

Date

12 February 2026

Our reference

z2020-04002

2023-300417

Contact

070 8888 500

Subject

Decision approving Controller Binding Corporate Rules of AkzoNobel

The Autoriteit Persoonsgegevens,

Pursuant to the request by **AkzoNobel N.V.**, on behalf of the group **AkzoNobel** (hereinafter '**AkzoNobel**'), received on **18 December 2018**, reference **2023-300417**, formerly z2020/04002, for approval of their binding corporate rules for controller;

Having regard to Articles 47, 57 and 64 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation or GDPR);

Having regard to the judgment of the Court of Justice of the European Union in Data Protection Commissioner v. Facebook Ireland Ltd and Maximillian Schrems, C-311/18 of 16 July 2020;

Having regard to EDPB Recommendations 01/2020 on measures that supplement transfer tools to ensure compliance with the EU level of protection of personal data of 18 June 2021;

Having regard to EDPB Recommendations 1/2022 on the Application for Approval and on the elements and principles to be found in Controller Binding Corporate Rules (Art. 47 GDPR) of 20 June 2023 (hereinafter "the Recommendations 1/2022");

Makes the following observations:

1. Article 47(1) of the EU General Data Protection Regulation 2016/679 (GDPR), provides that the competent Supervisory Authority shall approve Binding Corporate Rules (BCRs) provided that they meet the requirements set out under this Article.
2. The implementation and adoption of BCRs by a group of undertakings is intended to provide guarantees to controllers and processors established in the EU as to the

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protection of personal data that apply uniformly in all third countries and, consequently, independently of the level of protection guaranteed in each third country.

3. Before carrying out any transfer of personal data on the basis of the BCRs to one of the members of the group, it is the responsibility of any data exporter in a Member State, if needed with the help of the data importer, to assess whether the level of protection required by EU law is respected in the third country of destination in the case of the specific data transfer, including onward transfer situations. This assessment has to be conducted in order to determine whether any legislation or practices of the third country applicable to the to-be-transferred data may impinge on the data importer's and/or the data exporter's ability to comply with their commitments taken in the BCR, taking into account the circumstances surrounding the transfer. In case of such possible impingement, the data exporter in a Member State, if needed with the help of the data importer, should assess whether it can provide supplementary measures in order to exclude such impingement and therefore to nevertheless ensure, for the envisaged transfer at hand, an essentially equivalent level of protection as provided in the EU. Deploying such supplementary measures is the responsibility of the data exporter and remains its responsibility even after approval of the BCRs by the competent Supervisory Authority and as such, they are not assessed by the competent Supervisory Authority as part of the approval process of the BCRs.
4. In any case, where the data exporter in a Member State is not able to implement supplementary measures necessary to ensure an essentially equivalent level of protection as provided in the EU, personal data cannot be lawfully transferred to a third country under these BCRs. In the same vein, where the data exporter is made aware of any changes in the relevant third country legislation that undermine the level of data protection required by EU law, the data exporter is required to suspend or end the transfer of personal data at stake to the concerned third countries.
5. In accordance with the cooperation procedure as set out in the Working Document WP263 rev01,¹ the Controller BCRs application of **AkzoNobel** was reviewed by the Autoriteit Persoonsgegevens as the competent supervisory authority for the BCRs (BCR Lead) and by two Supervisory Authorities (SA) acting as co-reviewers, *in this case the French and Romanian SAs*. The application was also reviewed by the concerned SAs to which the BCRs were communicated as part of the cooperation procedure.
6. The review concluded that the Controller BCRs of **AkzoNobel** comply with the requirements set out by Article 47(1) of the GDPR as well as the Recommendations 1/2022 and in particular that the aforementioned BCRs:

¹ Endorsed by the EDPB on 25 May 2018.



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- i) Are legally binding and contain a clear duty for each participating member of the Group including their employees to respect the BCRs by entering in an Intra-Group Agreement (*Section 5 of the application form and Article 9.2 of the BCRs*);
- ii) Expressly confer enforceable third-party beneficiary rights to data subjects with regard to the processing of their personal data as part of the BCRs (*Article 10.2 of the BCRs*);
- iii) Fulfil the requirements laid down in Article 47(2) of the GDPR:
 - a) The structure and contact details of the group of undertakings and each of its members are described in the Application form of the Recommendations 1/2022 that was provided as part of the file review in *Section 5 of the application form and Annex 4 to the BCRs*;
 - b) the data transfers or set of transfers, including the categories of personal data, the type of processing and its purposes, the type of data subjects affected and the identification of the third country or countries in question are specified in *Annex 2 to the BCRs*;
 - c) the legally binding nature, both internally and externally, of the Controller BCRs is recognized in *Article 9 of the BCRs*;
 - d) the application of the general data protection principles, in particular purpose limitation, data minimisation, limited storage periods, data quality, data protection by design and by default, legal basis for processing, processing of special categories of personal data, measures to ensure data security, and the requirements in respect of onward transfers to bodies not bound by the binding corporate rules are detailed in *Articles 2-5, 7, and 8 of the BCRs*;
 - e) the rights of data subjects in regard to processing and the means to exercise those rights, including the right not to be subject to decisions based solely on automated processing, including profiling in accordance with Article 22 of the GDPR, the right to lodge a complaint with the competent supervisory authority and before the competent courts of the Member States in accordance with Article 79 of the GDPR, and to obtain redress and, where appropriate, compensation for a breach of the binding corporate rules which are set forth in *Article 5 of the BCRs*;
 - f) the acceptance by the controller or processor established on the territory of a Member State of its liability for any breaches of the binding corporate rules by any member concerned not established in the Union as well as the exemption from that liability, in whole or in part, only if the concerned party proves that that member is not responsible for the event giving rise to the damage are specified in *Article 10 of the BCRs*;

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- g) how the information on the binding corporate rules, in particular on the provisions referred to in points (d), (e) and (f) of Article 47.2 of the GDPR are provided to the data subjects in addition to Articles 13 and 14 of the GDPR, is specified in *Articles 4 and 5.1 of the BCRs*;
- h) the tasks of any data protection officer designated in accordance with Article 37 of the GDPR or any other person or entity in charge of monitoring the compliance with the binding corporate rules within the group of undertakings, or group of enterprises engaged in a joint economic activity, as well as monitoring training and complaint-handling are detailed in *Annex 4 to the BCRs*;
- i) the complaint procedures are specified in *Article 10 of the BCRs*;
- j) the mechanisms put in place within the group of undertakings for ensuring the monitoring of compliance with the binding corporate rules are detailed in *Article 9.8 and Annex 5 to the BCRs*. Such mechanisms include data protection audits and methods for ensuring corrective actions to protect the rights of the data subject. The results of such monitoring are communicated to the person or the entity referred to in point (h) above and to the board of the controlling undertaking of the group of undertakings (in this situation to **AkzoNobel N.V.**, as well as to the data privacy organization) and are available upon request to the competent supervisory authority;
- k) the mechanisms for reporting and recording changes to the rules and reporting those changes to the supervisory authorities are specified in *Articles 9.9 and Annex 5 to the BCRs*;
- l) the cooperation mechanism put in place with the supervisory authority to ensure compliance by any member of the group of undertakings is specified in *Article 10.6 of the BCRs*. The obligation to make available to the supervisory authority the results of the monitoring of the measures referred to in point (j) above is specified in *Article 10.6 of the BCRs*;
- m) the mechanisms for reporting, upon request, to the competent supervisory authority any legal requirements to which a member of the group of undertakings is subject in a third country which are likely to have a substantial adverse effect on the guarantees provided by the binding corporate rules are described in *Articles 9.11 and 11 of the BCRs and Annex 1 (definition of Transfer Impact Assessment) to the BCRs*;
- n) finally, provide for an appropriate data protection training to personnel having permanent or regular access to personal data (*Article 9.5 of the BCRs*).

7. The EDPB provided its **Opinion 2/2026** in accordance with Article 64(1)(f) of the GDPR.



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DECIDES AS FOLLOWING:

1. The Autoriteit Persoonsgegevens approves the Controller BCRs of **AkzoNobel** as providing appropriate safeguards for the transfer of personal data in accordance with Article 46(1) and (2) (b) and Article 47(1) and (2) GDPR. For the avoidance of doubt, the Autoriteit Persoonsgegevens recalls that the approval of BCRs does not entail the approval of specific transfers of personal data to be carried out on the basis of the BCRs. Accordingly, the approval of BCRs may not be construed as the approval of transfers to third countries included in the BCRs for which an essentially equivalent level of protection to that guaranteed within the EU cannot be ensured.
2. The approved BCRs will not require any specific authorization from the concerned SAs.
3. In accordance with Article 58(2)(j) GDPR, each concerned SA maintains the power to order the suspension of data flows to a recipient in a third country or to an international organization whenever the appropriate safeguards envisaged by the Controller BCRs of **AkzoNobel** are not respected.
4. **Annex 1** forms an integral part of this decision and shall be considered a binding appendix thereto.
5. **Annex 2** contains the Controller BCRs which are approved by this decision, and forms an integral part of this decision.

The Hague, 12-2-2026

Yours sincerely,

Autoriteit Persoonsgegevens

Chair

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Legal remedy

If you do not agree with this decision, you can submit a notice of objection.² The notice of objection must be signed and dated, include the name and address of the (legal) person submitting it and should entail a description of the decision against which the objection is being lodged and the grounds on which it is based. The notice of objection must be received by the Autoriteit Persoonsgegevens within six weeks after this decision is taken. Please address the notice to the Autoriteit Persoonsgegevens and submit the notice via PO Box 93374, 2509 AJ The Hague, The Netherlands.³

It is also possible to submit a notice of objection via our web form on the website, see <https://www.autoriteitpersoonsgegevens.nl/over-de-autoriteit-persoonsgegevens/bezwaar-maken>.

Please note that submitting a notice of objection will not automatically suspend the effect of this decision.

² The Dutch General Administrative Law Act ("Algemene wet bestuursrecht") applies to this procedure.

³ Article 6:7 in conjunction with article 6:8 (1) of the Dutch General Administrative Law Act.

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ANNEX 1 TO THE DECISION

The Controller BCRs of **AkzoNobel** that are hereby approved cover the following:

a. Scope.*Article 1.1:*

The BCR addresses the Processing of personal data of: (a) Customers, Suppliers, and Business Partners (CSB Data); and (b) Employees and their dependents (Employee Data) (jointly referred to as Personal Data), by AkzoNobel or a Third Party Processor on behalf of AkzoNobel, that are: (i) subject to EEA Data Protection Laws (or were subject to EEA Data Protection Laws prior to the Transfer to a Group Company), and (ii) are transferred to a Group Company in a Third Country.

b. EEA countries from which transfers are to be made:

Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, and Sweden

c. Third countries to which transfers are to be made:

Argentina, Aruba, Australia, Bolivia, Botswana, Brazil, Cayman Islands, Chile, China, Colombia, Costa Rica, Curaçao, Ecuador, Egypt, El Salvador, Eswatini, Guatemala, Honduras, India, Indonesia, Kenya, Kuwait, Malaysia, Mauritius, Mexico, Morocco, Myanmar, Nicaragua, Oman, Pakistan, Panama, Papua New Guinea, Peru, Qatar, Russia, Saudi Arabia, Singapore, South Africa, Sri Lanka, Taiwan, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United States of America, Uruguay, Vietnam, Zambia.

d. Purposes of the transfer:

The purposes are detailed in *Annex 2 to the BCRs*.

They include the following:

Customer, Supplier, and Business Partner (CSB) data:

- *Business communication: Communicating with (prospective) customers, such as, answering questions or replying to communications.*
- *Customer assessment and acceptance: Customer assessment and acceptance processes, such as, confirming and verifying identity, due diligence, and screening against publicly available government and/or law enforcement agency sanctions lists.*
- *Concluding and executing agreements: Administrative processes, such as, sending invoices, making payments, delivering or receiving services, including related customer services.*
- *Monitoring and investigating compliance: Monitoring and/or investigating compliance with applicable laws, regulations, and/or AkzoNobel policy or conditions, anti-money laundering and anti-terrorism screening.*



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- *Website and/or mobile app usage: Providing functionalities of websites and mobile apps, including administering user accounts, improving performance, saving preferences or products, enabling sharing functionalities.*
- *Compliance with law: Complying with obligations under applicable laws and regulations, such as, tax or business conduct related obligations.*
- *Protecting health, safety, security and ensuring integrity: Safeguarding the health and safety of Employees, customers, suppliers and business partners, such as, via access controls to AkzoNobel's systems and premises, sanctions checks against publicly available sanctions lists, protecting premises using CCTV cameras, and using road-facing cameras on trucks transporting hazardous materials.*
- *Business process execution and internal management: General management, order management and asset management, such as, leveraging central processing facilities in order to work more efficiently, conducting audits and investigations, implementing business controls, managing and using customer, supplier and business partner directories, finance, accounting, archiving, insurance, legal and business consulting, and dispute resolution.*
- *Organizational analysis and development, management reporting, and acquisitions and divestitures: Aggregating or anonymizing Personal Data to prepare and perform management reporting and analysis, conducting customer, supplier and business partner surveys, processing Personal Data in the context of mergers, acquisitions and divestitures and in order to manage such transactions.*
- *Development and improvement of products and services: Assessing, analysing and improve products and (customer) services, using and combining Personal Data to analyse customer behaviour and to adjust our products and services accordingly, compiling analytics reports on the use of company websites or apps, assessing (online) campaigns and adjusting products and services accordingly, to ensure that it is relevant to customers, including analysing how often customers read newsletters, how often they visit company websites or apps, which pages they click on what goods or services they purchase through company websites or apps.*
- *Relationship management and marketing: Sending newsletters, offers, or other relationship management or marketing communications, including promotions or invitations to events, administering events or promotions, providing customer services, perform account management, and communicate recalls, developing, executing and analysing marketing strategies.*
- *Administering events and promotions: Communicating about promotions and inviting (prospective) customers to participate in events, organizing and administering events, and measuring response to events and/or promotions.*
- *Social media connections: Communicating with (prospective) customers on social media, if connected with the company social media account, processing 'likes' on company websites and mobile apps, other social media interaction, such as liking the company social media page.*

Employee data:

- *Managing Workforce: Managing work activities and personnel generally, including recruitment, appraisals, performance management, promotions and succession planning, rehiring, administering salary, and payment administration and reviews, wages and other awards such as*

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stock appreciation rights and bonuses, healthcare, medical insurance, pensions and savings plans, training, leave, managing sickness leave, promotions, transfers, secondments, honouring other contractual benefits, providing employment references, loans, performing workforce analysis and planning, performing employee surveys, performing background checks, monitoring compliance with internal policies, rules and procedures, internal investigations and managing disciplinary matters, grievances and terminations, reviewing employment decisions, making business travel arrangements, managing business expenses and reimbursements, planning and monitoring of training requirements and career development activities and skills, workforce reporting and data analytics/ trend analysis, and creating and maintaining one or more internal employee directories.

- *Workforce Analytics: Analytics for succession planning, workforce management, and data security, such as, analytics to assist in planning succession and to ensure business continuity, to design employee retention programs and diversity initiatives (e.g. Gender Gap Pay report), to offer training opportunities and to identify patterns in the use of technology systems to information entrusted to AkzoNobel as well as to protect AkzoNobel's people and property.*
- *Communications, IT/Cybersecurity, Facilities and Emergencies: Facilitating communication with employees, ensuring business continuity and crisis management, providing references, protecting the health and safety of employees and others, safeguarding and maintaining IT infrastructure, office equipment, facilities and other property, facilitating communication with employees and their nominated contacts in an emergency.*

e. Categories of data subjects concerned by the transfer:

- *BUSINESS PARTNER means any Third Party, other than a Customer or Supplier, that has or had a business relationship or strategic alliance with AkzoNobel (e.g. joint marketing partner, joint venture or joint development partner).*
- *CUSTOMER means any organization that purchases, may purchase or has purchased an AkzoNobel product or service, any Third Party that provides goods or services to AkzoNobel (e.g. an agent, consultant or vendor), or any Third Party that has or had a business relationship with AkzoNobel.*
- *CSB DATA means the Personal Data of any (employee of or person working for) Customer, Supplier or Business Partner and any other individual that AkzoNobel processes in the context of the provision of its services.*
- *DEPENDENT means the spouse, partner of child belonging to the household of the Employee or emergency contact of the Employee.*
- *EMPLOYEE means any natural person in the context of the person's employment or similar relationship with AkzoNobel, such as:*
 - *an Individual, job applicant or former Individual of AkzoNobel including temporary workers working under the direct supervision of AkzoNobel (e.g., independent contractors and trainees). This term does not include people working at AkzoNobel as consultants or Individuals of Third Parties providing services to AkzoNobel;*
 - *a (former) executive or non-executive director of AkzoNobel or (former) member of the supervisory board or similar body to AkzoNobel.*

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- *EMPLOYEE DATA means shall mean any information relating to an identified or identifiable Employee (and their dependents).*
- *INDIVIDUAL means (i) any (person working for a) Customer and any other individual whose Personal Data AkzoNobel processes in the context of the manufacturing of its products and the sale of these products and the provision of related services; and/or (ii) an Employee.*
- *STAFF means all Individuals and other persons who Process Personal Data as part of their respective duties or responsibilities using AkzoNobel information technology systems or working primarily from AkzoNobel's premises.*

Those categories are specified in Annex 1 to the BCRs (definitions).

f. Categories of personal data transferred:*Client, Supplier or Business Partner (CSB) data:*

- *Basic Personal details: Name, business addresses and telephone numbers, e-mail address, mobile telephone numbers.*
- *Other Personal details: Home addresses and telephone numbers, website login and passwords, internal identification number.*
- *Business communications: Information included in requests from, or correspondence with, a (prospective) customer*
- *Order information: Ordered products or services, order history, data generated during the performance of the agreement*
- *Payment information: Bank account number or credit card number*
- *Analytics information: Information about the use of AkzoNobel's websites, apps, or other services, IP address, device information, click and surf behaviour, session length, and responses to customer satisfaction surveys*
- *Sanctions information: Information included on publicly available government and/or law enforcement sanctions lists.*
- *Company information: Chamber of commerce details, VAT details, tax details, which may include personal data for independent contractors or other small businesses*
- *Photo and video: A copy of an identity document including a photo, CCTV footage, or video in relation to videoconferences.*
- *Criminal data: Information relating to criminal behaviour, criminal records or proceedings regarding criminal or unlawful behaviour.*
- *Health and religion information: Information regarding religion, dietary preferences or disability that can be accommodated during a visit to AkzoNobel offices.*

Employee data:

- *Basic personal details: Name, Employee identification number, work and home contact details (email, phone numbers, physical address), language(s) spoken, gender, date and place of birth, marital status, national identification and passport number, tax identification and social security or national insurance number, next of kin, information to verify identity (including mother's*



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maiden name), emergency contact information, photograph, Employee number, information about spouses, dependents and beneficiaries, birth certificate, marriage certificate and will in case of death in service situation.

- *Documentation required under immigration laws: Citizenship, passport data, details of residency or work permit.*
- *Compensation, benefits and payroll: Base salary, bonus, benefits, compensation type, pay grade, salary step within assigned grade, details on shares options, shares schemes and other awards, currency, pay frequency, effective date of current compensation, salary reviews, driver's licence details, company car details and registration and driver numbers, including information relating to driver eligibility, parking and entry permits, banking and bank account details, corporate credit card, working time records (including pay data and payment history), time and attendance data, previous salaries, national insurance or other number, marital/civil partnership status, domestic partners and dependents.*
- *Position information: Previous positions held, description of current position, job title, corporate status, management category, job code, job function(s) and subfunction(s), company name and code (legal employer entity), branch/unit/department, location, employment status and type, full-time/part-time, terms of employment, employment contract, work history, hire/re-hire and termination date(s) and reason, length of service, retirement eligibility, promotions and disciplinary records, Employee-benefits related information, date of transfers, and reporting manager(s) and supervisors information.*
- *Talent management information: Details contained in letters of application and CV (previous employment background, education history (including institutions attended and performance), employment history such as date of hire, professional qualifications, language and other relevant skills, certification, certification expiration dates, information necessary to complete a background check, details on performance management ratings, development programmes planned and attended, e-learning programmes, (Trade Union) memberships in case of reimbursement of membership fees, job performance, conduct and development information, willingness to relocate or driver's license information.*
- *Management records: Details of any shares of ordinary shares or directorships.*
- *System and application access data: Information required to access company systems and applications such as System/User ID, LAN ID, email account, instant messaging account, mainframe ID, previous Employee ID, previous manager Employee ID, system passwords, branch, state, country code, previous company details, previous branch details, previous department details, information collected through automated means, and electronic content containing personal information produced by you using company systems or accounts, including documents, emails and telephone conversations and voicemails, including information concerning use of and personal information transmitted through AkzoNobel information systems, information arising from access badge.*
- *Racial or ethnic data: Photos (e.g., a copy of a passport containing a photo) and video images which, in some countries, qualify as racial or ethnic data.*
- *Physical or mental health data: Any information or opinion of physical or mental health and data relating to disabilities, disability status, (work-related) incident and or personal injury*

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information, medical certificates, occupational health reports, health surveillance screening, return to work forms and absence due to illness or pregnancy and/or adoption of employee or partner, drugs and alcohol testing (in certain circumstances, depending on role and local requirements).

- *Criminal data: Information relating to criminal behaviour, criminal records or proceedings regarding criminal or unlawful behaviour.*
- *Sexual preference: Information on sexual preference.*
- *Biometric data: Data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person.*

Those categories are specified in *Annex 2 to the BCRs*.



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ANNEX 2 TO THE DECISION

Copy of the Controller BCRs of **AkzoNobel**.