To fulfil a legal obligation that applies to the processing pursuant to EU law or the laws of the Member States that apply to the data controller, or to fulfill a task in the public interest or in exercise public power that has been delegated to the data controller;

(3) For reasons of public interest in matters of public health according to Art. 9 (2) point h) and i) as well as Art. 9 (3) GDPR;

(4) for archiving purposes that are in the public interest, for scientific or historic research purposes or for statistical purposes according to Art. 89 (1) GDPR, insofar as the right referred to under Section a) is expected to render the realization of the processing objectives impossible or obstructs it to significant extent; or

(5) For the assertion, exercise or defense of legal claims.

## **5. Right to information**

If you have asserted the right to the rectification, or restriction of processing against the data controller, it will be obligated to inform all recipients to whom personal data relating to you has been disclosed of such rectification or erasure of this data or the restriction of the processing, unless this proves to be impossible or if such is tied to disproportionate effort or expense. You have the right in relation to the data controller to be informed of these recipients.

## **6. Right to data portability**

You have the right to receive the personal data relating to you that you have made available to the data controller in a structured, commonly used and machine-readable format. You have furthermore the right to transmit this data to another data controller without obstruction by the data controller to whom the personal data has been made available, insofar as:

(1) The processing is based on a consent according to Art. 6 (1) point a) GDPR or Art. 9 (2) point a) GDPR or a contract according to Art. 6 (1) point b) GDPR, and

(2) The processing takes place by means of automated processes.

In exercising this right, you moreover have the right to effect the transmission of the personal data relating to you directly from one data controller to another data controller insofar as this is technically feasible. Freedoms and rights of other persons must not be impaired in the process. The right to data portability does not apply to the processing of personal data that is required to fulfill a task in the public interest or to exercise a public power that has been delegated to the data controller.

## **7. Right to object**

You have the right to object at any time, for reasons connected to your particular situation, to the processing of the personal data relating to you that takes place on the basis of Art. 6 (1) point e) or point f) GDPR; this also applies to profiling based on these provisions. The data controller will cease processing the personal data relating to you unless it can demonstrate the presence of compelling reasons for processing that qualify for protection and which override your interests, rights and freedoms, or if the processing serves the purpose of asserting, exercising or defending against legal claims.

If the personal data relating to you is processed for the purpose of direct marketing, you have the right to object at any time to processing of the personal data relating to you for the purpose of such advertising; this also applies to profiling if it is connected to such direct marketing.

If you object to the processing for the purposes of direct marketing, the personal data relating to you will no longer be processed for these purposes.



You have the option to exercise your right to object in connection with the use of the services of the information society – notwithstanding Directive 2002/58/EC – by means of automated procedures, in which technical specifications are used.

### **8. Right to withdraw consent according to data protection laws**

You have the right to withdraw your consent according to data protection laws at any time. The legitimacy of the processing that has taken place up until your objection will not be affected by the revocation of the consent.

### **9. Automated decision-making in individual cases including profiling**

You have the right not to be subjected to a decision that is exclusively based on automated processing – including profiling – which has a legal effect in relation to you or which causes similar significant disadvantages for you. This does not apply if the decision:

- (1) Is required for the conclusion or the fulfilment of a contract concluded between you and the data controller;
- (2) Is permissible based on the legal regulations of the EU or the Member States that apply to the data controller and if these legal regulations contain appropriate measures to protect your rights and freedoms as well as your legitimate interests; or
- (3) Is made with your explicit consent.

However, these decisions may not be based on special categories of personal data pursuant to Art. 9 (1) GDPR, unless Art. 9 (2) point a) or point g) applies and appropriate measures for the protection of rights and freedoms as well as your legitimate interests have been taken. Regarding the cases referred to in (1) and (3), the data controller will take appropriate measures to protect rights and freedoms as well as your legitimate interests, which includes at least the right of a person of [sic] the

data controller to exert its influence, to present own standpoints and to challenge the decision.

#### **10. Right to lodge a complaint with a supervisory authority**

Without prejudice to any other administrative or in-court appeal, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your domicile, your workplace or the place of the suspected violation if you believe that the processing of personal data relating to you violates the GDPR. The supervisory authority with which the complaint has been lodged will inform the complainant of the status and the results of the complaint including the possibility of appeal in court pursuant to Art. 78 GDPR.

## **XI. Report of data breaches**

Data breaches can be reported at any time to [privacy@kuehne-nagel.com](mailto:privacy@kuehne-nagel.com).

A data breach means a breach of security that leads to the accidental or illegal destruction, loss or modification, unauthorized disclosure or unauthorized access of personal data, which is transmitted, stored or otherwise processed us or a third party contracted by it.

## **XII. Minors**

Persons younger than 18 years of age should not transmit any personal data without the agreement of their parents or legal guardians. According to Art. 8 GDPR, children aged 16 years or younger may give such consent only with the agreement of their parents or legal guardians. Personal data of minors is not knowingly collected and processed.

## **XIII. Changes to this Privacy Policy**

Apex reserves the right to amend this Privacy Policy at any time and with effect for the future. It is therefore recommended to read this Privacy Policy at regular intervals.

*Status December 2021*

# California Privacy Rights Act

## Notice at Collection

This **Notice at Collection for California Employees** (“Notice”) applies solely to all job applicants, employees, owners, directors, officers, and contractors (collectively referred to in this Notice as “employees”) who reside in the State of California (“employee” or “you”). Apex Logistics International Inc. and our subsidiaries and affiliates (collectively, “Apex”, “Company”, “we”, “us”, or “our”) adopt this notice to comply with the California Consumer Privacy Act of 2018 (“CCPA”) and its amendments in the California Privacy Rights Act of 2020 (“CPRA”), and any terms defined in the CCPA and CPRA have the same meaning when used in this Policy.

Effective January 2023, employees have the same rights as consumers under the CCPA. To view our full Privacy Policy, visit <http://www.apexglobe.com>:

### Use of Personal Information

Apex is collecting your personal information to support its business operations. We will not sell the personal information we collect nor use it for advertising purposes or to infer characteristics about you.

We may use, or disclose the Personal Information we collect for one or more of the following purposes:

- To fulfill or meet the reason you provided the information;
- Comply with all applicable laws and regulations;
- Recruit and evaluate job applicants and candidates for employment;
- Conduct background checks;
- Manage your employment relationship with us, including for:
  - onboarding processes;
  - timekeeping, payroll, and expense report administration;
  - employee benefits administration;
  - employee training and development requirements;
  - the creation, maintenance, and security of your online employee accounts;
  - reaching your emergency contacts when needed, such as when you are not reachable or are injured or ill;
  - workers' compensation claims management;
  - employee job performance, including goals and performance reviews, promotions, discipline, and termination; and
  - other human resources purposes;
- Manage and monitor employee access to company facilities, equipment, and systems;
- Conduct internal audits and workplace investigations;
- Investigate and enforce compliance with and potential breaches of Company policies and procedures;
- Engage in corporate transactions requiring review of employee records, such as for evaluating potential mergers and acquisitions of the Company;
- Maintain commercial insurance policies and coverages, including for workers' compensation and other liability insurance;

- Perform workforce analytics, data analytics, and benchmarking;
- Administer and maintain the Company's operations, including for safety purposes;
- For client marketing purposes;
- Exercise or defend the legal rights of the Company and its employees, affiliates, customers, contractors, and agents.

We will not collect additional categories of Personal Information or use the Personal Information we collect for materially different, unrelated, or incompatible purposes without providing you notice.

### **Categories of Information Collected**

Categories of personal information are listed in the table below. The table also lists, for each category, our expected retention period for that category, and the business purpose for collecting each category of information.

<b>Personal Information Category</b>	<b>Examples</b>	<b>Retention Period</b>
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	Six (6) years or as long as a business purpose exists.
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.  Some personal information included in this category may overlap with other categories.	Six (6) years or as long as a business purpose exists.
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	Six (6) years or as long as a business purpose exists.
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	None

E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	None
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	Six (6) years or as long as a business purpose exists.
G. Geolocation data.	Physical location or movements.	None
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	None
I. Professional or employment-related information.	Current or past job history or performance evaluations.	None
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	None
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	None
OTHER PERSONAL INFORMATION	Any correspondence or documentation relevant to ongoing litigation affecting Apex.	Six (6) years or as long as a business purpose exists.

Apex will not retain personal information for time periods longer than reasonably necessary.

Apex will not discriminate against you in any way for exercising your rights under the CCPA.

If you have any questions about this Notice or need to access it in an alternative format due to having a disability, please contact:

Sangna Kuhia, VP of Human Resources

Phone: 1 310-735-8248

Website: <https://apexglobe.com/>

Email: [sangnak@apexglobe.com](mailto:sangnak@apexglobe.com)

Postal Address: 18554 S. Susana Road, Rancho Dominguez CA 90221

Attn: Sangna Kuhia

HR Department, Data Controller

Attn: Sangna Kuhia, VP of Human Resources

Phone: 1 310-735-8248

Website: <https://apexglobe.com/>

Email: [sangnak@apexglobe.com](mailto:sangnak@apexglobe.com)

Postal Address: 18554 S. Susana Road Rancho Dominguez CA 90221

EFFECTIVE DATE: January 1, 2023.