



Kenmare Resources plc business privacy notice

INTRODUCTION

Welcome to the business privacy notice of Kenmare Resources plc (referred to as “Kenmare”, “we”, “us” or “our” in this privacy notice), which covers the processing by Kenmare of personal data of business contacts.

Kenmare respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data if you are a business contact of Kenmare or its subsidiaries and tells you about your privacy rights and how the law protects you. This privacy notice applies to the processing of personal data by Kenmare of business contacts, in other words of persons who interact with, or work for organisations that interact with, Kenmare or its subsidiaries in the course of the business of Kenmare and its subsidiaries. The scope of this privacy notice is more fully explained under **PURPOSE OF THIS PRIVACY NOTICE**.

Please consult the Glossary at the end of this privacy notice to understand the meaning of some of the terms used in this privacy notice.

1. IMPORTANT INFORMATION AND WHO WE ARE

PURPOSE OF THIS PRIVACY NOTICE

This privacy notice aims to give you information on how Kenmare processes your personal data if you are a business contact, with which we mean any of the following:

- A person who provides, or who works for an organisation that provides, seeks to provide or may potentially provide services or goods to Kenmare or its subsidiaries;
- A person who is, or who works for an organisation that is, an existing or potential customer of Kenmare or its subsidiaries; and
- Any other person whose personal data is obtained in the course of the business of Kenmare and its subsidiaries.

Separate notices apply to persons visiting Kenmare’s website, to its shareholders and to the employees, workers and contractors of Kenmare and its subsidiaries.

The personal data of an organisation’s employees, workers and officers may not be provided directly by the relevant employee, worker or officer, but by others within that organisation. If your organisation has provided personal data in this manner, please draw the attention of any colleagues whose personal data has been so provided to this privacy notice, as this privacy notice applies to them equally.

Kenmare does not knowingly collect data relating to children.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

CONTROLLER

Kenmare Resources plc is the controller and responsible for your personal data; in certain circumstances it may be the joint controller (together with one or more of its subsidiaries) of your personal data.

If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact us using the details set out below.

CONTACT DETAILS

Our full details are:

Full name of legal entity: Kenmare Resources plc

Email address: dataprotection@kenmareresources.com

Postal address: 4th Floor, Styne House
Hatch Street Upper
Dublin 2
D02 DY27
Ireland

Telephone number: +353 (0) 1 671 0411

You have the right to make a complaint at any time to the Data Protection Commission, the Irish supervisory authority for data protection issues (www.dataprotection.ie). We would, however, appreciate the chance to deal with your concerns before you approach the Data Protection Commission so please contact us in the first instance.

CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

Changes may be made to this privacy notice (including to reflect adoption of new laws and guidelines issued by the Data Protection Commission and other bodies). If changes are made, historic versions can be obtained by contacting us.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes, first name and last name, title, gender and marital status.
- **Organisational Data** includes the name of the organisation you work for or are affiliated with, your role or title within that organisation and your department.
- **Contact Data** includes email address, telephone numbers, fax number, and physical, correspondence and other addresses.
- **Financial Data**, such as bank account information and monetary amounts needed to process payments.
- **Technical Data**, such as information in relation to any electronic communications between us.
- **Logistical Data** you provide to us in connection with meetings, including access and dietary requirements; this may include health-related information necessary to ensure your health & safety and wellbeing.
- **Background Data** we collect as part of our due diligence procedures (which may be provided by third parties) or are otherwise provided by third parties we interact with.
- **Business and Relationship Data** provided to us or generated by us in the course of running our business, such as information obtained in the course of interacting and communicating with you and/or your organisation, maintaining our relationship with you or your organisation, selling or marketing the products of our subsidiaries to your organisation, using your services or the services of your organisation or negotiating, finalising, performing, monitoring and administering contracts with you or your organisation.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data, except to the extent health information is provided to us with your consent so that we can ensure your health and safety and wellbeing).

We do not collect information about criminal convictions and offences.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions with you.** You may provide us your Identity, Organisational, Contact, Financial, Logistical, Background and Business and Relationship Data by email, correspondence, fax,

telephone or other conversation or other form of communication (including other forms of electronic communication), or through your website.

- **Direct interactions with your organisation.** Your organisation or your colleagues may give us your Identity, Organisational, Contact, Logistical and Business and Relationship Data by email, correspondence, fax, telephone or other conversation or other form of communication (including other forms of electronic communication) or through your organisation's website.
- **Automated technologies or interactions.** When we communicate by electronic means with you, we may automatically collect Technical Data in relation to email or other form of electronic communication.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties as set out below:
 - Background Data from a variety of providers of corporate information and third party due diligence providers and publicly available sources, such as corporate registries; and
 - Identity, Organisation, Contact, Background and Business and Relationship Data may be provided by business contacts or service providers such as lawyers, bankers, consultants and other professionals engaged by us or with whom we have relationships.

4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.
- Where it is necessary for the performance of a contract to which you are a party or in order to take steps at your request prior to entering into such a contract.

Please see below under **PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA** to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally, we do not rely on consent as a legal basis for processing your personal data, except when you provide health-related information for purposes of assisting us to ensure your health and safety and well-being. You may withdraw your consent to us processing your health-related information at any time.

PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the

specific purpose for which we are using your data. Please contact us using the contact details above if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To organise meetings with you or your organisation, including visits to our operations	(a) Identity (b) Organisational (c) Contact (c) Logistical	(a) Legitimate Interest (to ensure meetings and visits are properly and safely organised; and to ensure your health and safety and wellbeing) (b) Consent (where health-related information is provided)
To carry out due diligence on you or your organisation, both initially and on an ongoing basis	(a) Identity (b) Organisational (c) Background (d) Business and Relationship Data	(a) Legitimate Interest (to ensure those we do business with with parties that meet certain criteria or standards; and to determine whether we wish to do, or continue to do, business with them) (b) Comply with a Legal or Regulatory Obligation
To negotiate, finalise, monitor, administer and enforce contracts between us or our subsidiaries and you, your organisation or others; to enforce any rights we or our subsidiaries have against you, your organisation or others; and to defend any claims or proceedings against us or our subsidiaries	(a) Identity (b) Organisational (c) Contact (d) Financial (e) Technical (f) Logistical (g) Background (h) Business and Relationship Data	(a) Legitimate Interest (to negotiate, finalise, monitor, administer and enforce contracts between us or our subsidiaries and you, your organisation or others; to enforce any rights we or our subsidiaries have against you, your organisation or others; and to defend any claims or proceedings against us or our subsidiaries) (b) Performance of Contract
To manage and review our business relationship with you or	(a) Identity	Legitimate Interest (to manage and review our business relationship with

your organisation	<ul style="list-style-type: none"> (b) Organisational (c) Contact (d) Financial (e) Technical (f) Logistical (g) Background (h) Business and Relationship Data 	you or your organisation)
To keep our corporate and accounting records; to comply with tax laws and regulations; to provide information to auditors, shareholders, investors and providers of finance; and to make disclosures required by law and regulation	<ul style="list-style-type: none"> (a) Identity (b) Organisational (c) Contact (d) Financial (e) Background (f) Business and Relationship Data 	<ul style="list-style-type: none"> (a) Legitimate Interest (to maintain accurate and complete corporate and accounting records; to enable the effective auditing of Kenmare and its subsidiaries; and to communicate with shareholders, investors and providers of finance) (b) Comply with a Legal or Regulatory Obligation

CHANGE OF PURPOSE

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us using the contact details under **CONTACT DETAILS** above.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the Glossary (see **10. GLOSSARY** below).
- External Third Parties as set out in the Glossary (see **10. GLOSSARY** below).

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

6. INTERNATIONAL TRANSFERS

We may share your personal data with Internal Third Parties within the Kenmare Group. This will involve transferring your data outside the European Economic Area (**EEA**).

Some of our External Third Parties are based outside the European Economic Area (**EEA**), or are in the UK, which may be leaving the EEA, so their processing of your personal data will or may involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see [European Commission: Adequacy of the protection of personal data in non-EU countries](#).
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#).
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#).

Please contact us (see contact details under **CONTACT US** above) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

7. DATA SECURITY

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8. DATA RETENTION

HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal data are available in our retention policy which you can request from us by contacting us (see contact details under **CONTACT US** above).

In some circumstances you can ask us to delete your data: see **9. YOUR LEGAL RIGHTS** below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) in which case we may use this information indefinitely without further notice to you.

9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

You have the right to:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and

freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

- **Request restriction of** processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, it may affect the way we interact with you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us (see contact details under **CONTACT US** above).

NO FEE USUALLY REQUIRED

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

WHAT WE MAY NEED FROM YOU

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

TIME LIMIT TO RESPOND

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

10. GLOSSARY

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us see contact details under **CONTACT US** above).

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a Legal or Regulatory Obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

INTERNAL THIRD PARTIES

The subsidiaries of Kenmare who have a legitimate interest in the relevant information.

EXTERNAL THIRD PARTIES

- Service providers that provide IT, data management, cloud storage, shredding and similar services.
- Professional advisers including lawyers, investment bankers, brokers, engineers, consultants and auditors, who provide professional services to us or our subsidiaries.
- Banks to make payments to you.
- Regulatory information services and administrators of our website where information is publicly disseminated (including pursuant to law and regulation).