Darwin Privacy Notice

Who are we?

Darwin™ is a Software as a Service (SaaS) solution offered by the Marsh & McLennan Companies Inc. affiliates, including Marsh and Mercer entities operating under the MMB brand (together "**we**", "**our**" or "**us**").

What do we provide?

We provide a software as a service benefits management, engagement, administration and analytics software (the "**Software**") available through a website portal for you and your employer in order to manage your employee benefits.

What is the purpose of this notice?

We take the security of your personal data very seriously and we want to be transparent about how we collect and handle the personal data of the users, including individuals with administration rights, employees and other authorised users ("**you**" or "**your**").

This privacy notice (together with our Terms and Conditions, our Cookies Notice and any other documents referred to on them) describes our collection and sharing practices, the uses to which personal data is put, the ways in which we protect it in accordance with applicable international data privacy laws in your jurisdiction, including but not limited to the European Union General Data Protection Regulation 2016/679 (together, "**Data Protection Laws**") and your privacy rights.

Identifying the Data Controller and Data Processor

Data Information provided by you, your employer or third parties protection law in certain jurisdictions differentiates Data protection law in certain jurisdictions differentiates between the "Controller" and "Processor" of personal data. In general, your employer is the Controller of your personal data because they decide how and why we will use your personal data. We are the Processor because we use your personal data in line with your employer's instructions. However, we may act as a Controller in limited circumstances when processing your personal data as required for compliance with legal and regulatory obligations, or when processing your personal data to better understand how our Software is used and to improve our services to our clients. You can find more information in Section 2 Analytics Data.

Where we process personal data in our capacity of providing services to your employer, we will only process that personal data in accordance with the instructions of your employer and for

your employer's purposes and therefore, for the purpose of Data Protection Laws, we will act as a Processor.

This privacy notice is intended to supplement your employer's privacy policy. **Please refer to your employer's privacy policy for further information on how they use the personal data that they collect and share with us as part of the services.**

1. What information do we collect?

Information provided by you, your employer or third parties

We may collect information directly from you, your employer and from certain third parties that have roles in delivering services to you or your employer, such as benefit providers.

This information will include the following categories of personal data (where applicable): your name, date of birth, gender, address, email address, telephone number, employer name, employment periods, salary, pension amounts, pension contributions, employee benefits details, marital status, dependents/beneficiary details, national insurance number (or equivalent). We may process this data either as a Processor (see section 2 i) or as a Controller (see section 2 ii).

We may also collect sensitive personal data (also known as "**special categories of personal data**"), but only with your explicit consent or where you have freely provided this information to us. Sensitive personal data may include (but it is not limited to) information regarding racial/ethnic origin, religious beliefs, membership of a trade union, physical/mental health, sex life, sexual orientation, commission/alleged commission of any offence, genetic and biometric data. We only process your special categories of personal data as a Processor, never as a Controller.

If you supply us with personal data about other people (for example if you are a representative from your employer providing information about other employees, or if you provide us with information of a family member or dependent), you represent that you have the authority to provide this information on their behalf. In these instances, you further agree that the individuals to whom this information relates have been informed of and understand the reason(s) for obtaining the information, the manner in which this information will be used and disclosed, and have consented to such use and disclosure.

You are not obliged to provide us with any of your personal data, but please note that if you do not provide us with certain types of personal data, we may not be able to provide you or your employer with certain services under our contract with them or our terms of use with you.

Information collected by automated means

With regard to each of your visits to our Software we may automatically collect the following information, in respect of which we may be a Controller or a Processor:

- technical information, including the internet protocol ("**IP**") address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and

- information about your visit, including the full Uniform Resource Locators ("**URL**") clickstream to, through and from our Software (including date and time); products you viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call our customer service number.

For more information on some of the methods by which we may collect your personal data automatically, please see our Cookies Policy. <LINK>

Updating information

Keeping your information accurate and up-to-date is very important. Inaccurate or incomplete information could impair our ability to deliver relevant services to you or to your employer. Your employer will use reasonable endeavours to ensure that your personal data is accurate. In order to assist your employer with this, you should notify your employer of any changes to your personal data.

2. How do we use the data we collect?

(i) As a Data Processor

The personal data we collect enables us to provide you and your employer with access to the Software and its features and enable you to interact with the Software.

As a Processor, we, on your employer's behalf, use your personal data to carry out our obligations arising from any contracts entered into between your employer and us. You should separately refer to your employer's privacy notice for information on how they use the personal data that they collect and use via the Software.

Analytics Data

As a Processor, we also use information about you and your use of the Software and the services within the Software, your selection of benefits or information about other activities commonly carried out in connection with the Software may be used, for analytics purposes on behalf our client, your employer only in the following case:

Darwin Analytics Centre: Our Darwin Analytics Centre ("DAC") is a tool that we may provide to our clients as part of our services to help them to understand their performance against key Human Resources and benefit metrics and also against peer organisations within their industry/ies. Your data may be used in DAC to provide insight into how our users interact with the Software and the products, services and benefits available to them. This data cannot be used to identify specific users

(ii) As a Data Controller

As a Controller, we use (or may use) your personal data to fulfil our legal and regulatory obligations, to improve the Software and ensure that content from the Software is presented in the most effective manner for you and to analyse and improve our services.

Analytics Data

As a Controller we also use information about you, your use of the Software and the services within the Software, your selection of benefits or information about other activities commonly carried out in connection with the Software may be used, for data analytics purposes, to provide your employer with continued insight into their employee benefits schemes over time. In all cases, we will only do so with such information having been de-identified or pseudonymised before use so that we are unable to identify directly your personal data and ensure confidentiality. We use tokenisation or segregation or other techniques to ensure that none of your personal data can be directly linked to you.

We carry out analytics for the following purposes:

1. **Usage Data:** We monitor usage to better understand how our clients and their employees interact with the Software. For example, how many users access the Software each day, the number of users registered and the benefits selected. This helps us to identify any training needs and additional client support should this be required. Monitoring usage also helps us to ensure that the Software performance is not affected by concurrent usage at peak times. This analysis is carried out on aggregated data only and our ability to carry out these analytics is essential to our ability to offer our services.
2. **Web Analytics:** We track page visits and clicks and general behaviour on our web pages to help us understand how our clients interact with the Software. We do this via the placing of cookies, (small text files that are placed on your computer by websites that you visit) with your opt-in consent via our cookies banner. This information helps us to provide guidance to our clients when designing client platforms and making recommendations, making product improvements as well as ensuring the Software functions correctly. For more information, please see our cookies policy [LINK]. Analysis of how our clients interact with the Software is critical in ensuring that our products continue to evolve and develop so that we can provide the best possible user experience.
3. **Industry insight:** We may analyse client and employee data held on Darwin from time to time to create industry insights, white papers, reports and industry-specific benchmarking including for use in our Darwin Analytics Centre. The output of such insights does not identify any of our clients or individuals.

Please note that we do not use your personal data for automated decision-making or profiling nor scoring purposes.

3. How we share and disclose your personal data

We may share your personal data to assist with managing and running the Software and undertaking the activities set out in section 2 above or to provide other products or services or support as requested by you or your employer. In particular, we may share this information with:

- your employer in order for them to arrange benefits and undertake Human Resources related activities, including to communicate with you, and in some cases in order to give them insights into how you and other of their employees are interacting with the Software, which we will do as a Processor;
- providers of products and services that you or your employer may select through the Software, which we will do as a Processor and only at your employer's direction;
- our affiliates to enable them to provide services to you and, where we have the requisite consent from you, to contact you regarding additional products and services that may be of interest to you, which we will do as a Controller;
- third parties who handle your personal data on our behalf in order to provide the Software, which we may do as a Controller or as a Processor;
- law enforcement agencies, regulatory authorities and other public bodies such as courts in order to comply with our legal or regulatory obligations, which we will do as a Controller or as a Processor; and
- third party service providers that have been retained to perform services on behalf of your employer, or as authorised by your employer, which we will do as a Processor and only at your employer's discretion.

In the event we sell some or all of our assets, it is possible your personal data could be one of the assets transferred to the purchaser. We may disclose and/or transfer your personal data to a third party purchaser in these circumstances, which we will do as a Controller.

4. Using your information in accordance with data protection law

In accordance with Data Protection Laws, where we act as a Processor, we will only process your personal data in accordance with your employer's instructions or as required by law. You should separately refer to your employer's privacy notice for information on how they use your personal data that they collect via the Software, including the legal bases on which they do so.

Where we act as a Controller, we will only process your personal data where there is a lawful basis for doing so. In respect of your personal data, these bases are where it is necessary to provide services to you in connection with the end user terms you enter into with us when you use the Software and the contract you have with your employer; where we are required to do so in accordance with legal or regulatory obligations; where you have given your consent via our cookies banner or other specific opt-in method; and where it is necessary for the purposes of our or your employer's legitimate interests to process your personal data, provided that these do not prejudice your own rights, freedoms and interests. The legitimate interests that we may pursue in processing your personal data as a Controller are our interests in understanding, administering and improving use of our services and the Software, including through analysing

how you and other users use the Software. We do not process your special categories of personal data as a Controller.

5. How long we keep your information for

Where we act as a Processor, we will retain your personal data in accordance with your employer's instructions, including any applicable terms in the end user terms you enter into with us when you use the Software and our agreement with your employer, and as required by applicable law or regulation.

Where we act as Controller, we will also retain your personal data for as long as we need it for our analytics purposes, and we will either delete it or make sure that you cannot be identified from it as soon as we no longer need to identify you from it. You may ask us to delete your personal data at any time – see section 8 below for details of how to do this. However, please note that in certain circumstances we may not be able to comply with your request to delete your personal data if we have legal grounds to retain it, for example where the law requires this, or it is no longer considered personal data.

6. Sending data outside of the EEA

As we operate via a global network of corporate offices, we may need to transfer your personal data to a country outside of the country where it was originally collected, or outside of your country of residence or nationality either to other entities within our group in the countries in which we operate, or to others as set out in section 3 above. Such transfers may include transferring your personal data outside of highly regulated jurisdictions such as the United Kingdom ("**UK**") and the European Economic Area ('**EEA**'), which may have different, including lower, standards of protection for personal data from those in the originating country.

When we transfer personal data outside of highly regulated countries such as the UK and/or the EEA, either as a Controller or as a Processor, we will make sure that it is adequately protected in accordance with the requirements of all applicable Data Protection Laws and we will take any steps required under Data Protection Laws in order to safeguard the personal data being transferred, including but not limited to Standard Contractual Clauses, binding corporate rules or the E.U.-U.S. Privacy Shield Framework. Please note that we are an affiliate of Marsh & McLennan Companies, Inc. ("**MMC**"), which has adopted Binding Corporate Rules to provide adequate safeguards for certain transfers of personal data within the MMC group.

7. What steps do we take to protect your information?

We are committed to protecting the confidentiality and security of the personal data that you or your employer provide to us, regardless of whether we handle it as a Controller or a Processor. All personal data that you or your employer provide to us is stored on our subcontractors' secure servers and accessed and used subject to our security policies and standards.

We have implemented commercially reasonable physical, electronic, procedural, administrative, and technical safeguards in a way that complies with the security requirements of the Data Protection Laws to protect your personal data, located in the countries where we are based (which may be outside the EEA), from unauthorised access. However, as effective as our security measures are, no security system is impenetrable. We will take all appropriate measures, but please note that we cannot guarantee the security of these systems, nor can we guarantee that information supplied by you or on your behalf cannot be intercepted while being transmitted over the Internet.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of the Software, you are responsible for keeping this password confidential. We ask you not to share a password with anyone and may suspend or terminate your access to the Software if you do so.

We restrict access to your personal data to those employees of ours, our affiliates, and subcontractors who reasonably need it to provide products or services.

8. Your rights

Individuals located in certain countries, including the UK, EEA and other regulated countries worldwide, have certain statutory rights in relation to their personal data. Subject to any exemptions provided by law, you may have the right to:

- request access to your personal data we hold about you;
- seek to update, delete or correct your personal data that we hold;
- object to our processing of your personal data;
- request the direct transfer of your personal data to another service provider ("**data portability**"); and
- withdraw any consent you have given to the processing of your personal data.

If you are unsatisfied with how your personal data has been handled, you may approach a data protection supervisory authority for help or to make a complaint. In the UK, the supervisory authority is The Information Commissioner's Office and contact information is available on its website: https://ico.org.uk. If you are based within the EEA, you may also contact your local supervisory authority and contact information is available on the European Data Protection Board's website: https://edpb.europa.eu/about-edpb/board/members_en. If you are based elsewhere, please check with your local supervisory authority for privacy and data protection.

Please contact your employer if you want to know more, or in order to exercise any of these rights.

9. Third party websites/systems

The Software may contain links to other third party websites or systems (such as those run by benefit providers). If you follow a link to any of those third party websites or systems, please note that they have their own privacy practices and that we do not accept any responsibility or

liability for their policies or processing of your personal data. We recommend you carefully review their privacy policies and terms before you submit any personal data to such third party websites.

10. Changes to this privacy notice

This privacy notice may be updated from time to time. We recommend that you review this privacy notice regularly for changes. Any material changes will be notified to your employer.

11. How to contact us

If you have any questions, comments and requests regarding this Privacy Notice, please refer to your employer.

You can also contact our Data Protection Officer ("**DPO**") at any time if you have any questions about this privacy notice, or our privacy practices in general. Our DPO's details are:

GDPRLegal@mmc.com

Or

Data Protection Officer

Marsh & McLennan Companies, Inc.

Tower Place West, London

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