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## EUROPEAN DATA SUBJECTS DATA PRIVACY POLICY

### I. PURPOSE

The purpose of this Policy is to provide guidance to Data Subjects (defined below) with Personal Data processed by Sovereign International Metals & Alloys, Inc. or its affiliates (“SIMA”), who are residents of the European Union, about the nature of the Personal Data collected and processed about them. It is the policy of SIMA to ensure the privacy and security of Personal Data about Data Subjects.

SIMA’s standards for collecting and processing Personal Data pertaining to Data Subjects are designed to comply with applicable laws and regulations, including the General Data Protection Regulation (EU) 2016/679.

For purposes of this Policy, the Data Controller (as defined below) is the SIMA affiliate or entity responsible for the manner in which the Personal Data of the Data Subject is processed.

### II. SCOPE

This Policy applies to all Personal Data that SIMA collects, receives, transmits, and maintains about Data Subjects who are residents of the European Economic Area. The European Economic Area (EEA) consists of European Union (EU) Member States and Iceland, Liechtenstein and Norway. Personal Data may be collected, transmitted, or maintained in electronic, paper, or oral formats.

### III. DEFINITIONS

- A. “SIMA” means any entity in which SIMA International, Inc. has a controlling interest or management responsibility, including, for example, subsidiaries, branches, representative offices, or affiliates.
- B. “Data Controller” means the person or entity who, either alone or jointly or in common with other persons or entities, determines the purposes for which and the manner in which any Personal Data are, or are to be, processed.
- C. “Data Subjects” are identified or identifiable natural persons residing in the European Economic Area.
- D. “Personal Data” means any information relating to a Data Subject. An identifiable Data Subject is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that Data Subject. Personal Data includes information that enables anyone to link information to a specific Data Subject, even if the person or entity

holding that information cannot make that link. For the avoidance of doubt, the meaning of Personal Data shall be consistent with the term as it is defined in Article 4(1) of the GDPR.

- E. **“Processing” or “Process”** is broadly defined to mean any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as its collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. For the avoidance of doubt, the meaning of Processing shall be consistent with the term as it is defined in Article 4(2) of the GDPR.
- F. **“Sensitive Personal Data”** is a subset of Personal Data and means any Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; genetic data; biometric data for the purpose of uniquely identifying a Data Subject; data concerning health; and data concerning a Data Subject's sex life or sexual orientation.
- G. **“Supervisory Authority”** means the public authority designated by an EEA Member State to monitor compliance with the GDPR.

#### IV. POLICY

##### A. GENERAL RULES

1. SIMA collects and Processes Personal Data in compliance with applicable laws and regulations. In particular, SIMA complies with the requirements of the General Data Protection Regulation (EU) 2016/679 and the local data protection laws of EEA Member States.
2. SIMA collects and Processes Personal Data only for legitimate business purposes. The categories of Personal Data that are collected and the nature of the Processing are proportionate to the purpose of the collection and Processing.
3. SIMA will only perform Processing activities that can achieve an intended purpose while having the least impact on Data Subjects' privacy interests. Further, SIMA will only Process relevant information that is limited to the minimum necessary for purpose of the Processing activity.
4. SIMA will not store Personal Data for a longer period of time than is necessary to accomplish the intended purpose of the Processing activity.
5. SIMA will take reasonable steps to ensure the integrity and accuracy of the Personal Data it Processes.
6. SIMA will inform Data Subjects of the purposes and methods of its Processing activities. Additionally, SIMA will permit Data Subjects to exercise their rights with respect to Personal Data under the GDPR and applicable local laws, including the rights to correction, erasure, inspection, portability, and restriction of Processing).
7. SIMA will use commercially reasonable security measures to protect the Personal Data it collects and Processes against unauthorized uses and disclosures.

##### B. TYPES OF PERSONAL DATA COLLECTED

Unless restricted by applicable local law, SIMA will Process the following types of Personal Data:

1. *Personally Identifiable Information.* Personally identifiable information includes, but is not limited to, first name, marital name, last name, business name, business address, personal address, business telephone number, e-mail address, fax number.
2. *Server Logging Information.* Automatically collected information through online services which include, but is not limited to, analytics data, cookie information, and HTTP header information.

### **C. LAWFULNESS OF PROCESSING PERSONAL DATA**

1. *Legal Basis for Processing.* SIMA will not Process the Personal Data of Data Subjects unless there is at least one of the following legal bases for the Processing activity under the GDPR:
  - a. SIMA has obtained a Data Subject's consent for a specific purpose.
  - b. The Processing activity is necessary for the performance or preparation of a contract to which the Data Subject is a party, such as a purchase agreement, master services agreement, license agreement, or otherwise.
  - c. The Processing activity is necessary for SIMA's compliance with a legal obligation to which SIMA is subject.
  - d. The Processing activity is necessary to protect the vital interests of the Data Subject, or other individual.
  - e. The Processing activity is necessary for the "Legitimate Interests" pursued by SIMA, unless such interests are overridden by the interests of the Data Subject or fundamental rights and freedoms which require the protection of their Personal Data (collectively, "Data Subjects' Interests"). The Legitimate Interests that SIMA may pursue are outlined in Section IV.C.2 of this policy.
2. *Legitimate Interests.* SIMA is permitted to engage in the following Processing activities that fall within the following categories of Legitimate Interests, *as long as such interests are not outweighed by Data Subjects' Interests*:
  - a. Providing transactional information to a Data Subject about equipment, parts, or components purchased by the Data Subject from SIMA, including recalls, warranty information, and the like;
  - b. Inviting the Data Subject to a tradeshow, event, or experience offered by SIMA in which the Data Subject verbally expressed interest;
  - c. Detecting and preventing the loss or theft of SIMA's intellectual property, including, but not limited to, trade secrets, proprietary information, and customer information;
  - d. Detecting and preventing the loss or theft of Personal Data about Data Subjects;
  - e. Detecting and preventing any fraudulent or illegal activities;

- f. Ensuring the security of SIMA's networks and information systems and containing, eradicating, and mitigating the effects of any incidents that may affect the security of SIMA's confidential information, intellectual property, or Personal Data; and
      - g. Performing general management and financial administrative activities.
- 3. *Processing Sensitive Personal Data.* SIMA is permitted to Process Sensitive Personal Data only when it is authorized to do so by European Union law, Member State law, or a collective bargaining agreement. Should SIMA inadvertently receive Sensitive Personal Data when it is not authorized to receive such data, SIMA will take reasonable steps to delete the data as soon as practicable.
- 4. *Analysis and Documentation of Processing Activities.* SIMA will periodically, and at least annually, review and analyze each of its Processing activities and thoroughly document the results of each analysis. Further, SIMA will use the results of each analysis to guide its decision as to whether to continue, cease, or modify the respective Processing activity. SIMA will review and analyze at least the following factors with respect to each of its Processing activities:
  - a. Whether the Processing activity continues to be necessary, and if so, whether there continues to be a legal basis for the Processing activity;
  - b. If the Processing activity is based on a Legitimate Interest, whether SIMA continues to have a Legitimate Interest that serves as the basis for the Processing activity;
  - c. If applicable, whether the identified Legitimate Interest continues to outweigh the Data Subjects' Interests, including, but not limited to, interests in privacy;
  - d. Whether the Processing activity continues to be fair to the Data Subjects;
  - e. Whether the Personal Data involved in the Processing activity is proportionate to the intended purpose of the activity; and
  - f. Whether there is an alternative means to accomplish the intended purpose of the Processing activity that has lesser impact on Data Subjects' interests.
- 5. *Introduction of New Processing Activities.* Before initiating a new Processing activity or introducing a material change to an existing Processing activity, SIMA will perform the following actions:
  - a. SIMA will determine if the proposed Processing activity triggers the need for a Data Protection Impact Assessment, as described in Section IV.C.6 of this policy, and if so, perform such assessment; and
  - b. If the proposed Processing activity does not trigger the need for a Data Protection Impact Assessment in accordance with Section IV.C.6 of this policy, then SIMA will nevertheless review and analyze the proposed Processing activity and thoroughly document the results of the analysis. SIMA will use the results of the analysis to guide its decision as to whether to adopt or modify the proposed Processing activity. SIMA will review and analyze at least the following factors with respect to the proposed Processing activity:

- i. Whether the proposed Processing activity is necessary, and if so, whether there is a legal basis for the Processing activity;
  - ii. If applicable, the nature of the Legitimate Interest that serves as the basis for the proposed Processing activity;
  - iii. If applicable, whether the identified Legitimate Interest outweighs the Data Subjects' Interests, including, but not limited to, interests in privacy;
  - iv. Whether the proposed Processing activity will be fair to the Data Subjects;
  - v. Whether the Personal Data that will be involved in the proposed Processing activity is proportionate to the intended purpose of the activity; and
  - vi. Whether there is an alternative means to accomplish the intended purpose of the proposed Processing activity that has lesser impact on Data Subjects' interests.
6. *Data Protection Impact Assessment.* Before initiating a new Processing activity—especially an activity involving the use of new technologies—that SIMA determines is likely to result in a high risk to Data Subjects' rights and freedoms, SIMA will perform a “Data Protection Impact Assessment” (DPIA) when it determines that a proposed Processing activity (or set of Processing activities) is likely to result in a high risk to Data Subjects' rights and freedoms. SIMA will consult with legal counsel as needed to determine whether a DPIA is needed and prepare the necessary documentation.
  - a. If SIMA determines that a Processing activity (or set of activities) is likely to result in a high risk to Data Subjects, then SIMA will perform and thoroughly document a DPIA. The DPIA will include at least:
    - i. A systematic description of the proposed Processing activity and the purposes of the processing, including, if applicable, the Legitimate Interest for the activity;
    - ii. An assessment of the necessity and proportionality of the proposed Processing activity in relation to the intended purposes of the activity; and
    - iii. A description of the measures that will be used to address the risk(s) associated with the Processing activity, including privacy and security safeguards, taking into account the Data Subjects' interests.
  - b. After completing a DPIA for a proposed Processing activity that is likely to result in a high risk to Data Subjects, SIMA must consult with, and receive approval from, the appropriate Supervisory Authorities prior to commencing the activity.

#### **D. PERSONAL DATA PROCESSING ACTIVITIES**

SIMA may engage in the following Processing activities with respect to its Data Subjects' Personal Data.

1. *Marketing.* SIMA may use Personal Data for general marketing purposes, including electronic communications, social media postings, and the like.
2. *Legal Obligations.* SIMA may also use Personal Data to comply with legal obligations, such as income tax and other tax withholdings or cooperation with courts (including civil actions) and law enforcement agencies in legal investigations regarding suspected criminal activities or other suspected illegal activities. Subject to local law requirements, SIMA may use Personal Data to protect its legal rights or support any claim, defense, or declaration in a case or before any jurisdictional and/or administrative authority, arbitration or mediation panel, in the context of disciplinary actions/investigations or of internal or external audits and inquiries.
3. *Monitoring Internet Activities.* SIMA may have Legitimate Interests in monitoring Data Subjects' access to SIMA Internet services traffic for suspicious or malicious activity, such as protecting the security of its network.
4. *General Management and Finance Administration.* SIMA may use Personal Data for the Company's planning and budgeting, financial reporting, corporate reorganizations, outsourcing, restructuring, acquisitions, divestments, and compliance with regulatory reporting requirements.

#### **E. SECURITY OF PERSONAL DATA**

SIMA will apply commercially reasonable security measures to ensure that Processing activities occur in a manner that ensures appropriate security of the Personal Data, including protection against unauthorized or unlawful Processing, and against accidental loss, destruction, or damage. Specifically, SIMA will use the technical and organizational measures outlined in SIMA's Information Security policies and procedures to protect the confidentiality, availability, and integrity of Personal Data.

#### **F. PERSONAL DATA RETENTION PERIOD**

SIMA will retain Personal Data consistent with applicable local law and industry standards. SIMA will not store Personal Data for longer than is necessary to achieve the intended purposes of a Processing activity. SIMA will delete Personal Data when it is no longer relevant (such as when it is no longer necessary to perform a Processing activity or a Data Subject has been terminated from employment). In any case, SIMA will delete Personal Data upon expiration of the maximum storage term of the type of Personal Data as set forth by the applicable local law or SIMA's Record Retention Policy, unless the Personal Data is required to be maintained for a longer period, such as in the case of an administrative claim, lawsuit, or investigation.

#### **G. TRANSFERS OF PERSONAL DATA TO OTHER COUNTRIES**

SIMA may transfer Personal Data to another country for Processing only if the European Commission has determined that the country ensures an adequate level of protection of personal data. Before transferring Personal Data to another country, SIMA will ensure that it has in place an appropriate mechanism for the onward transfer of the Personal Data. For example, SIMA may rely on Standard Contractual Clauses, Binding Corporate Rules, or participation in the EU-U.S. Privacy Shield program to transfer Personal Data from the European Union to its facility or vendors in the United States for Processing.

#### **H. DATA SUBJECTS' RIGHTS WITH RESPECT TO PERSONAL DATA**

SIMA will afford Data Subjects the following rights with respect to Personal Data about them. In order to exercise these rights, a Data Subject may submit requests following the procedure outlined in SIMA' Privacy Notice. To the extent feasible, SIMA will notify any recipient of Personal Data about the rectification or erasure of such data that occurred pursuant to a Data Subject's request.

1. *Right to Access Personal Data.* A Data Subject may request SIMA to provide confirmation as to whether certain Personal Data about him or her are being Processed. A Data Subject may also request to access copies of, or inspect, of the Personal Data about him or her that is undergoing Processing. SIMA may use reasonable methods to verify the identity of the individual request access to the data before fulfilling the request. SIMA may charge a reasonable fee based on administrative costs for copies of additional Personal Data maintained about him or her. The Data Subject's access right should not adversely affect the rights or freedoms of others, including intellectual property rights, but any potential adverse effect should not result in a refusal to provide the Data Subject with access to any Personal Data about him or her. Additionally, SIMA will provide a Data Subject with the following information:
  - a. The purposes of the Processing and categories of Personal Data being Processed;
  - b. The recipients or categories of recipients to whom the Personal Data has or will be disclosed, including third parties and entities in other countries;
  - c. The time period during which the Personal Data will be stored or the criteria that SIMA will use to determine that time period;
  - d. The existence of the right to request rectification or erasure of Personal Data;
  - e. The existence of the right to request a restriction on the Processing of Personal Data or to object to the Processing;
  - f. The right to file a complaint with a Supervisory Authority;
  - g. Information about the source(s) of the Personal Data, if the Personal Data was not collected directly from the Data Subject; and
  - h. A description of any automated decision-making using the Personal Data, including profiling the Data Subject.
2. *Right to Rectification of Personal Data.* A Data Subject may request SIMA to rectify inaccurate Personal Data about him or her. SIMA will fulfill such a request without undue delay. A Data Subject also has the right to request SIMA to complete any incomplete Personal Data about him or her, such as by allowing the Data Subject to submit a written statement to supplement the incomplete Personal Data. To the extent practicable, SIMA will permit Data Subjects to log into applications storing electronic Personal Data about him or her and directly amend such data.
3. *Right to Erasure of Personal Data.* A Data Subject may request SIMA to delete Personal Data about him or her.
  - a. SIMA will fulfill such a request without undue delay and irrespective of the relevant document retention period outlined in SIMA's Record Retention Policy, as long as one of the following applies:

- i. The Personal Data is no longer necessary in relation to the purposes of the Processing activity for which the data was collected.
    - ii. There is no longer any legal basis under the GDPR for the Processing activity;
    - iii. The Data Subject objects to the Processing activity, and there are no overriding legitimate grounds for continuing the Processing activity;
    - iv. The Personal Data has been Processed unlawfully; or
    - v. The Personal Data needs to be deleted in order to comply with European Union law or applicable Member State law.
  - b. However, SIMA is *not* required to fulfill a Data Subject's request for the deletion of Personal Data about him or her if one of the following applies:
    - i. The Processing is necessary for exercising the right of freedom of expression and information;
    - ii. The Processing is necessary for SIMA to comply with a European Union law or Member State law that requires Processing for the performance of a task carried out in the public interest;
    - iii. The Processing is necessary for public interest in the area of public health;
    - iv. The Processing is necessary for archiving purposes in the public interest or scientific or historical research purposes; or
    - v. The Processing is necessary for SIMA's establishment, exercise, or defense of legal claims.
4. *Right to Restrict Processing.* A Data Subject may request SIMA to place a restriction on the Processing of Personal Data about him or her
  - a. SIMA will fulfill such a request if one of the following applies:
    - i. The Data Subject is contesting the accuracy of the Personal Data, and the restriction will be placed on the Processing activity to allow SIMA sufficient time to verify the accuracy of the Personal Data;
    - ii. The Processing is unlawful, and the Data Subject opposes the deletion of the Personal Data and instead requests a restriction on the Processing activity;
    - iii. SIMA no longer needs the Personal Data for the purpose of Processing, but the Personal Data is required by the Data Subject for his or her establishment, exercise, or defense of legal claims; or
    - iv. The Data Subject has objected to the Processing activity pending the verification of whether the SIMA's Legitimate Interest in the activity overrides Data Subjects' Interests.



- b. However, Personal Data that is subject to a Processing restriction may continue to be Processed:
    - i. For SIMA's establishment, exercise, or defense of legal claims;
    - ii. For the protection of the rights of another natural or legal person; or
    - iii. For reasons of important public interest.
5. *Right to Data Portability.* A Data Subject may request SIMA to provide Personal Data about him or her in a commonly used and machine readable format so that the Data Subject can transmit the Personal Data to another Data Controller, such as a different employer. A Data Subject may also request SIMA to transmit the Personal Data directly to another Data Controller. A Data Subject's right to data portability applies only with respect to Personal Data that SIMA is Processing in connection with the performance of a contract, such as an employment contract, to which the Data Subject is a party. The right to data portability does not apply to Personal Data that is Processing for a Legitimate Interest, compliance with a legal obligation, the exercise or defense of legal claims, or the performance of tasks carried out in the public interest (such as public health activities). SIMA will fulfill such a request if one of the following applies:
- a. The Processing activity is being performed pursuant to a contract to which the Data Subject is a party, such as an employment contract; or
  - b. The Processing activity is carried out by automated means.