

# GBL European Union (EU) Safe Harbour Privacy Policy

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## Revision Description

NA

## Distribution

GBL

## Ownership

The Risk Manager [[QMSAdministration@markem.com?Subject=REF00156](mailto:QMSAdministration@markem.com?Subject=REF00156) GBL European Union (EU) Safe Harbour Privacy Policy] is responsible for ensuring that this document is necessary and that it reflects actual practice.

## PRIVACY POLICY: EUROPEAN UNION

20 November 2006

### SAFE HARBOUR PRIVACY POLICY

Markem Corporation respects individual privacy and values the confidence of its customers, their stakeholders, employees, business partners and others who may use our services. Not only do we strive to collect, use and disclose Personal Information in a manner consistent with the laws of the countries in which it does business, but we also aim to uphold the highest ethical standards in our business practices. This Safe Harbour Privacy Policy (the 'Policy') sets forth the privacy principles that Markem Corporation follows with respect to transfers of Personal Information between the United States and member states of the European Union ("EU").

### SAFE HARBOUR

The United States Department of Commerce and the European Commission have agreed on a set of data protection principles and frequently asked questions (the Safe Harbour Principles) to enable U.S. companies to satisfy the requirement under European Union law that adequate protection be given to Personal Information transferred from the EU to the United States. The EEA also has recognised the U.S. Safe Harbour as providing adequate data protection. Consistent with its commitment to protect personal privacy, Markem Corporation adheres to the Safe Harbour Principles. [http://www.export.gov/safeharbor/sh\\_workbook.html](http://www.export.gov/safeharbor/sh_workbook.html)

### SCOPE

This Policy applies to all Personal Information received by Markem Corporation in the United States in any format including electronic, paper or verbal. Markem Corporation collects and processes Personal Information concerning current and former employees and their respective family members, as well as applicants for employment, through its Internet websites, its Intranet site, electronic mail and traditional mail. Markem Corporation is the sole owner of information it

collects from current and former employees, applicants for employment, customers, vendors and others. MARKEM will not sell or share this information with third parties in ways different than what is disclosed in this Privacy Policy. On a global basis, Markem Corporation will, and will cause its affiliates to, establish and maintain business procedures that are consistent with this Policy.

Personal Information collected by Markem Corporation from employees and applicants for employment is maintained at its corporate offices in Keene, NH in the United States via Markem's corporate data centre in Austin, Texas, as well as the local office of the employee or applicant. For purposes of data security and backup, copies will be maintained at the Austin Data Centre and other secured secondary facilities as required by Oracle Data Centre to restore computing services to Markem.

Markem Corporation collects Personal Information for, among other things, legitimate human resource business reasons such as payroll administration, filling employment positions, maintaining accurate benefit records, meeting governmental reporting requirements, security, health and safety management, performance management, company network access and authentication. Markem Corporation does not request or gather information regarding political opinions, religion, philosophy or sexual preference. To the extent Markem Corporation maintains information on an individual's medical health or ethnicity, Markem Corporation will protect, secure and use that information in a manner consistent with this Policy.

Personal Information collected by Markem Corporation from prospective customers, consumers, vendors, business partners and others may be maintained at its corporate offices in Keene, NH, held on its servers in Austin, Texas, or at any other Markem Corporation facility. Markem Corporation collects Personal Information for, among other things, legitimate business reasons such as customer service, product, warranty and claims administration, meeting governmental reporting and records requirements, maintenance of accurate accounts payable and receivable records, internal marketing research, safety and performance management, financial and sales data and contact Information. All Personal Information collected by Markem Corporation will be used for legitimate business purposes consistent with this.

## DEFINITIONS

For purposes of this Policy, the following definitions shall apply:

**'MARKEM CORPORATION'** means Markem Corporation, its predecessors, successors, subsidiaries, divisions and groups.

**'Personal Information'** means any information or set of information that identifies or could be used by Markem Corporation, its customers or agents of its customers, to identify an individual. Personal Information does not include Information that is encoded or anonymised, or publicly available information that has not been combined with non-public Personal Information.

**'Sensitive Personal Information'** means Personal Information that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or that concerns health or sex life. Markem Corporation will treat as sensitive Personal Information any Information received from a third party where that third party treats and identifies the Information as sensitive.

## PRIVACY PRINCIPLES

The privacy principles of this Policy are based on the Safe Harbour principles.

1. **NOTICE:** Where Markem Corporation collects Personal Information directly from individuals, it will inform them about the purpose for which it collects and uses Personal Information about them, the types of non-agent third parties to which Markem Corporation discloses that information, and the choices and means, if any, Markem Corporation offers individuals for limiting the use and disclosure of their Personal Information. Notice will be provided in clear and conspicuous language when individuals are first asked to provide Personal Information to Markem Corporation, or as soon as practicable thereafter, and in any event before Markem Corporation uses the information for a purpose other than that for which it was originally collected. Markem Corporation may disclose Personal Information if required to do so by law or to protect and defend the rights or property of Markem Corporation.
2. **CHOICE:** Markem Corporation will offer individuals the opportunity to choose (opt out) whether their Personal Information is (a) disclosed to a non-agent third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorised by the individual. For sensitive Personal Information, Markem Corporation will give individuals the opportunity to affirmatively and explicitly (opt-in) consent to the disclosure of the information to a non-agent third party or the use of the information for a purpose other than the purpose for which it was originally collected or subsequently authorised by the individual. Markem Corporation will provide individuals with reasonable mechanisms to exercise their choices should requisite circumstances arise.
3. **DATA INTEGRITY:** Markem Corporation will use Personal Information only in ways that are compatible with the purposes for which it was collected or subsequently authorised by the individual. Markem Corporation will take reasonable steps to ensure that Personal Information is relevant, accurate, complete and current, to its intended use.
4. **TRANSFER TO AGENTS:** Markem Corporation will obtain assurances from its Agents that they will safeguard Personal Information consistently with this Policy. Examples of appropriate assurances that may be provided by the Agents include: a contract obliging the Agent to provide at least the same level of protection as is required by the relevant Safe Harbour Principles, being subject to EU Directive 95/46/EC, Safe Harbour Certification by the Agent, or being subject to another European Commission adequacy finding. Where Markem Corporation has knowledge that an Agent is using or disclosing Personal Information in a manner contrary to this Policy, Markem Corporation will take reasonable steps to prevent or stop the use or disclosure. Markem Corporation holds its Agents accountable for maintaining the trust our employees and customers place in the Company.
5. **ACCESS AND CORRECTION:** Upon request, Markem Corporation will grant individuals reasonable access to Personal Information that it holds about them. In addition, Markem Corporation will take reasonable steps to permit individuals to correct, amend or delete information that is demonstrated to be inaccurate or incomplete. Any employees that desire to review or update their Personal Information can do so by contacting the Human Resources Office in Keene.

6. **SECURITY:** Markem Corporation will take reasonable precautions to protect Personal Information in its possession for loss, misuse and unauthorised access, disclosure, alteration and destruction. Markem Corporation protects data in many ways. Physical security is designed to prevent unauthorised access to database equipment and hard copies of sensitive Personal Information. Electronic security measures continuously monitor our access to our servers and provide protection from hacking or other unauthorised access from remote locations. This protection includes the use of firewalls and restricted access. Markem Corporation limits its access to Personal Information and data to those persons in Markem Corporation organisations, or its Agents, that have a specific business purpose for maintaining and processing such Personal Information and data. Individuals who have been granted access to Personal Information will be made aware of their responsibilities to protect the security, confidentiality and integrity of that Information and have been provided training and instruction on how to do so.

7. **Enforcement:** Markem Corporation will conduct compliance audits of its relevant privacy practices to verify adherence to this Policy and the US Department of Commerce Safe Harbour Principles. Any employee that Markem Corporation determines is in violation of this Policy will be subject to appropriate disciplinary action.

## **DISPUTE RESOLUTION**

Any questions or concerns regarding the use of Personal Information should be directed to the Human Resource Offices in Keene, NH. Markem Corporation will investigate and attempt to resolve complaints and disputes regarding use and disclosure of Personal Information in accordance with the principles contained in this Policy.

## **CHANGES TO THIS SAFE HARBOUR PRIVACY POLICY**

The practices described in this Policy are current Personal data protection policies as of November 2006. Markem Corporation reserves the right to modify or amend this Policy at any time consistent with the requirements of the Safe Harbour Principles. Appropriate public notice will be given concerning such amendments.

**EMPLOYEE COMPLIANCE**

The Company has agreed to adhere to the above policy and in turn has created process rules for handling personal data. There is also an expectation that our employees also adhere to this Policy.

I hereby acknowledge that I have read the Privacy Policy and understand my obligations contained within this Policy. I understand that Disciplinary Action will ensue should I breach this Policy and in not following the process rules.

Signed: ..... Dated: .....

## **RULES FOR SHARING PERSONAL DATA**

*Whilst this document is created to ensure compliance with Safe Harbour and EU Privacy, it is not unreasonable to expect this common sense practice to be in place for all personal/sensitive data.*

All documents containing personal data must have the 'Boiler Plate' attached.

All data must be securely stored.

Only keep data for as long as is practically necessary – do not store for reference purpose [part of our commitment is to not keep incorrect data].

Only print when necessary and SHRED when task complete.

## **FINANCE**

Only pass personal data on to other Finance personnel or Human Resources; requests from managers should be verified for relevance with Human Resources.

## **HUMAN RESOURCES**

Only pass personal data on to relevant Finance personnel or other relevant Human Resource personnel. Requests from managers should be considered for relevance and documents created according to their relevance – no consolidated reports showing personal data for data subjects outside a direct line of reporting.

## **GLOBAL MANAGERS/DIRECT LINE MANAGERS**

Data should only be created for the above if relevance has been assessed and should not be a consolidated report containing data from other departments.

This data should not be forwarded to anyone else – separate requests should be made of Human Resources who will check for compliance.

**Note: All personnel given access to personal/sensitive data MUST HAVE signed the Privacy Policy BEFORE data is shared – this is a requirement of our Safe Harbour Certification.**

### **BOILER PLATE WARNING**

To be added to any spreadsheet containing personal data from Europe:

**WARNING:** Compliance with Safe Harbour/EU Privacy Statement Required

DO NOT FORWARD UNNECESSARILY  
DO NOT PRINT UNLESS NECESSARY  
SHRED IF PRINTED  
STORE IN SECURE PLACE  
DO NOT RETAIN LONGER THAN NEEDED