

NetApp

Candidate Personal Information Notice

1. Introduction and scope

This Candidate Personal Information Notice (“**Notice**”) applies to candidates (“**Candidates**” or “**you**”) applying for roles in NetApp Inc. and any of its affiliated entities globally (together, the “**NetApp Group**”), whether you are applying for full-time, part-time, temporary, permanent employment or consultancy-based position at NetApp. This Notice applies to both successful and unsuccessful applicants.

The NetApp Group entity with whom you are applying for a role or position is the controller of your personal information (“**NetApp**”, “**we**” or “**our**”). A list of NetApp offices can be found [here](#). In certain circumstances and for purposes set out in this Notice, NetApp Inc. may also be a separate controller of your personal information.

The NetApp Group values the trust of our candidates, applicants, and future employees and is committed to protecting your personal information. Our policy is to process your personal information in accordance with applicable data protection laws and any supplemental legislation, as may be applicable depending on your location. Examples of data protection laws include:

- Europe’s General Data Protection Regulation (“**GDPR**”)
- California’s Consumer Privacy Act amended by the California Privacy Rights Act (“**CCPA**”)
- Canada’s Personal Information Protection and Electronic Documents Act
- United Kingdom’s Data Protection Act 2018
- India’s Digital Personal Data Protection Act
- Israel’s Protection of Privacy Law
- Australia’s Privacy Act 1988
- New Zealand’s Privacy Act 2020
- Brazil’s General Data Protection Law
- Chile’s Personal Data Protection Law
- Mexico’s Federal Law on the Protection of Personal Data
- Argentina’s Personal Data Protection Act
- South Africa’s Protection of Personal Information Act
- China’s Personal Information Protection Law
- Taiwan’s Personal Data Protection Act 2023
- Hong Kong’s Personal Data (Privacy) Ordinance
- Singapore’s Personal Data Protection Act 2012
- Malaysia Personal Data Protection Act 2010
- Thailand Personal Data Protection Act 2019
- Philippines’ Data Privacy Act
- Indonesia Law on Personal Data Protection
- UAE’s and Saudia Arbia’s Personal Data Protection Law
- Qatar’s Law No. (13) of 2016 Concerning Personal Data Protection
- Japan’s Act on the Protection of Personal Information
- South Korea’s Personal Information Protection Act
- Other applicable local laws and regulations.

Certain rights set out in this Notice may be afforded to you and interpreted based on your location. The purpose of this Notice is to give you information about what personal information we collect, use, transfer and disclose, and our purposes for doing this.

2. Our collection and use of Personal Information

In the course of your application and engagement with us, NetApp collects information about you. We refer to such information as “**Personal Information**”. We usually collect Personal Information directly from you, but sometimes we will collect it from other sources as described in this Notice.

In the course of your application and engagement with us, we will process the following types of Personal Information:

- **Personal Details:** name, contact details (email, phone numbers, physical address), gender, date of birth, national identification number, social security number, marital/civil partnership status and photograph.
- **Professional and Employment Related Information:** details contained in letters of application and your resume/CV, previous employment background, education history, professional qualifications, language and other relevant skills, certifications and certification dates, username and password to be able to access our Careers Site (where you can make job applications), information about your current or past employers, memberships in professional associations, professional licensing status, where permissible with local laws information necessary to complete a background check, evaluation or other assessments you may complete during the application process, where permissible with local laws information you may make publicly available such as publications or social media accounts (eg, LinkedIn), information collected by attending a professional event associated with an affinity group, information provided by recruiting or executive search agencies, or such other information as may be provided by you during the course of your application process.
- **Education Information:** specific information about your educational history, such as the schools you have attended, the courses of study you followed, academic degrees, professional qualifications, certifications, training courses, publications, transcript information, the status of any required continuing education for professional licensing, or other information you provide us relating to your education.
- **Documentation Required under Immigration Laws:** citizenship, passport data, details of residency, work permit or other information / documentation related to your ability to work.
- **Audio, electronic, visual, or other sensory information:** such as CCTV footage at physical office locations, temporary badge entry and exit information (including badge photo), and interview recordings (where permissible).
- **Other information:** any other Personal Information you voluntarily choose to provide in connection with your job application, such as compensation history.
- **Sensitive Data:** we may also collect certain types of sensitive data, where permitted by applicable law, such as health/medical information (which may include disability status, if applicable), trade union membership information, religion, gender identity, and race or ethnicity as well as additional protected classifications such as military/veteran status. Depending on the role and the jurisdiction, this information may be optional for you to provide. Where we collect this information, we do so for specific purposes, which are outlined below.

We obtain the above information from a number of sources, including:

- **From you:** when you provide us with your Personal Information, for example when you fill out application form(s) on our Careers Site, apply for roles, provide us with your contact details or provide us with any further information in connection with your application.

- **From third parties:** when you share information on publicly visible platforms (such as LinkedIn or Indeed Career Builders), as well as from your prior employers and educational institutions you attended.
- **Automatically collected information:** from your use of our website(s) and systems, for example our Careers Site (see further information below).

Our Careers Site

As a benefit of NetApp's centralized global recruitment function, our [Careers Site](#) allows you to apply for jobs worldwide. The Careers Site is operated from the United States. Accordingly, any Personal Information you submit to the Careers Site will be processed in the United States. However, if we share your Personal Information with an affiliate located in another country, the affiliate will handle your Personal Information in accordance with this Notice. Any hiring or other employment-related decisions will be made by the hiring affiliate in accordance with the law of the country where the job will be located.

- Any information you submit through the Careers Site must be true, complete and not misleading. Submitting inaccurate, incomplete, or misleading information may lead to a rejection of your application during the application process, revocation of an offer of employment, or disciplinary action including immediate termination of employment should you be employed with us. In addition, it is your responsibility to ensure that information you submit does not violate any third party's rights.
- If you provide us with Personal Information of a reference or any other individual as part of your application, it is your responsibility to obtain the permission from that individual prior to providing that information to us.
- Providing Personal Information to us through the Careers Site is voluntary. However, if you do not provide sufficient data, NetApp may be unable to consider your employment application or, if you are hired, your subsequent promotion, transfer, or relocation.
- The Careers Site is not intended for minors under the age of 18.

3. The Legal Basis and Purposes for using your Personal Information

Your Personal Information will be processed by NetApp and where appropriate, certain additional entities within the NetApp Group for the following purposes, to the extent permitted by applicable laws. Depending on your jurisdiction, NetApp relies on a number of separate and overlapping legal bases to lawfully process your Personal Information.

For example, NetApp may process your personal data where it is necessary in order to take steps prior to entering into or to perform a contract of employment or services agreement with you ("**Contractual Necessity**"), or where the processing is necessary for the purposes of our legitimate interests or that of a third party ("**Legitimate Interests**"), or where the processing is necessary to comply with our legal obligations ("**Legal Obligations**").

The legal basis and how we use your Personal Information is outlined below:

Legal Basis	How we use your Personal Information	Category of Personal Information
Legitimate Interests	<p>Assessment: to assess your capabilities and qualifications for a job or position and to process your application, including:</p> <ul style="list-style-type: none"> • reviewing and considering your application • corresponding with you about the role • conducting interviews • meeting with you in person or via teleconference • making hiring decisions • other assessment requirements as may be reasonably required for the given position <p>Legitimate interest: it is in our interest to carefully assess applications and meet with and interview prospective Candidates.</p>	<ul style="list-style-type: none"> • Any category of information listed above.
Legitimate Interests or Legal Obligations	<p>Verification: verifying your references and other information you have provided us, including:</p> <ul style="list-style-type: none"> • contacting your referees • contacting your former education institutions • contacting professional bodies • contacting former colleagues or people in your professional network • other verification as may be required <p>Legitimate interest: it is in our interest to seek to verify the information contained in your application.</p>	<ul style="list-style-type: none"> • Personal Details • Professional and Employment Related Information • Education Information
Legitimate Interests	<p>Communication: to communicate with you via email, phone, videoconference or other messaging services about your application and the role, including:</p> <ul style="list-style-type: none"> • responding to your inquiries and communicating with you about your application • sending you information about the Careers Site and changes to our terms or policies • liaising with you about a role or position <p>Legitimate interest: it is in our interest to manage our applications effectively and engage with Candidates in an appropriate manner.</p>	<ul style="list-style-type: none"> • Personal Details
Legitimate Interests	<p>Alternative roles: in some circumstances where permissible with local laws, we may contact you:</p> <ul style="list-style-type: none"> • to send you communications about job postings, careers fairs, newsletters, and related corporate communications 	<ul style="list-style-type: none"> • Personal Details • Professional and Employment Related Information • Education Information

Legal Basis	How we use your Personal Information	Category of Personal Information
	<ul style="list-style-type: none"> • if your initial application is unsuccessful, we might contact you about alternative roles you may be interested in and suitable for • to inform you about recruitment events and career fairs <p>You can manage these preferences by emailing us as described in the Contact Us section below.</p> <p>Legitimate interest: it is in our interest to fill vacancies with appropriate Candidates.</p>	
<p>Legitimate Interests</p>	<p>Accommodations: in some instances, we may process Sensitive Data (such as health / medical information) in order to:</p> <ul style="list-style-type: none"> ▪ accommodate a disability, illness or other characteristic protected by law ▪ to otherwise accommodate you or to ensure a fair and equitable interview <p>Legitimate interest: it is in our interest to seek to ensure any welfare needs of Candidates are met.</p> <p>Please note that this processing may also be necessary for the purposes of carrying out our obligations as an employer in the context of employment law. We will only process Sensitive Data in compliance with applicable law.</p>	<ul style="list-style-type: none"> • Personal Details • Sensitive Data
<p>Legitimate Interests</p>	<p>Administration: we may process your Personal Information for administrative purposes, including:</p> <ul style="list-style-type: none"> • processing carried out for aggregated management reporting purposes • aggregating or anonymising Personal Information so that it will no longer be considered Personal Information to use and share with third parties for any purpose, where legally permitted • assessing internal training needs and policies <p>Legitimate interest: it is in our interest to use information gathered in the application process to seek to improve our processes, comply with our legal obligations (where applicable), and achieve internal recruitment and hiring goals.</p>	<ul style="list-style-type: none"> • Personal Details • Professional and Employment Related Information • Education Information • Sensitive Data (where applicable and in compliance with applicable law).

Legal Basis	How we use your Personal Information	Category of Personal Information
Contractual Necessity	<p>Pre-contractual steps: we may process your Personal Information to complete a contract of employment with you, including:</p> <ul style="list-style-type: none"> processing carried out after you have been offered a role, to complete your onboarding such as assessing your right to work information or any accommodations you may require. <p>Please note that this processing may also be necessary for the purposes of NetApp carrying out its obligations as an employer in the context of employment law.</p>	<ul style="list-style-type: none"> Personal Details Documentation Required under Immigration Laws Sensitive Data (where applicable and in compliance with applicable law).
Your Consent or Legal obligations	<p>Equal Opportunities: we process your Personal Information that you voluntarily provide us or where it is legally necessary for carrying out our obligations as an employer in the context of employment law, for the purpose of:</p> <ul style="list-style-type: none"> equal opportunities monitoring, compliance with anti-discrimination laws, or government-reporting obligations to understand and improve our recruitment process, including efforts to promote diversity, equity, and inclusion for internal goals relating to diversity and anti-discrimination <p>Please note that such processing will only be carried out where it is legally permissible in the applicable jurisdiction.</p>	<ul style="list-style-type: none"> Personal Details Sensitive Data (where applicable and in compliance with applicable law).
Legal obligations or Legitimate Interests	<p>Background checks: where permissible with local laws, or where we are required to do so, we may carry out background checks on Candidates, including:</p> <ul style="list-style-type: none"> to verify information provided to complete other relevant verifications or searches, such as employment history, education, identity verification, directorship search, global database searches, global adverse media, internet / social media searches, address verification, criminal history, or bankruptcy searches <p>Legitimate interest: it is in our interest to verify information contained in your application and to ensure that any new NetApp employees are fit for</p>	<ul style="list-style-type: none"> Personal Details Professional and Employment Related Information Education Information Documentation Required under Immigration Laws Sensitive Data (where applicable and in compliance with applicable law).

Legal Basis	How we use your Personal Information	Category of Personal Information
	<p>the position and do not bring the company into disrepute.</p> <p>Please note that this processing may be required to be completed for some positions in certain jurisdictions. We are conscious that background checks may not be legally permissible in certain jurisdictions, therefore such processing will always be carried out in compliance with local laws.</p>	
Legitimate Interests or Legal obligations	<p>Safety and security: we may process your Personal Information where required to:</p> <ul style="list-style-type: none"> • protect the safety, security, and integrity of our property (such as our databases and other technology assets) • protect the rights of those who interact with us or others • detect, prevent, and respond to security incidents or other malicious, deceptive, fraudulent, or illegal activity 	<ul style="list-style-type: none"> • Any category of information listed above.
Legal obligations	<p>Complying with legal and other requirements applicable to our businesses in all countries in which we operate. We will also process your Personal Information where required to establish, exercise, or defend against legal claims.</p>	<ul style="list-style-type: none"> • Any category of information listed above.
Your consent	<p>We may in certain limited circumstances, ask for your consent (for example, completion of a survey). Consent in such instances can only be relied upon where it is voluntarily provided and at no detriment to you for refusing to do so.</p>	<p>Certain limited types of personal information as you may voluntarily provide.</p>

If your application is successful and results in hiring, Personal Information we collect in connection with your application can be incorporated into our human resources system and used to manage the new-hire process. Any such information can become part of your employee file and used for other employment-related purposes. The NetApp Group has a separate **Employee Privacy Notice** that is provided to new employees and successful candidates explaining further how we may use your Personal Information should you join NetApp.

As mentioned above, in certain cases we may ask questions about Sensitive Data that is protected under law. We will do so only where permitted by applicable law in the relevant jurisdiction. Otherwise, we ask that you avoid submitting data which may qualify as Sensitive Data, except where necessary or where legally required.

NetApp is an equal opportunity employer, which means we offer equal treatment to all applicants. NetApp does not discriminate, either directly or indirectly, in any area of recruitment on legally protected grounds such as: race, colour, sex, gender identity, sexual orientation, nationality, national origin, ethnic origin, religion, beliefs or creed, age, disability, marital status, veteran status, or genetic information.

Automated Employment Recruitment and Evaluation

Where permissible with local laws, we may use automated systems to enable us to find and recruit job candidates. These automated systems use Personal Information collected directly from data subjects, third-party sources, or publicly available sources to determine whether an individual may be suitable or meet the requirements that apply for a specific job vacancy. Based on this analysis, we or our recruiters may review profiles that are potentially qualified for the relevant job and assess recommendations and make individualized assessments as to applicant engagement and hiring.

NetApp may use an automated employment evaluation tool as one of several tools and methods to help NetApp screen and select candidate applications for further consideration. The automatic employment evaluation tool highlights and may rank candidates for further consideration based on experience and skills identified by NetApp and found in candidates' application and supporting documentation. However, our Talent Acquisition team or our recruiters will ultimately select the candidates for further consideration.

Please note that such processing will only be carried out where it is legally permissible in the applicable jurisdiction. If you have any queries or concerns with such processing or if you would like to request an alternative selection process or accommodation, you may do so by contacting us as described in the Contact Us section below.

5. Transfer of Personal Information

Where necessary, in order for NetApp to process your application or perform its obligations to you, where legally required, or for the purposes set out in this Notice, your Personal Information may be shared with other NetApp affiliates and/or third parties, for example:

- **Professional Advisors:** accountants, auditors, lawyers, insurers, bankers, medical practitioners and other outside professional advisors in countries in which NetApp operates.
- **Service Providers:** companies that provide products and services to the NetApp Group such as recruiters, executive search agencies, IT systems suppliers and support, storage and data platforms, infrastructure providers, cloud-based services, human resources, human capital management, background check vendors (where applicable), system applications and products, medical or health practitioners, and other service providers.
- **Other NetApp group entities:** we may transfer your Personal Information internally within the NetApp group for administrative, business operational, and other purposes to ensure the effective functioning of our application and hiring processes. For example, certain Personal Information may be shared with NetApp Inc. for decision making purposes relating to hiring, promotions, wage evaluations, managerial decision making, or for other structural or operational reasons. Certain NetApp entities may also provide services within the NetApp Group to other NetApp entities, such as infrastructure, backend, human resources, IT, storage or support services.
- **Public and Governmental Authorities:** entities that regulate or have jurisdiction over the NetApp Group such as regulatory authorities, law enforcement, public bodies, and judicial bodies.
- **Corporate Transaction:** a third party in connection with any proposed or actual reorganisation, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of the NetApp Group's business, assets or stock (including in connection with any bankruptcy or similar proceedings).

Due to the global nature of the NetApp Group's operations, NetApp discloses Personal Information to personnel and departments throughout the global NetApp Group of companies to fulfil the

purposes described in this Notice. This may include transferring Personal Information to other countries. For example, if you are located in the European Economic Area (“**EEA**”), we transfer your Personal Information to countries located outside of the EEA. Further information in this regard is provided in **section 6** below.

Access to Personal Information within the NetApp Group will be limited to those who have a need to know the information for the purposes described in this Notice, and may include your hiring manager and their designees, personnel in HR, IT, Compliance, Legal, Finance and Accounting and Internal Audit.

6. International Transfers

This section is relevant only to NetApp applicants and candidates based in the EEA, the UK or Switzerland. Due to the global nature of the NetApp Group’s operations, your Personal Information may be shared with third parties based outside the EEA, the UK or Switzerland for the purposes described in this Notice.

When your Personal Information is transferred outside of the EEA, the UK or Switzerland, NetApp relies on adequacy decisions if the recipient is in a country that is considered ‘adequate’ by the European Commission (or the equivalent decision under UK or Swiss law, as applicable). The full list of adequate countries is available [here](#).

NetApp relies on different legal mechanisms to transfer your Personal Information to other countries for the purposes described in this Notice. For example, the European Commission has approved contractual clauses under Article 46 GDPR that allows companies in the EEA to transfer data outside the EEA. These (and their approved equivalent for the UK and Switzerland) are called standard contractual clauses. You may obtain a copy of these standard contractual clauses by reaching out to us as described in the Contact Us section below.

7. Security

NetApp will take appropriate measures to protect Personal Information that are consistent with applicable privacy and data security laws and regulations, including requiring service providers to use appropriate measures to protect the confidentiality and security of Personal Information.

8. Data Integrity and Retention

NetApp will take reasonable steps to ensure that the Personal Information processed is reliable for its intended use and is accurate and complete for carrying out the purposes described in this Notice. NetApp will retain Personal Information for the period necessary to fulfil the purposes outlined in this Notice unless a longer retention period is required or permitted by law.

The criteria used to determine our retention periods for Candidates’ Personal Information are:

- the duration of the application process
- as long as we have an ongoing relationship with you
- as required by a legal obligation to which we are subject
- as advisable in light of our legal position (such as in regard of applicable statutes of limitations, litigation, or regulatory investigations).

We will hold the following categories of your Personal Information for the time periods described below, after which time such information will be permanently deleted:

Personal Information	Retention Period
Candidate leads	• 1 month
Careers profile information	• 1 year
Partial or complete application	• 1 year
Event attendance information	• 1 year
Talent network information	• 1 year
Applicant interview records	• 2 years
New employee interview records	• 2 years

Your Personal Information will be added to NetApp’s international candidate database during the timeframe described above, and can be retained and used to consider you for opportunities at NetApp and its affiliates other than the one(s) for which you apply. If you do not wish for us to do this, please contact us using the details in the Contact Us section below.

9. Your rights and choices

Individuals may have certain privacy rights depending on their location. Privacy rights are different in each country around the world and certain countries and US States may afford people located in those regions various different rights and freedoms. NetApp strives to ensure it complies with local laws globally and therefore we have listed below a broad range of rights that may be available to you depending on your geographic location. Privacy rights are afforded to you based on where you are located and are interpreted based on the laws of the jurisdiction. Examples of privacy rights that may be available to you depending on your jurisdiction include:

- **Request access** to your Personal Information. This enables you to access the Personal Information that we may hold relating to you and to receive a copy of this information.
- **Request correction** of your Personal Information. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your Personal Information. This enables you to ask us to delete your Personal Information in certain circumstances.
- **Object to processing** of your Personal Information. This enables you to object to our processing of your information where we are relying on Legitimate Interests for processing.
- **Request the restriction of processing** of your Personal Information. This enables you to ask us to suspend the processing of Personal Information concerning you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your Personal Information, either to you or to another party nominated by you, in a commonly-used structure and format. This is also known as the right to data portability.
- **Right to withdraw consent.** In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal data for a specific purpose, you have the right to withdraw your consent for that specific processing at any time (without affecting the lawfulness of processing based on consent before its withdrawal). To withdraw your consent, please contact us as described in the Contact Us section below.

- **Right to file a complaint.** If you reside in the EEA, Switzerland, or the UK, you have the right to make a complaint about our practices with respect to your Personal Information to your local data protection authority, for example the Data Protection Commission in Ireland or the Information Commissioner's Office in the UK. You can find details of relevant EEA supervisory authorities [here](#). Elsewhere globally, if your country or US State has a privacy regulator then you may contact the appropriate authority in your jurisdiction to file a complaint.
- **Your local law rights.** To the extent that the local laws of your jurisdiction afford you privacy or data protection rights, NetApp will ensure that it complies fully with its legal obligations.

For California and US applicants, please note that we do not sell or share your personal information as described in the CCPA or similar US State legislation.

Please contact us using the details in the Contact Us section below if you have any questions or concerns about how NetApp processes Personal Information or if you would like to exercise any of the data subject rights that may be applicable to you. We will respond to your request consistent with applicable law. Please note, however, that certain Personal Information may be exempt from requests pursuant to applicable data protection laws or other laws and regulations.

10. Employee's Obligations

Please keep Personal Information relating to your application or candidacy up to date or inform us of any significant changes to your Personal Information. You agree to inform those providing your references, or those whose Personal Information you provide to NetApp about the content of this Notice, and ensure you have the right to provide that data to NetApp. You further agree to follow applicable law and any NetApp Group's policies, standards and procedures or confidentiality requirements that may be brought to your attention during the course of your application or candidacy.

11. Changes to this Notice

The NetApp Group may amend or update this Notice from time to time. If we make changes that are material, we will notify you of such changes before they take effect or by directly sending you a notification.

12. Contact Us

If you have any queries in relation to how we process your Personal Information or in relation to anything in this Notice, or if you would like to exercise your data subject rights, you can contact NetApp's Privacy and Data Protection team at:

- dataprotection@netapp.com

If you have any queries in relation to an application or in relation to the interview process generally, you may contact our Careers team at:

- careers@netapp.com

Please note that for certain offices, in compliance with local laws in that jurisdiction, we have appointed a data protection officer (DPO). The DPO for Germany can be contacted at: kontakt@rmprivacy.de and the DPO for Singapore can be contacted at dataprotection@netapp.com.