

## Our Privacy Notice

### 1 Introduction

Gunkul Vietnam Joint Stock Company, its subsidiaries and affiliates in Vietnam (“we”, “us” or “Gunkul Vietnam”) use your personal information in order to fulfil our commitment to operate our business under the highest efficiency standards with the emphasis on the society and environment. As part of that undertaking, we are committed to safeguard the privacy of the personal information that we collect.

In case any subsidiary or affiliate has its own privacy notice, such privacy notice shall apply to its Processing activities related to personal information, and such company shall act as the personal data controller for their own Processing activities.

The reasons we collect your personal information are set out in this privacy notice (“Notice”). This Notice describes what personal information we collect from the parties with whom we do business and how we collect, use and disclose (“Process”) such information. In this Notice, any reference to Process shall include all grammatical variations thereof.

### 2 The Application of our Notice

This Notice applies to the Processing of personal information by us in connection with any of:

- “our services”: sale of products or provision of services by us to our customers;
- “supplier services”: sale of products or provision of services to us by suppliers or service providers;
- “visitor services”: provision by us of facilities, including conference rooms and other relevant facilities and services to visitors to any our offices and project sites; and
- “our transactions”: transactions related to any natural person which it is necessary for us to Process personal information of such natural person, for example, our transactions related to shareholders, directors, proxy, representative, employees, or our transactions with any other person who has a transaction with us.

References in this Notice to “you” or “your” are references to individuals whose information is Processed by us or on our behalf in connection with any of our services, supplier services, visitor services or our transactions. For the avoidance of doubt:

- any reference in this Notice to our “customers” or “suppliers” includes their employees, staff, directors or representatives whose personal information is Processed by us or on our behalf; and
- this Notice also applies to our Processing of personal information of individuals who could be (or could be the employees or staff of) transaction counterparties or litigants in legal proceedings involving us.

### 3 The information we collect about you

Your personal information includes any information about you from which your identity can be identified. It does not include personal data where the information that can be used to identify your identity has been removed (anonymous data).

Your sensitive personal information includes details about your political and religious opinions, health condition and health records (including blood group), race, ethnics, genetic records, biometric and biological records, sexual behaviour, criminal records, financial and credit records, personal location or any other data which, when being infringed, will directly affect the data subject’s legal rights and interests (“Sensitive Personal Data”), as prescribed by Decree 13/2023/ND-CP on Personal Data Protection (“Decree 13”). Generally, we do not collect sensitive personal information about you.

Please see Section 4 (*Purposes and legal basis for which we will use your information*) for details of these circumstances and Section 5 (*How we use your information*) for further details.

In limited circumstances, we may collect information about your criminal convictions and offences. This happens where we are required to do so for legal or regulatory purposes (for example, where required pursuant to anti-money laundering laws) or where you have provided us with such information where it is necessary for a specific service we are providing.

We collect, use and transfer different kinds of your information. We have categorised your information as set out below to explain how each category of information is used by us or on our behalf. These terms are used throughout this Notice:

#### Information required for the contracts with counterparties and our transactions

- Personal data prescribed in a juristic person's affidavit, shareholders list or any other corporate documents, consisting of name and surname of director, shareholder, and their addresses and national identity card numbers;
- Information contained in national identity card or any other identification document, consisting of: (i) name and surname; (ii) ID card number; (iii) date of birth; (iv) address; (v) picture of the cardholder; (vi) place of origin; and (vii) place of residence;
- Information in household registration certificates, consisting of (i) household registration number; (ii) address; (iii) type and characteristics of director's house; (iv) nationality of director; (v) gender of director; (vi) name and surname of director's parent; (vii) ID card number of director's parent; (viii) nationality of director's parent; and (ix) previous domicile/ or temporary residence address or permanent residence address; and
- Information required for provision of our service, supplier services and our transactions, consisting of: (i) name and surname; (ii) telephone number; (iii) email address; (iv) address; and (v) position of work.

#### Financial Information for Payment of Debt

- Information you provided to us in relation to your bank account and payment card details.

#### CCTV Data

- Information from our CCTV footage and other information obtained through electronic means such as employees access card records. However, we do not Process CCTV data for facial recognition and biometric Processing.

Our services are neither aimed at nor intended for children.

## **4 Purposes and legal basis for which we will use your information**

- We set out below, in a table format, a description of the ways in which we use your information and the legal basis we rely on to do so. Where relevant, we have also identified our legitimate interests in Processing your information.
- We may Process your information for more than one legal basis depending on the specific purpose for which we Process your information. Please contact us at [privacy\\_VN@gunkul.com](mailto:privacy_VN@gunkul.com) or 028.7303.0121 if you require further details about the specific legal basis, which we rely on to Process your information where more than one basis is set out in the table below.
- In some cases, we may Process your information by relying on your consent. In such case, you will be informed the purpose of Processing your information at the time of requesting your consent by us.

In relation to our services:

| Purpose and/or activity   | Type of data  | Legal basis for Processing  |
|---|---|---|
| If you are our customer, or could be a transaction counterparty or a litigant in legal proceedings involving us, to verify your identity or your authority in representing the company who is our customer or as a counterparty in entering into a contract with us | Information required for the contracts with counterparties or legal proceedings | Legitimate interests: to verify your identity or your authority in representing the company who is our customer or as a counterparty in entering into a contract with us or our litigant in legal proceedings                                     |
| To take you on as a new customer including performing anti-money laundering, anti-terrorism, sanction screening, fraud and other background checks  | Information required for the contracts with counterparties                      | <ul style="list-style-type: none"> <li>• Legal obligation</li> <li>• Legitimate interests: ensuring we do not deal with proceeds of criminal activities or assist in any other unlawful or fraudulent activities for example terrorism</li> </ul> |

In relation to supplier services:

| Purpose and/or activity  | Type of data  | Legal basis for Processing  |
|--|---|---|
| To take you on as a new supplier including performing anti-money laundering, anti-terrorism, sanctions, fraud and other background checks and to verify your identity or your authority in representing the company who is our supplier or as a counterparty in entering into a contract with us | Information required for the contracts with counterparties  | Legitimate interests: ensuring we do not deal with proceeds of criminal activities or assist in any other unlawful or fraudulent activities for example terrorism |
| To manage payments, fees and charges and to collect and recover money owed to us   | <ul style="list-style-type: none"> <li>• Information required for the contracts with counterparties</li> <li>• Financial information for payment of debt</li> </ul> | Performance of a contract   |

In relation to our visitor services:

| Purpose and/or activity            | Type of data   | Legal basis for Processing  |
|------------------------------------|--|---|
| To deliver visitor services to you | <ul style="list-style-type: none"> <li>• Information required for the contracts with counterparties.</li> <li>• CCTV Data</li> </ul> | <ul style="list-style-type: none"> <li>• Legal obligation</li> <li>• Legitimate interest: to detect and prevent unauthorised access to our premises and restricted areas</li> </ul> |

In relation to our transactions:

| Purpose and/or activity   | Type of data   | Legal basis for Processing  |
|---|--|---|
| To verify your identity or your authority in representing any person who has a transaction with us, for example, shareholders, directors, proxy, representative, employees, or any other person, etc. | <ul style="list-style-type: none"> <li>Information required for our transactions.</li> </ul> | <ul style="list-style-type: none"> <li>Legitimate interest: to verify your identity or your authority in representing any person who has a transaction with us</li> </ul> |

“CCTV data” will be used for the following purposes: detection and prevention of crime; detection and prevention of safety incidents; detection and prevention of unauthorised access to our premises and restricted areas; detection and prevention of gross misconduct; supporting safety, security and internal investigations; supporting criminal investigations; and for reviewing security & safety incidents, including security training exercises. On rare occasions, covert CCTV may be used to meet these purposes. Processing CCTV data for the aforementioned purposes is necessary for the purposes of our legitimate interests.

## 5 How we use your information

We will only Process your information when the law allows us to do so, that is, when we have a legal basis for Processing. Section 4 (*Purposes and legal basis for which we will use your information*) above sets out further information about the legal basis that we rely on to Process your information.

In certain circumstances, we will need to use your information as required by law or to perform a contract which we will enter into or have entered into with you as a party or make a transaction with you. In particular, we use your information in the following circumstances:

- “performance of a contract”: where we need to perform a contract which we will enter into or have entered into with you as a party or to take steps at your request before entering into such a contract.
- “legitimate interests”: where necessary for our interests (or those of a third party), provided that your fundamental rights do not override such interests. This could mean, for instance, that it is in our interest, to verify your identity or your authority in representing the company who is our customer or supplier or as a counterparty in entering into a contract with us, including shareholders, directors, proxy, representatives, employee or any person who has a transaction with us. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we Process your information for our legitimate interests; and
- “consent and explicit consent”: where you have provided your consent or explicit consent to Processing your information.

If you fail to provide your information to us where we are required by law to collect your information or need to collect your information under the terms of a contract we have with you and you fail to provide your information when requested, we may not be able to perform the contract we have or plan to enter into with you (for example, to provide you with services) or we may not be able to make a transaction with you. In this case, we may have to decline to provide or receive the relevant services or make the transaction with you, but we will notify you if this is the case at the time your information is collected.

## 6 How long will we retain your information

We will only retain your information for as long as necessary to fulfil the purposes for which we collected it. This includes for example the purposes of satisfying any legal, regulatory, accounting, reporting requirements, to carry out legal work, for the establishment or defence of legal claims.

To determine the appropriate retention period for your information, we consider the amount, nature and sensitivity of your information, the potential risk of harm from unauthorised use or disclosure of your

information, the purposes for which we Process your information and whether we can achieve those purposes through other means, and the applicable legal requirements.

Generally, we retain: (i) information required for the contracts with counterparties and our transactions; and (ii) financial information for payment of debt, for 10 years from expiration of the relevant agreement which is in line with general statute under Vietnam law. However, this may not be the case and we may retain your information for a shorter period.

For CCTV data, we retain such information for a period necessary to achieve the objectives as prescribed in Section 4 (*Purposes and legal basis for which we will use your information*) or as required by laws. Where CCTV data has been identified that relates to a specific incident, we may need to retain such information in the particular section of footage concerned longer than the above period, such as in the investigation of a workplace accident or where footage may be used as evidence in criminal proceedings.

If you would like to know more about the retention periods we apply to your information, please contact us at [privacy\\_VN@gunkul.com](mailto:privacy_VN@gunkul.com) or 028.7303.0121.

## **7 Disclosure of your information**

We may have to share your information with the entities and persons set out below for the purposes for which we collected the information, as detailed in Section 4 (*Purposes and legal basis for which we will use your information*) and Section 5 (*How we use your information*).

- Your information will be shared within our organisation, Gunkul Vietnam Joint Stock Company, and its parent company, subsidiaries and affiliates in Thailand, Singapore and Vietnam (“Group”). We share your information within our Group to promote our operational efficiency and to provide you with the highest quality of our services.
- Where required, we will (subject to any terms of business which we may enter into with you) disclose your information to:
  - (i) any person or entity to whom we are required or requested to make such disclosure by any court of competent jurisdiction or by any governmental, taxation or other regulatory authority, law enforcement agency or similar body;
  - (ii) our professional advisers or consultants, including lawyers, bankers, auditors, accountants and insurers providing consultancy, legal, banking, audit, accounting or insurance services to us;
  - (iii) any financial institutions providing finance to us;
  - (iv) service providers who provide information technology and system administration services to us; and
  - (v) any external auditors who may carry out independent checks of your file as part of our accreditations.
- We may share your information with persons or entities outside of the Group to whom we may sell or transfer parts of our business or assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, the part of our business that is (as the case may be) sold, acquired or is the merged entity may use your information in the same way as set out in this Notice.

We will require any person or entity to whom we disclose your information to respect the confidentiality and security of your information and to treat it in accordance with applicable laws and regulations.

## 8 Your legal rights

Under certain circumstances, you have rights under personal data protection laws in relation to your information. It is our policy to respect your rights and we will act promptly and in accordance with any applicable law or regulation relating to the Processing of your information.

Details of your rights are set out below:

- right to withdraw consent – when we Process your information on legal basis of consent, you have the right to withdraw consent at any time.
- right to access personal data – you have a right to obtain confirmation of whether we are Processing your information, access to your information and information regarding how your information is being used by us;
- right to data portability – in certain circumstances you can request to receive a copy of your information in a commonly used electronic format. This right only applies to your information that you have provided to us. The right to data portability only applies if the Processing is based on your consent or if the personal data must be Processed for the performance of a contract;
- right to object to Processing of personal data in certain circumstances – you have a right to object to Processing being carried out by us if (a) we are Processing your information based on legitimate interests or for the performance of a task in the public interest, (b) if we are using your information for direct marketing purposes, or (c) if information is being Processed for scientific or historical research or statistical purposes.
- right to have personal data erased in certain circumstances – you have a right to request that certain information held by us is erased. This is not a blanket right to require all information to be deleted. We will consider each request carefully in accordance with the requirements of any laws relating to the Processing of your information;
- right to restrict Processing of personal data in certain circumstances – you have a right to block the Processing of your information in certain circumstances. This right arises if you are disputing the accuracy of your information, if you have raised an objection to Processing, if Processing of your information is unlawful and you oppose erasure and request restriction instead, if your information is no longer required by us but you require the personal data to be retained to establish, exercise or defend a legal claim or if we require your information in assessing your request to object Processing of information;
- right to have inaccurate personal data rectified – you have a right to have any inaccurate or incomplete personal data rectified. If we have reasonably good reason not to rectify your information as requested, you have the right to record your record in our record of Processing activities; and
- right to file a complaint – you have the right to file a complaint in the case where, in your view, we or our employees or contractors violates or fails to comply with Decree 13.

You may exercise any of your rights at any using the contact details set out in Section 9 below. You will not have to pay a fee to access your information (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.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your information (or to exercise any of your other rights). This is a security measure to ensure that your information 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.

We try to respond to any legitimate request within 10 days from the date that the company receives the completed request and is able to verify the data subject who exercises the request. Occasionally it may take us longer than 10 days 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.

## **9 Personal Data Controller and How can you contact us if you have any question**

Gunkul Vietnam Joint Stock Company, its subsidiaries and affiliates in Vietnam will be responsible for and will control the Processing activities of your personal information as the personal data controller. In case any subsidiary or affiliate has its own privacy notice, its own privacy notice shall apply to its Processing activities related to personal information, and such company shall act as the personal data controller for their own Processing activities.

If you have any questions about this Notice, including any requests to exercise your rights, please contact our data protection officer / data protection team using the contact details set out below:

GKVN Personal Data Protection Team

Gunkul Vietnam Joint Stock Company, at Friendship Tower, No. 31, Le Duan Road, Ben Nghe Ward, District 1, Ho Chi Minh City, Vietnam

Email: [privacy\\_VN@gunkul.com](mailto:privacy_VN@gunkul.com)

Telephone: 028.7303.0121

## **10 Change to this Notice**

The first version of this Notice was issued in July 2023 and we may update this Notice from time to time. By continuing to use our service after that period, you confirm your continuing acceptance of this Notice and any update to it.

In the event where we make material changes to this Notice, we may send you an email or text message to inform you that our Notice has been updated.