

Data Privacy Statement **for Compliance**

Bayer Austria Ges.m.b.H., Am Europlatz 1, 1120 Vienna, Austria (herein after referred to as "**we**", "**us**" and "**our**"), as the controller, responsible for the processing of your personal data, likes to provide you with the following information about how your personal data will be processed in course of compliance and investigation proceedings, particularly via our whistleblowing platform "Speak Up".

1 Purpose of processing and categories of personal data

If you use our compliance channels to report a whistleblowing case (cf section 6 for general remarks on the whistleblowing process) or are called to participate in an interview as part of internal investigations, the following categories of personal data about you will be processed to conduct the investigation:

- Contact information (e.g., name, CWID, address, telephone number, email), if you do not report anonymously
- Content of any reports or interview records

Please note that, depending on the facts of a particular case, special categories of personal data as defined in Art. 9 (1) General Data Protection Regulation (GDPR) may also be processed. This applies, for instance, to information on your state of health insofar as you provide it and it is relevant to the investigations.

2 Legal basis for processing your personal data

The legal basis for processing your personal data depends on the facts on which the inquiry is based:

- Art. 6 (1)(c) GDPR, if the inquiry is necessary in order to ensure our compliance with legal obligations, for example according to the Austrian Whistleblowing Act (*HinweisgeberInnenschutzgesetz*); otherwise
- Art. 6(1)(f) GDPR, if the inquiry serves our legitimate interests and is not overridden by your interests or fundamental rights and freedoms as the data subject. A legitimate interest exists, for instance, if processing the data is part of a preventive compliance check, or is being conducted because you or someone else are suspected of having committed a criminal offense or breach of duty in the context of your employment relationship, or if you are called as a witness in an inquiry to help clarify the facts of a case, or if an inquiry serves to assert or defend legal claims.

If special categories of personal data are processed in connection with the inquiry, processing is carried out in accordance with Art. 9(2) GDPR.

3 Transfer of personal data

3.1 Commissioned data processing

With respect to the processing of your data in connection with internal investigations carried out through our whistleblowing channels we use Bayer AG, Convercent, Inc. and/or our affiliate Bayer Sp.z.o.o as our processor.

Furthermore, we may to some extent also use specialized service contractors (e.g. providing IT services) to process your personal data on our behalf. Such service contractors are carefully selected and regularly monitored by us.

Our processors process personal data only in accordance with our instructions on the basis of commissioned data processing agreements.

3.2 Transfer to third parties

Depending on the facts of a case, we may share your personal data with the following third parties for the following purposes:

<u>Third party</u>	<u>Purpose of data transfer</u>
Affiliated companies of the Bayer Group (www.bayer.com/en/bayer-worldwide.aspx), especially the company at which you are employed	Your data may be shared with their legal department, for a legal assessment of the facts of a case, as well as with their HR department, your supervisor and any member of the Gase Resolution Committees/Sanction Committees for deciding on personnel measures.
External Lawyers	In order to support legal decisions and to pursue or defend against legal claims, we may share your personal data with external lawyers.
Authorities and state institutions	We may share your personal data with law enforcement agencies or other authorities and state institutions if legally required or necessary for the purposes described above.

3.3 Transfer to third countries

If the facts on which an inquiry is based have an international context, your personal data may also be transferred to third countries outside the European Union ("EU") or the European Economic Area ("EEA") for which the European Commission has not issued a decision that the country would ensure an adequate level of data protection. In such cases, we will ensure that a sufficient level of protection is provided for your personal data, e.g. by making use of the Standard Contractual Clauses adopted by the European Commission (copy available on request), or we will ask for your explicit consent to such processing.

4 Retention period

Your personal data will be stored for a period of 5 years and beyond that for as long as it is necessary to conduct initiated in proceedings or criminal investigations or for the

protection of whistleblowers and other persons involved. Log data shall be stored for additional up to three years from the last time it was processed.

5 Information about your data protection rights

Within the limits of applicable law, you have the following rights with regard to protecting your personal data:

- Right of access to your personal data stored by us (Articles 15 and 23 GDPR);
- Right to rectification, erasure, or restricted processing of your personal data (Articles 16-18 and 23 GDPR);
- Right to the portability of your data (Article 20 GDPR);
- **Right to object to processing** which serves our own legitimate interests, unless we are able to prove that compelling, warranted reasons overriding your interests, rights and freedoms exist, or that such processing serves the purpose of asserting, exercising or defending legal claims (Article 21 GDPR);
- Right to lodge a complaint with a supervisory authority (Article 77 GDPR).

For any questions you may have with respect to data privacy, or if you wish to exercise your rights, please write an e-mail to datenschutz.austria@bayer.com or contact our company data protection officer at the following address: Bayer Austria Ges.m.b.H., Datenschutzbeauftragter, Am Europlatz 1, 1120 Vienna, Austria

6 General remarks to the whistleblowing processes

If you report a compliance incident via our whistleblowing channels, the following applies:

You will be protected as a whistleblower under the relevant laws, if you are an **eligible whistleblower** reporting a breach as further defined:

An eligible whistleblower is any employee, former employee, leased employee, job applicant, shareholder, person belonging to the administrative, management or supervisory body of an undertaking, including non-executive member, volunteer, paid or unpaid trainee, any person working under the supervision and direction of contractor, subcontractor and supplier. Anonymous Whistleblowers are also protected under the Act, if their identity is revealed.

Eligible whistleblowers are protected if they report cases of **Austrian and the Union law breaches** regarding the following:

- *public procurement;*
- *financial services, products and markets, as well as the prevention of money laundering and terrorist financing;*
- *product safety and compliance;*
- *transport safety;*
- *environmental protection;*
- *radiation protection and nuclear safety;*
- *food and feed safety and animal health and welfare;*
- *public health;*
- *consumer protection;*
- *protection of privacy and personal data;*
- *security of network and information systems;*
- *breaches of EU competition and state aid rules;*
- *Crimes under Sec 302 to 309 of the Austrian Criminal Code: Abuse of office by a public official; Negligent infringement of the freedom of the person or of the right of domicile by a public official; Corruptibility; Acceptance of advantage; Acceptance of advantage to influence; Bribery; Granting of advantage; Granting of advantage to influence; Prohibited intervention; Acceptance of gift and bribery of staff or agents;*
- *breaches relating to the single market in relation to acts which contravene the rules on corporate taxation or arrangements, the purpose of which is to secure a tax advantage which defeats the object or purpose of the applicable corporate taxation legislation*

Disagreements on Management decisions or policies, personal issues or disagreements between colleagues or with a supervisor, as well as rumors are not covered.

If you report an incident the following **procedure** will be triggered:

01 When should you speak up?
Whenever you have the impression something is not done in a compliant way or whenever you feel a situation may not be conform to the Bayer's values and you suspect a compliance violation, speaking up is the way forward.
[MORE INFORMATION](#)

02 Choose the reporting channel you feel the most comfortable with!
In the Compliance Hotline, you can choose different channels to report a compliance violation. The Bayer Compliance Hotline is designed to protect your confidentiality and anonymity (as allowable by local laws) and can be reached 24/7. It is operated by an independent and impartial third party with an uncompromised commitment to data privacy. The Compliance Hotline may also be used by third parties (employees of direct or indirect suppliers, trade unions, NGOs and the general public) to report suspected misconduct associated with Bayer's business.
WEB PHONE @ E-MAIL + [MORE INFORMATION](#)

03 How to report on a compliance violation
Describe as detailed as possible what happened.
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04 Submit your report
After submitting you will receive a unique case identifier or access number. With this number you will be able to check the status of the report.
[MORE INFORMATION](#)

05 After submitting a report
Submitted reports are immediately forwarded for internal review. Status updates are provided at appropriate intervals, but no later than 90 days after the report is received. In the course of the investigation, we consider, among other things, the plausibility of the complaint, clarify the facts further, and if necessary, implement preventive or remedial measures.
[MORE INFORMATION](#)

Good to know
[MORE INFORMATION](#)

Science for a better life

The courage to speak up on suspected compliance violations helps you and others. Bayer's Corporate Compliance Program supports an open reporting culture. Employees who raise a potential compliance violation in good faith are protected against any form of retaliation and treated fairly and respectfully. At Bayer, we support an environment where all workers feel comfortable speaking up and living our LIFE values. We also require our suppliers throughout the supply chain to protect their employees from any form of reprisal if they speak up.

COMPLIANCE W.I.N.S.
Whistleblowing is Necessary for Success

Upon having received a report, we will inform you within 7 days. The reports will be handled by our internally designated compliance officer, who will keep information strictly confidential and protect whistleblowers' identity as required by Austrian Whistleblowing Act. You will be

informed about the progress and completion of the investigation. A status update will be provided at appropriate intervals and in any case after 90 days at the latest. In the course of the investigation, we check, among other things, the plausibility of the complaint content, clarify the facts further if necessary, implement preventive or remedial measures if necessary, and review their effectiveness.

If you report via our channel "Speak Up", you will also be provided a confidential issue access number and asked to provide a personal password and security question. The access number and password allow you to check the status of the report on the Convercent website (visit www.convercent.com/report to be directed to the website), as well as send and receive anonymous messages pertaining to your report at any time.

Your protection as whistleblower: Employees and third parties who make reports in good faith are protected against any form of reprisal and are always treated fairly and with respect. At Bayer, we want to foster an environment where our employees feel comfortable speaking up and living our LIFE values. Similarly, we require our suppliers throughout the supply chain to also protect their employees from any form of reprisal in the event of a good faith report.

Internal and external channels: Whistleblowers should check whether they can give a tip to an internal body first. A whistleblower should give the information to an external body in particular if the handling of the information in the internal whistleblowing system is not possible, not appropriate or not reasonable or has proven to be unsuccessful or futile. The external bodies are listed in sec. 15 Whistleblowing Act.

Whistleblowers who publish an information publicly are entitled to protection under the Austrian Whistleblowing Act provided that:

- they have previously made the disclosure to an internal or external body without appropriate follow-up action having been taken within three months; or
- there are reasonable grounds for believing that they would be subject to retaliation if they had previously informed an external body, or that there is little prospect of effective action being taken against the infringement because of the particular circumstances of the case, in particular because evidence may be suppressed or destroyed or because of fears of collusion or involvement by the external body; or
- there are reasonable grounds to believe that the infringement may pose an imminent or manifest threat to the public interest, such as in an emergency situation or where there is a risk of irreversible harm.

This statement was created in December 2023.