

# WATCH & JEWELLERY INITIATIVE 2030

## CHARTER GOVERNING DATA PRIVACY

<b>Document name:</b>	Charter governing data privacy
<b>Version:</b>	1
<b>Date:</b>	25.11.2022
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### 1. Introduction

- 1.1. Founded by Kering and Cartier, the Watch and Jewellery Initiative 2030 ("**WJI 2030**") is a Swiss non-profit association guided by the Ten Principles of the United Nations Global Compact and the 17 Sustainable Development Goals ("**SDGs**"). WJI 2030 has set ambitious goals to accelerate positive impact in three areas: building climate resilience, preserving resources, and fostering inclusiveness, through the collective effort of Maisons, their suppliers and business partners and in collaboration with key stakeholders.
- 1.2. WJI 2030 will pursue its goals in accordance with its Statutes, Code of Conduct, Anti-trust policy and with any other policy it may develop and adopt from time to time.
- 1.3. WJI 2030 has to collect, process, use and retain certain personal data for a variety of purposes. WJI 2030 processes notably the personal data of its employees, Members, Board members, visitors to its website, suppliers and partners in connection with the provision of its services.
- 1.4. WJI 2030 pays particular attention to confidentiality and privacy and takes data protection very seriously. Therefore, WJI 2030 has decided to:
  - Adopt this Policy which purpose is to set out the principles governing the collection, processing and storage of personal data within the organization, in order to comply with applicable data protection law, in particular, the General Data Protection Regulation ("**GDPR**") and the reviewed Federal Act on Data Protection which will come into force in September 2023 ("**FADP**");
  - Allocate roles and responsibilities within the organization in order to ensure proper implementation of and compliance with this Policy and other existing WJI 2030 policies, namely the Privacy Notice of WJI 2030's website and WJI 2030 Code of Conduct, as well as applicable data protection law.

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- 1.5. This Policy sets out the main data protection principles WJI 2030 expects employees and external consultants of WJI 2030 to know and observe, along with WJI 2030's Privacy Notice and Code of Conduct in order for WJI 2030 to comply with applicable data protection law.
- 1.6. This Policy may be supplemented with additional policies, guidelines and other documents (such as Q&As), as the case may be, which shall address specific issues.

1.7. Employees' compliance with this Policy and all related documents is mandatory. Therefore, WJI 2030 asks employees to take a moment to read carefully this Policy. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred to the Privacy Officer.

### 2. Data Protection Governance

- 2.1. The Board shall be primarily responsible for the implementation of and compliance with this Policy and applicable data protection law.
- 2.2. WJI 2030 shall appoint a Privacy Officer, who shall be responsible for ensuring coordinated implementation of and compliance with this Policy and the applicable data protection law within the organization. In addition, the Privacy Officer shall report on a regular basis to the Board on all data protection issues concerning WJI 2030.

### 3. Key Definitions

- 3.1. Personal data means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier (IP address) or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.
- 3.2. Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic or biometric data uniquely identifying a natural person, health data or personal data relating to a natural person's sex life or sexual orientation is considered as sensitive data, the processing of which requires particular measures.
- 3.3. Within the meaning of the GDPR, WJI 2030 is the "controller", which means the organization that determines the purposes and means of the processing of personal data. WJI 2030 is the controller of all personal data used in its non-profit activities and other activities ("**WJI 2030's activities**"). WJI 2030 is the controller in particular in relation to personal data of WJI 2030 staff (employees, including contractors, temporary workers and former members of staff), representatives of suppliers and individuals whose personal data are collected as part of WJI 2030's activities.

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- 3.4. Data subjects are all living individuals about whom WJI 2030 holds personal data, including staff, candidates, representatives of suppliers and individuals whose personal data are collected as part of WJI 2030's activities. All data subjects have legal rights in relation to their personal data.
- 3.5. Processing of personal data means any operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

#### **4. Types of Personal Data**

- 4.1. As indicated above, WJI 2030 processes a variety of personal data such as data of employees, visitors to its website, representatives of suppliers, Members, Board members and partner/donor organizations. Some of these personal data are sensitive data, such as information regarding the employees' health or their criminal records.
- 4.2. This Policy applies to personal data in all its forms whether on paper or stored electronically. It applies throughout the lifecycle of the information from creation through storage and utilization to disposal. Appropriate protection is required for all forms of information to ensure business continuity and to avoid breaches of the GDPR, the FADP, any applicable data protection law and WJI 2030 contractual obligations.
- 4.3. With regard to electronic systems, this Policy applies to the use of WJI 2030 equipment and privately / externally owned systems when connected to WJI 2030 network, including but not limited to databases and emails.

#### **5. Fair and Lawful Processing**

##### *A. In General*

- 5.1. The GDPR and the FADP are not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject.
- 5.2. For personal data to be processed lawfully, they must be processed on the basis of one of the legal grounds set out under the GDPR and/or the FADP. These include the data subject's consent to the processing, the fact that the processing is necessary for the performance of a contract with the data subject or for the defense of a right before a tribunal, compliance with a legal obligation to which the controller is subject, the protection of vital interests or public interest.

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- 5.3. With respect more specifically to the concept of consent of the data subject, it means any freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed.
- 5.4. It should be noted that personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes, and it cannot be used for new, different or incompatible purposes from that disclosed when it was first obtained, unless the data subject has been informed of the new purposes, and he or she has consented (if necessary).
- 5.5. WJI 2030 generally processes personal data during the course of its activities on the basis that the processing is necessary for the performance of a contract with the data subject (whether this be WJI 2030 employee or partner). To the extent the processing of personal data is necessary for staff administration and business efficiency purposes, provided that such processing is not to the detriment of employees or any other relevant data subjects, WJI 2030 processes personal data on the basis that it is in its legitimate interests to do so. In other instances, WJI 2030 relies on the consent of the data subject to process personal data.

### *B. Marketing and Fund Raising*

- 5.6. Marketing, including sending newsletters and similar measures, and fund-raising activities based on personal data require, as a matter of principle, the consent of the data subject. In any instance, a data subject's prior consent shall be required for unsolicited direct marketing by electronic means.
- 5.7. A data subject's objection to direct marketing / fund raising must be promptly respected. If a subscriber opts out of receiving WJI 2030 newsletter or email notifications at any time, their details must be suppressed as soon as possible. Suppression involves retaining just enough information to ensure that marketing preferences are respected in the future.

## **6. Transparency and Information to Be Provided**

- 6.1. According to the GDPR and the FADP, data subjects have to be informed about the collection and processing of their personal data, whether said data is collected by the controller directly or not.
- 6.2. In the course of its activities, WJI 2030 may collect and process personal data received directly from a data subject (for example: by an employee providing bank details for remuneration purposes) and data received from other sources (for example: sub-contractors providing WJI 2030 with technical website services).

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6.3. If WJI 2030 collects personal data directly from data subjects, it shall ensure that data subjects are aware that their data is being processed, and that they understand:

- The purpose of the processing and the lawful basis for the processing;
- The legitimate interests of WJI 2030 or a third party, where applicable;
- The identity and contact details of the controller where the collection and processing is done by another entity than WJI 2030;
- Any recipient of his or her personal data;
- Details of transfers to third countries and safeguards in place;
- Retention periods or criteria used to determine the retention periods;
- The existence of each of the data subjects' rights;
- The right to withdraw consent at any time, where relevant;
- The right to lodge a complaint with a regulator;
- Whether the provision of personal data is part of a statutory or contractual requirement or obligation, and possible consequences of failing to provide the personal data; and
- The existence of automated decision making, if applicable, including profiling and information about how decisions are made, the significance and the consequences.

6.4. If WJI 2030 collects personal data from a third party about a data subject, it will provide the data subject with the above information as soon as possible and provide any additional information as prescribed by the GDPR and the FADP.

## **7. Management of Personal Data**

7.1. According to the GDPR and the FADP, personal data must be properly managed, which means in particular that rules and processes have to be defined with respect to the storage of personal data, the security surrounding personal data, the accuracy of personal data collected and processed by the organization, and the retention periods applicable to personal data.

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## A. *Data Storage*

- 7.2. Personal data should be stored only electronically whenever possible, and the recording of personal data in paper format should be kept to a minimum. In exceptional circumstances where personal data is recorded in paper format, it should be kept in a secure place to prevent unauthorized access to such personal data by unauthorized personnel.
- 7.3. With respect to the storage of personal data electronically, (i) only systems approved by the WJI 2030 IT Team shall be used, and (ii) personal data shall be stored exclusively in the EEA or Switzerland.

## B. *Data Security and Data Breach*

- 7.4. Together with its IT Team, WJI 2030 will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. WJI 2030 will put in place procedures and technologies appropriate to the size, the resources and the amount of personal data that WJI 2030 processes. These measures will maintain the security of all personal data from the point of collection to the point of destruction.
- 7.5. WJI 2030 will regularly evaluate and test the effectiveness of these measures to ensure security of its processing of personal data.
- 7.6. WJI 2030 will maintain data security by protecting the confidentiality, integrity and availability of the personal data, defined as follows:
- Confidentiality means that only people who are authorised to use the data can access it (principle of access on a need-to-know basis).
  - Integrity means that personal data should be accurate and suitable for the purpose for which it is processed.
  - Availability means that authorised users should be able to access the data if they need it for authorised purposes. Personal data should therefore be stored on WJI 2030 central computer system instead of individual PCs.
- 7.7. Any data breach, or suspicion of data breach, presenting a high risk of infringement of the data subject's personality or fundamental rights, shall be immediately reported to the Privacy Officer, as well as to the Federal Data Protection and Information Commissioner, pursuant to the FADP.
- 7.8. Where the data processing intended by WJI 2030 carries a high risk of infringement of the data subject's personality or fundamental rights, WJI 2030 will conduct a prior impact assessment relative to the protection of personal data, pursuant to the FADP.

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### C. *Data Accuracy and Retention*

- 7.9. WJI 2030 will take all reasonable steps to ensure that the personal data collected and held is accurate and kept up-to-date. WJI 2030 will take all reasonable steps to destroy or amend inaccurate, incomplete or out-of-date data.
- 7.10. WJI 2030 will not keep personal data longer than is necessary for the purpose or purposes for which they were collected (principle of data minimization), and all personal data will be held in accordance with WJI 2030 data retention policies and procedures.

## 8. **Disclosing Personal Data to Third Parties**

### A. *Processors*

- 8.1. WJI 2030 will only use processors (i.e. third parties processing personal data on behalf of and upon instructions given by WJI 2030) that agree to comply with the GDPR and the FADP. WJI 2030 will conduct adequate due diligence on all processors and take all steps required by the GDPR and the FADP where it appoints a processor, including ensuring such processor:
- Enters a written agreement with WJI 2030 that includes sufficient guarantees as to the security measures that the processor has in place;
  - Imposes confidentiality obligations on all personnel who processes the relevant data;
  - Ensures the security of the personal data that it processes;
  - Provides WJI 2030 with all information necessary to demonstrate compliance with the GDPR and the FADP;
  - Either returns or destroys the personal data at the end of the relationship;
  - Implements measures to assist WJI 2030 in complying with the rights of data subjects; and
  - Continues to comply with its data protection obligations when processing personal data (i.e. by monitoring its compliance).
- 8.2. In addition, where WJI 2030 uses processors, it will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those processors to ensure that such processors' data protection obligations are of an equivalent standard to WJI 2030.

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- 8.3. Where appropriate, WJI 2030 will review the activities and processes of the processors it uses to check that they are processing personal data in line with WJI 2030 requirements as well as the requirements of the GDPR and the FADP and ensure that the processor confirms they regularly test their security measures to ensure they meet the applicable standards.

## *B. Governmental Agencies and Courts*

- 8.4. WJI 2030 may have to disclose personal data to governmental agencies and courts when required by law, upon valid court order, or if WJI 2030 considers that disclosure is necessary to (i) investigate, prevent, or take action regarding suspected or actual illegal activities (including in relation to the security or integrity of its website or dedicated pages on social media); (ii) investigate and defend itself against any third-party claims or allegations; or (iii) exercise or protect the rights and safety of WJI 2030 personnel or others.
- 8.5. WJI 2030 may dispute demands made by governmental agencies and courts when it believes, in its discretion, that the requests are overbroad, vague or lack proper authority, but WJI 2030 does not systematically challenge every demand.
- 8.6. WJI 2030 attempts to notify the persons concerned about legal demands for their personal data when appropriate in its judgment and technically feasible, unless prohibited by law or court order or when the request is an emergency.

## **9. Processing in Line with Data Subjects' Rights**

- 9.1. Under the GDPR and the FADP, data subjects have, in essence, the following rights: information about the processing of personal data, access, update and deletion of personal data, rectification of personal data, restriction of the processing of personal data, withdrawing of consent regarding the processing of personal data and data portability.
- 9.2. WJI 2030 will process all personal data in line with data subjects' rights to and in connection with their personal data in accordance with the GDPR and the FADP.

## **10. Transferring Personal Data to a Country Outside the EEA or Switzerland**

- 10.1. WJI 2030 may transfer personal data that it holds to a country other than the country in which the WJI 2030 entity which has collected the personal data is located. Such other country may be outside the EEA or Switzerland.
- 10.2. The transfer outside the EEA or Switzerland may take place provided that one of the following conditions applies:



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- An adequacy decision pursuant to the GDPR and the FADP states that the country to which the personal data is transferred or an international institution ensures an adequate level of protection for the data subjects' rights and freedoms;
- The data subject has given his / her explicit consent (having been properly informed (i.e. of the risks etc.));
- The transfer is necessary for one of the reasons set out in the GDPR and the FADP, including: the performance of a contract between WJI 2030 and the data subject (or a third party (provided it is in the interests of the data subject)); or to protect the vital interests of the data subject;
- The transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims;
- The transfer is regulated by WJI 2030 Standard Contractual Clauses ("SCC"), which, if deemed necessary after completing a transfer impact assessment, may be supplemented by adequate technical and organizational measures to protect the data subject's rights and freedoms; and
- The transfer is authorised by the relevant data protection authority where WJI 2030 has adduced adequate safeguards with respect to the protection of the data subjects' privacy, their fundamental rights and freedoms, and the exercise of their rights.

### **11. Policy Awareness and Responsibility**

#### *A. Policy Awareness*

- 11.1. This Policy will be made available to all staff. Staff and authorised third parties given access to personal data will be advised of the existence of WJI 2030 relevant policies, codes of conduct and guidelines that relate to the processing of personal data.
- 11.2. Training will be provided on a periodic basis as necessary to refresh employees' knowledge, or where there has been a substantial change in applicable data protection law and this Policy, to ensure all staff are aware of their obligations under this Policy.

#### *B. Responsibility*

- 11.3. Whilst WJI 2030 is ultimately responsible for ensuring that WJI 2030 meets its legal obligations under the GDPR and the FADP, employees are responsible for compliance with this Policy.

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## **12. Changes to this Policy**

- 12.1. WJI 2030 reserves the right to change this Policy at any time. WJI 2030 will notify employees of those changes by mail or email.

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Approved by the Board on : December 15<sup>th</sup>, 2022

Entry into force : December 15<sup>th</sup>, 2022