



Novelis Deutschland GmbH

03.02.2021

Decision approving the Binding Corporate Rules (BCR) of Novelis Group

I.

1. The BCR of Novelis Group attached in the Appendix 1 to this approval notification provide appropriate safeguards for the transfer of personal data in accordance with Article 46(1),(2f) and Article 47 (1), (2) GDPR and the State Commissioner for Data Protection of Lower Saxony hereby approves the BCR of Novelis Group.
2. Novelis Deutschland GmbH shall bear the costs of the approval procedure. A separate cost decision will be issued in this regard.

II. Ancillary provisions and notes

1. The approval of that BCR establishes a guarantee for the transfer of personal data within the meaning of Article 46 (2) (b) in conjunction with Article 47 of the GDPR only if both the transferring and the receiving undertakings of the Novelis group have effectively joined the Novelis BCR Intragroup Agreement and the effective accession has been demonstrated to the State Commissioner for Data Protection of Lower Saxony by submitting appropriate evidence.
2. The approved BCRs will not require any specific authorization from the concerned supervisory authorities.
3. However, before making use of the BCR it is the responsibility of the 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 concerned, in order to determine if the guarantees provided by BCRs can be complied with in practice, taking into consideration the possible interference created by the third country legislation with the fundamental rights. If this is not the case, Novelis and its Group Companies should assess whether they can provide supplementary measures to ensure an essentially equivalent level of protection as provided in the EU.
4. Where an essentially equivalent level of protection as provided in the EU cannot be guaranteed by Novelis and its Group Companies despite implementation of supplementary measures, personal data cannot be lawfully transferred to a third country. Therefore, such transfer is prohibited under EU law. It is to be reminded that in such case if a Group Company envisages to transfer personal data to a third country nevertheless, it must inform the competent Data Protection Supervisory Authority beforehand.
5. In accordance with Article 58 (2) (j) GDPR, each concerned Supervisory Authority 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 BCRs of Novelis Group are not respected.

III. Justification

1. Having regard to Article 47(1) of the EU General Data Protection Regulation 2016/679 (GDPR), the State Commissioner for Data Protection of Lower Saxony shall approve Binding Corporate Rules (BCRs) provided that they meet the requirements set out under this Article.

Whereas:

2. In accordance with the cooperation procedure as set out in the Working Document WP263.rev.01, the Controller BCRs application of NOVELIS GROUP were reviewed by the State Commissioner for Data Protection of Lower Saxony, as the competent Authority for the BCRs (BCR Lead) and by the Italian Supervisory Authority as co-reviewer. The application was reviewed by the supervisory authorities of the EEA in line with the approval procedures set up by the EDPB.

3. The review concluded that the Controller BCRs of Novelis Group comply with the requirements set out by Article 47(1) of the GDPR as well as the Working Document WP256.rev.01 and in particular that the aforementioned BCR:

i) Are legally binding and contain a clear duty for each participating member of the Group including their employees to respect the BCR by means of the Novelis Intragroup Agreement regarding Binding Corporate Rules, adopted by all the entities of the group.

ii) Expressly confer enforceable third party beneficiary rights to data subjects with regard to the processing of their personal data as part of the BCR in the item 13 of the BCR and in the Intragroup Agreement.

iii) Fulfil the requirements laid down in Article 47(2):

a) the structure and contact details of the entities of Novelis Group and all of its affiliated companies are specified in Annex 1 of BCR and in the Intragroup Agreement.

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 item 2 and Annex I of the BCR.

c) their legally binding nature, both internally and externally, as specified in items 2.1 of the Intragroup Agreement.

d) the application of the general data protection principles, in particular lawfulness, fairness and transparency, purpose limitation, data minimization and accuracy, limited storage periods, data protection by design and by default, security and confidentiality, processing of special categories of personal data, and accountability, as specified in item 4 of the BCR.

e) the rights of data subjects in regard to processing and the means to exercise those rights, including the information right, the right not to be subject to decisions based solely on automated processing, including profiling in accordance with Article 22, the right to lodge a complaint with the competent supervisory authority and before the competent courts of the Member States in line with Article 79, and to obtain redress and, where appropriate, compensation for a breach of the binding corporate rules as specified in items 9,10 and 11 of the BCR.

f) the requirements in respect of onward transfers to bodies not bound by the binding corporate rules specified in item 17 of the BCR.

g) the acceptance of liability for any breaches of the binding corporate rules by any member concerned not established in the Union and the exemption from that liability if it is proven that the

member is not responsible for the event giving rise to the damage, as specified in item 22.2 of the BCR.

h) how the information on the binding corporate rules is provided to data subjects in addition to Articles 13 and 14 of the GDPR, as specified in items 7 and 8 of the BCR.

i) the tasks of the Privacy Officer in charge of monitoring the compliance with the binding corporate rules within the entities of Novelis and all of its affiliated companies, as well as monitoring, training and complaint-handling as specified in item 21 of the BCR.

j) the complaint procedures as specified in Annex IV of the BCR.

k) the mechanisms within Novelis and all of its affiliated companies for ensuring the verification of compliance with the binding corporate rules. Such mechanisms include data protection audits and methods for ensuring corrective actions to protect the rights of the data subject. Results of such verification will be communicated to the Privacy Officer referred to in point (i) and to the Board of directors, and will be available upon request to the competent supervisory authority, as specified in item 20 of the BCR.

l) the mechanisms for reporting and recording changes to the rules and reporting those changes to the supervisory authorities as specified in item 25 of the BCR.

m) the cooperation mechanism with the supervisory authorities to ensure compliance by Novelis and all of its affiliated companies, in particular by making available to the relevant supervisory authority the results of verifications of the measures referred to in point as specified in item 23 of the BCR.

n) the mechanisms for reporting to the competent supervisory authority any legal requirements to which Novelis and all of its affiliated companies is subject in a third country which are likely to have a substantial adverse effect on the guarantees provided by the binding corporate rules as specified in item 21 of the BCR.

o) the appropriate data protection training to personnel having permanent or regular access to personal data as specified in item 19 and Annex III of the BCR.

4. The EDPB provided its opinion 29/2020 in accordance with Article 64(1)(f). The State Commissioner for Data Protection of Lower Saxony took the utmost account of this opinion.

IV. Annex

The BCRs of Novelis Group that are hereby approved cover the following:

A. Scope: Only members of Novelis Group acting as Controller or Processor, that are legally bound by the BCRs covered by the Novelis Intragroup Agreement regarding Binding Corporate Rules.

B. EEA countries from which transfers are to be made: France, Germany, Denmark, Ireland, Italy, Netherlands and Poland (Annex I of the BCR).

C. Third countries to which transfers are to be made: Canada, USA; India, Dubai, United Kingdom and Switzerland (Annex I of the BCR).

D. Purposes of the transfer: (specified in item 3 of the BCR):

Purposes of Processing Personal Data of Employees, former employees and pensioners

- Managing and administering the employment relationship within Novelis;
- Supporting a responsible HR management (e.g. workforce planning, recruitment, on-boarding, performance management, succession planning, education and development, compensation and benefits, payroll, pension, maintenance of Employee data and other HR operational processes);
- Supporting workplace safety, physical security, environmental compliance and operations management;
- Handling and management of pension obligations and legal obligations vis-à-vis former employees;
- Supporting production and quality processes (e.g. shift planning and management, tools to share best practices);
- Supporting the identification of qualified persons for tasks and projects within functional and cross functional groups;
- Supporting video surveillance to protect Novelis' domiciliary rights;
- Supporting Novelis' internal and external financial reporting obligations, including internal cost allocation procedures;
- Supporting internal and external communication, including Employee engagement activities (e.g. internal newsletters, Employee surveys, external communication);
- Supporting internal auditing requirements, including fraud detection and prevention;
- Supporting procurement and sales and marketing activities (e.g. provision of contact information to Customers and suppliers, order procedure management, and accounts receivable and accounts payable processes);
- Supporting corporate reorganizations, joint ventures, cooperation, sales, transfers or other dispositions of all or any portion of Novelis' businesses; and
- For any purpose related to the foregoing purposes or any other purpose for which Personal Data was provided to Novelis.

Purposes of Processing of Personal Data of Customers, suppliers and contractors

- Commercial activities, sales and procurement, entering into and executing of agreements, assessing, accepting, continuing and extending business relationships as well as carrying out payment transfers and communication with business and contract partners and individual Data Subjects, supporting and administration of business relationships with Third Parties; and
- Performing analyses regarding Personal Data for statistical and scientific purposes.

Purposes of Processing other business-related Personal Data

- Communication and business relationship management with Third Parties;
- Supporting administration of Third Parties;
- Supporting operations and health and safety compliance; and
- Supporting financial reporting.

General Purposes of Processing of all Personal Data

- General and contractual administration management;
- Supporting IT applications, infrastructure, architecture and IT asset management as well as IT security;
- Complying with legal obligations i (e.g. under the GDPR or national data protection laws or other applicable laws or regulations), supporting compliance with Novelis' legal and tax obligations (e.g. record keeping obligations, reporting obligations to authorities, providing information to authorities for in the context of audits, screening obligations) and management of litigation.

E. Categories of data subjects concerned by the transfer: Employees, former employees and pensioners, customers, suppliers and contractors (Item 3 of the BCR).

F. Categories of personal data transferred: (Item 2.4 of the BCR)

The employee Personal Data that are transferred cover the following categories of data: name and date of birth, contact details (e.g. addresses, e-mail addresses and phone numbers), employment details (e.g. position, CV, salary and bank information, employment history etc.), Sensitive Personal Data which is statutorily required (e.g. degree of disability, pregnancy/maternity, religion, gender, nationality)

The customer, supplier or contractor related personal Data data cover the following categories of data: name, address, email address, phone number.

Appendices to the decision

1. Novelis Binding Corporate Rules Policy which include the following Annexes:
 - I: List of Novelis Group BCR Companies
 - II: Right to Access
 - III: Employee Training and Awareness
 - IV: Complaint Procedure
2. Novelis BCR Intragroup Agreement
3. BCR WP 264- BCR Application form
4. WP256.rev.01 referential