

GDPR

imc policy document

updated May 2018





policy overview

imc is committed to conducting its business in accordance with all applicable GDPR 2018 laws and regulations and in line with the highest standards of ethical conduct.

This policy sets forth the expected behaviours of imc Employees and Third Parties in relation to the collection, use, retention, transfer, disclosure and destruction of any Personal Data belonging to imc's Contact (i.e. the Data Subject).

definitions

Data Subject: The identified or Identifiable Natural Person to which the data refers.

Process, Processed, Processing: Any operation or set of operations performed on Personal Data or on sets of Personal Data, whether or not by automated means. Operations performed may include collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Data Protection: The process of safeguarding Personal Data from unauthorised or unlawful disclosure, access, alteration, Processing, transfer or destruction.

Data Protection Authority: An independent Public Authority responsible for monitoring the application of the relevant Data Protection regulation set forth in national law

Personal Data: is any information (including opinions and intentions) which relates to an identified or Identifiable Natural Person. Personal Data is subject to certain legal safeguards and other regulations, which impose restrictions on how organisations may process Personal Data.

Data Controller: An organisation that handles Personal Data and makes decisions about its use. imc, as a Data Controller, is responsible for ensuring compliance with the Data Protection requirements outlined in this policy. Non-compliance may expose imc to complaints, regulatory action, fines and/or reputational damage.

Data Processor: A natural or legal person, Public Authority, Agency or other body which Processes Personal Data on behalf of a Data Controller.

Consent: Any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the Processing of Personal Data relating to him or her.

Special Categories Data: Personal Data pertaining to or revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership; data concerning health or sex life and sexual orientation; genetic data or biometric data.



Third Country: Any country not recognised as having an adequate level of legal protection for the rights and freedoms of Data Subjects in relation to the Processing of Personal Data.

Profiling: Any form of automated processing of Personal Data where Personal Data is used to evaluate specific or general characteristics relating to an Identifiable Natural Person. In particular to analyse or predict certain aspects concerning that natural person's performance at work, economic situations, health, personal preferences, interests, reliability, behaviour, location or movement.

Binding Corporate Rules: The Personal Data protection policies used for the transfer of Personal Data to one or more Third Countries within a group of undertakings, or group of enterprises engaged in a joint economic activity.

Personal Data Breach: A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed.

Encryption: The process of converting information or data into code, to prevent unauthorised access.

Pseudonymisation: Data amended in such a way that no individuals can be identified from the data (whether directly or indirectly) without a "key" that allows the data to be re-identified.

Anonymisation: Data amended in such a way that no individuals can be identified from the data (whether directly or indirectly) by any means or by any person.

policy principles

- This policy applies to all imc Entities where a Data Subject's Personal Data is processed:
- In the context of the business activities of the imc Entity.
- For the provision or offer of goods or services to individuals (including those provided or offered free-of-charge) by an imc Entity.
- To actively monitor the behaviour of individuals.
- Monitoring the behaviour of individuals includes using data processing techniques such as persistent web browser cookies or dynamic IP address tracking to profile an individual with a view to: Taking a decision about them.
- Analysing or predicting their personal preferences, behaviours and attitudes.

This policy applies to all Processing of Personal Data in electronic form (including electronic mail and documents created with word processing software) or where it is held in manual files that are structured in a way that allows ready access to information about individuals.



This policy has been designed to establish a worldwide baseline standard for the Processing and protection of Personal Data by all imc Entities. Where national law imposes a requirement which is stricter than imposed by this policy, the requirements in national law must be followed. Furthermore, where national law imposes a requirement that is not addressed in this policy, the relevant national law must be adhered to.

The HR department are fully committed to ensuring continued and effective implementation of this policy, and expects all imc Employees and Third Parties to share in this commitment. Any breach of this policy will be taken seriously and may result in disciplinary action or business sanction.

data protection by design

To ensure that all Data Protection requirements are identified and addressed when designing new systems or processes and/or when reviewing or expanding existing systems or processes, each of them must go through an approval process before continuing.

Each imc Entity must ensure that a Data Protection Impact Assessment (DPIA) is conducted, in cooperation with the Office of Data Protection, for all new and/or revised systems or processes for which it has responsibility. The subsequent findings of the DPIA must then be submitted to the Chief Risk Officer for review and approval. Where applicable, the Information Technology (IT) department, as part of its IT system and application design review process, will cooperate with the Office of Data Protection to assess the impact of any new technology uses on the security of Personal Data.

compliance monitoring

To confirm that an adequate level of compliance that is being achieved by all imc Entities in relation to this policy, we will carry out an annual Data Protection compliance audit for all such Entities. Each audit will, as a minimum, assess:

- Compliance with Policy in relation to the protection of Personal Data
- Raising awareness
- Training of Employees

The effectiveness of Data Protection related operational practices, including: Data Subject rights.

- Personal Data transfers
- Personal Data incident management
- Personal Data complaints handling



The level of understanding of Data Protection policies and Privacy Notices.

- The currency of Data Protection policies and Privacy Notices.
- The accuracy of Personal Data being stored.
- The conformity of Data Processor activities.
- The adequacy of procedures for redressing poor compliance and Personal Data Breaches.

Imc, in cooperation with key business stakeholders from each imc Entity, will devise a plan with a schedule for correcting any identified deficiencies within a defined and reasonable time frame. Any major deficiencies identified will be reported to and monitored by the imc Senior Leadership Team.

data protection principles

imc has adopted the following principles to govern its collection, use, retention, transfer, disclosure and destruction of Personal Data:

Principle 1: Lawfulness, Fairness and Transparency

Personal Data shall be processed lawfully, fairly and in a transparent manner in relation to the Data Subject. This means, imc will tell the Data Subject what Processing will occur (transparency), the Processing will match the description given to the Data Subject (fairness), and it will be for one of the purposes specified in the applicable Data Protection regulation (lawfulness).

Principle 2: Purpose Limitation

Personal Data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. This means imc will specify exactly what the Personal Data collected will be used for and limit the Processing of that Personal Data to only what is necessary to meet the specified purpose.

Principle 3: Data Minimisation

Personal Data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. This means imc will not store any Personal Data beyond what is strictly required.

Principle 4: Accuracy

Personal Data shall be accurate and, kept up to date. This means imc has processes in place for identifying and addressing out-of-date, incorrect and redundant Personal Data.

Principle 5: Storage Limitation

Personal Data shall be kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the Personal Data is processed. This means imc will, wherever possible, store Personal Data in a way that limits or prevents identification of the Data Subject.



Principle 6: Integrity & Confidentiality

Personal Data shall be processed in a manner that ensures appropriate security of the Personal Data, including protection against unauthorised or unlawful Processing, and against accidental loss, destruction or damage. imc will use appropriate technical and organisational measures to ensure the integrity and confidentiality of Personal Data is maintained at all times.

Principle 7: Accountability

The Data Controller shall be responsible for, and be able to demonstrate compliance. This means imc will demonstrate that the six Data Protection Principles (outlined above) are met for all Personal Data for which it is responsible.

data collection

Personal Data should be collected only from the Data Subject unless one of the following apply:

- The nature of the business purpose necessitates collection of the Personal Data from other persons or bodies.
- The collection must be carried out under emergency circumstances in order to protect the vital interests of the Data Subject or to prevent serious loss or injury to another person.

If Personal Data is collected from someone other than the Data Subject, the Data Subject must be informed of the collection unless one of the following apply:

- The Data Subject has received the required information by other means.
- The information must remain confidential due to a professional secrecy obligation
- A national law expressly provides for the collection, Processing or transfer of the Personal Data

Where it has been determined that notification to a Data Subject is required, notification should occur promptly, but in no case later than:

- One calendar month from the first collection or recording of the Personal Data
- At the time of first communication if used for communication with the Data Subject
- At the time of disclosure if disclosed to another recipient.

data subject consent

Each imc Entity will obtain Personal Data only by lawful and fair means and, where appropriate with the knowledge and Consent of the individual concerned. Where a need exists to request and receive the Consent of an individual prior to the collection, use or disclosure of their Personal Data, imc is committed to seeking such Consent.



imc shall establish a system for obtaining and documenting Data Subject Consent for the collection, Processing, and/or transfer of their Personal Data. The system must include provisions for:

- What disclosures should be made in order to obtain valid Consent
- Ensuring the request for consent is presented in a manner which is clearly distinguishable from any other matters, is made in an intelligible and easily accessible form, and uses clear and plain language
- Ensuring the Consent is freely given (i.e. is not based on a contract that is conditional to the Processing of Personal Data that is unnecessary for the performance of that contract)
- Documenting the date, method and content of the disclosures made, as well as the validity, scope, and volition of the Consents given
- Providing a simple method for a Data Subject to withdraw their Consent at any time

Data Subject Notification

Each imc Entity will, when required by applicable law, contract, or where it considers that it is reasonably appropriate to do so, provide Data Subjects with information as to the purpose of the Processing of their Personal Data.

When the Data Subject is asked to give Consent to the Processing of Personal Data and when any Personal Data is collected from the Data Subject, all appropriate disclosures will be made, in a manner that draws attention to them, unless one of the following apply:

- The Data Subject already has the information
- A legal exemption applies to the requirements for disclosure and/or Consent

The disclosures may be given orally, electronically or in writing. If given orally, the person making the disclosures should use a suitable script or form approved in advance by the Office of Data Protection. The associated receipt or form should be retained, along with a record of the facts, date, content, and method of disclosure.

external privacy notice

Each external website provided by imc Entity will include an online 'Privacy Notice' and an online 'Cookie Notice' fulfilling the requirements of applicable law. Refer to imc's 'Privacy Notice' a standard template for guidance. All Privacy and Cookie Notices must be approved by the Office of Data Protection prior to publication on any imc external website.



data processing

imc uses the Personal Data of its Contacts for the following broad purposes:

- The general running and business administration of imc Entities
- To provide services to imc customers
- The ongoing administration and management of customer services

The use of a Contact's information should always be considered from their perspective and whether the use will be within their expectations or if they are likely to object. For example, it would clearly be within a Contact's expectations that their details will be used by imc to respond to a Contact request for information about services offered. However, it will not be within their reasonable expectations that imc would then provide their details to Third Parties for marketing purposes.

Each imc Entity will Process Personal Data in accordance with all applicable laws and applicable contractual obligations. More specifically, imc will not Process Personal Data unless at least one of the following requirements are met:

The Data Subject has given Consent to the Processing of their Personal Data for one or more specific purposes.

- Processing is necessary for the performance of a contract to which the Data Subject is party or in order to take steps at the request of the Data Subject prior to entering into a contract
- Processing is necessary for compliance with a legal obligation to which the Data Controller is subject
- Processing is necessary in order to protect the vital interests of the Data Subject or of another natural person
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller
- Processing is necessary for the purposes of the legitimate interests pursued by the Data Controller or by a Third Party (except where such interests are overridden by the interests or fundamental rights and freedoms of the Data Subject)

There are some circumstances in which Personal Data may be further processed for purposes that go beyond the original purpose for which the Personal Data was collected. When making a determination as to the compatibility of the new reason for Processing, guidance and approval must be obtained from the Office of Data Protection before any such Processing may commence.



special categories of data

imc will only Process Special Categories of Data (also known as sensitive data) where the Data Subject expressly consents to such Processing or where one of the following conditions apply:

- The Processing relates to Personal Data which has already been made public by the Data Subject.
- The Processing is necessary for the establishment, exercise or defence of legal claims.
- The Processing is specifically authorised or required by law.
- The Processing is necessary to protect the vital interests of the Data Subject or of another natural person where the Data Subject is physically or legally incapable of giving consent.
- Further conditions, including limitations, based upon national law related to the Processing of genetic data, biometric data or data concerning health.

In any situation where Special Categories of Data are to be processed, prior approval must be obtained from the Office of Data Protection and the basis for the Processing clearly recorded with the Personal Data in question.

Where Special Categories of Data are being processed, imc will adopt additional protection measures. Each imc Entity may also adopt additional measures to address local custom or social expectation over the Processing of Special Categories of Data.

data quality

Each imc Entity will adopt all necessary measures to ensure that the Personal Data it collects and Processes is complete and accurate in the first instance, and is updated to reflect the current situation of the Data Subject. The measures adopted by imc to ensure data quality include;

- Correcting Personal Data known to be incorrect, inaccurate, incomplete, ambiguous, misleading or outdated, even if the Data Subject does not request rectification.
- Keeping Personal Data only for the period necessary to satisfy the permitted uses or applicable statutory retention period.
- The removal of Personal Data if in violation of any of the Data Protection principles or if the Personal Data is no longer required.
- Restriction, rather than deletion of Personal Data, insofar as:
 - A law prohibits erasure
 - Erasure would impair legitimate interests of the Data Subject
 - The Data Subject disputes that their Personal Data is correct and it cannot be clearly ascertained whether their information is correct or incorrect



profiling & automatic decision making

imc will only engage in Profiling and automated decision-making where it is necessary to enter into, or to perform, a contract with the Data Subject or where it is authorised by law.

Where an imc Entity utilises Profiling and automated decision-making, this will be disclosed to the relevant Data Subjects. In such cases the Data Subject will be given the opportunity to:

- Express their point of view
- Obtain an explanation for the automated decision
- Review the logic used by the automated system
- Supplement the automated system with additional data
- Have a human carry out a review of the automated decision
- Contest the automated decision
- Object to the automated decision-making being carried out

Each imc Entity must also ensure that all profiling and automated decision-making relating to a Data Subject is based on accurate data.

digital marketing

As a general rule imc will not send promotional or direct marketing material to an imc Contact through digital channels such as mobile phones, email and the Internet, without first obtaining their Consent. Any imc Entity wishing to carry out a digital marketing campaign without obtaining prior Consent from the Data Subject must first have it approved by the Office of Data Protection.

Where Personal Data Processing is approved for digital marketing purposes, the Data Subject must be informed at the point of first contact that they have the right to object, at any stage, to having their data Processed for such purposes. If the Data Subject puts forward an objection, digital marketing related Processing of their Personal Data must cease immediately and their details should be kept on a suppression list with a record of their opt-out decision, rather than being completely deleted.

It should be noted that where digital marketing is carried out in a 'business to business' context, there is no legal requirement to obtain an indication of Consent to carry out digital marketing to individuals provided that they are given the opportunity to opt-out.



data retention

To ensure fair Processing, Personal Data will not be retained by imc for longer than necessary in relation to the purposes for which it was originally collected, or for which it was further Processed.

The length of time for which imc Entities need to retain Personal Data is set out in the imc 'Personal Data Retention Schedule'. This takes into account the legal and contractual requirements, both minimum and maximum, that influence the retention periods set forth in the schedule. All Personal Data should be deleted or destroyed as soon as possible where it has been confirmed that there is no longer a need to retain it.

data protection

Each imc Entity will adopt physical, technical, and organisational measures to ensure the security of Personal Data. This includes the prevention of loss or damage, unauthorised alteration, access or Processing, and other risks to which it may be exposed by virtue of human action or the physical or natural environment.

The minimum set of security measures to be adopted by each imc Entity is provided in the imc 'Information Security Policy'. A summary of the Personal Data related security measures is provided below:

- Prevent unauthorised persons from gaining access to data processing systems in which Personal Data are processed
- Prevent persons entitled to use a data processing system from accessing Personal Data beyond their needs and authorisations.
- Ensure that Personal Data in the course of electronic transmission during transport cannot be read, copied, modified or removed without authorisation
- Ensure that access logs are in place to establish whether, and by whom, the Personal Data was entered into, modified on or removed from a data processing system
- Ensure that in the case where Processing is carried out by a Data Processor, the data can be Processed only in accordance with the instructions of the Data Controller
- Ensure that Personal Data is protected against undesired destruction or loss
- Ensure that Personal Data collected for different purposes can and is Processed separately
- Ensure that Personal Data is not kept longer than necessary



data subject requests

The Office of Data Protection will establish a system to enable and facilitate the exercise of Data Subject rights related to:

- Information access
- Objection to Processing
- Objection to automated decision-making and profiling
- Restriction of Processing
- Data portability
- Data rectification
- Data erasure

If an individual makes a request relating to any of the rights listed above, imc will consider each such request in accordance with all applicable Data Protection laws and regulations. No administration fee will be charged for considering and/or complying with such a request unless the request is deemed to be unnecessary or excessive in nature.

Data Subjects are entitled to obtain, based upon a request made in writing to the Office of Data Protection and upon successful verification of their identity, the following information about their own Personal Data:

- The purposes of the collection, Processing, use and storage of their Personal Data.
- The source(s) of the Personal Data, if it was not obtained from the Data Subject;
- The categories of Personal Data stored for the Data Subject.
- The recipients or categories of recipients to whom the Personal Data has been or may be transmitted, along with the location of those recipients.
- The envisaged period of storage for the Personal Data or the rationale for determining the storage period.
- The use of any automated decision-making, including Profiling.
- The right of the Data subject to:
 - Object to Processing of their Personal Data
 - Lodge a complaint with the Data Protection Authority
 - Request rectification or erasure of their Personal Data
 - Request restriction of Processing of their Personal Data



All requests received for access to or rectification of Personal Data must be directed to the Office of Data Protection, who will log each request as it is received. A response to each request will be provided within 30 days of the receipt of the written request from the Data Subject. Appropriate verification must confirm that the requestor is the Data Subject or their authorised legal representative. Data Subjects shall have the right to require imc to correct or supplement erroneous, misleading, outdated, or incomplete Personal Data.

If imc cannot respond fully to the request within 30 days, the Office of Data Protection shall nevertheless provide the following information to the Data Subject, or their authorised legal representative within the specified time:

An acknowledgement of receipt of the request.

- Any information located to date
- Details of any requested information or modifications which will not be provided to the Data Subject, the reason(s) for the refusal, and any procedures available for appealing the decision
- An estimated date by which any remaining responses will be provided
- An estimate of any costs to be paid by the Data Subject (e.g. where the request is excessive in nature)
- The name and contact information of the imc individual who the Data Subject should contact for follow up

It should be noted that situations may arise where providing the information requested by a Data Subject would disclose Personal Data about another individual. In such cases, information must be redacted or withheld as may be necessary or appropriate to protect that person's rights.

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- An estimated date by which any remaining responses will be provided
- An estimate of any costs to be paid by the Data Subject (e.g. where the request is excessive in nature)
- The name and contact information of the imc individual who the Data Subject should contact for follow up

It should be noted that situations may arise where providing the information requested by a Data Subject would disclose Personal Data about another individual. In such cases, information must be redacted or withheld as may be necessary or appropriate to protect that person's rights.

law enforcement requests & disclosures

In certain circumstances, it is permitted that Personal Data be shared without the knowledge or Consent of a Data Subject. This is the case where the disclosure of the Personal Data is necessary for any of the following purposes:

- The prevention or detection of crime
- The apprehension or prosecution of offenders
- The assessment or collection of a tax or duty
- By the order of a court or by any rule of law

If an imc Entity Processes Personal Data for one of these purposes, then it may apply an exception to the Processing rules outlined in this policy but only to the extent that not doing so would be likely to prejudice the case in question.

If any imc Entity receives a request from a court or any regulatory or law enforcement authority for information relating to an imc Contact, you must immediately notify the Office of Data Protection who will provide comprehensive guidance and assistance.

data protection training

All imc Employees that have access to Personal Data will have their responsibilities under this policy outlined to them as part of their staff induction training. In addition, each imc entity will provide regular Data Protection training and procedural guidance for their staff.



The training and procedural guidance set forth will consist of, at a minimum, the following elements:

- The Data Protection Principles set forth in in this policy
- Each Employee's duty to use and permit the use of Personal Data only by authorised persons and for authorised purposes
- The need for, and proper use of, the forms and procedures adopted to implement this policy
- The correct use of passwords, security tokens and other access mechanisms
- The importance of limiting access to Personal Data, such as by using password protected screen savers and logging out when systems are not being attended by an authorised person
- Securely storing manual files, print outs and electronic storage media
- The need to obtain appropriate authorisation and utilise appropriate safeguards for all transfers of Personal Data outside of the internal network and physical office premises
- Proper disposal of Personal Data by using secure shredding facilities
- Any special risks associated with particular departmental activities or duties

data transfers

imc Entities may transfer Personal Data to internal or Third Party recipients located in another country where that country is recognised as having an adequate level of legal protection for the rights and freedoms of the relevant Data Subjects. Where transfers need to be made to countries lacking an adequate level of legal protection (i.e. Third Countries), they must be made in compliance with an approved transfer mechanism.

imc Entities may only transfer Personal Data where one of the transfer scenarios list below applies:

- The Data Subject has given Consent to the proposed transfer
- The transfer is necessary for the performance of a contract with the Data Subject
- The transfer is necessary for the implementation of pre-contractual measures taken in response to the Data Subject's request
- The transfer is necessary for the conclusion or performance of a contract concluded with a Third Party in the interest of the Data Subject
- The transfer is legally required on important public interest grounds
- The transfer is necessary for the establishment, exercise or defence of legal claims
- The transfer is necessary in order to protect the vital interests of the Data Subject



transfers between imc entities

In order for imc to carry out its operations effectively across its various imc Entities, there may be occasions when it is necessary to transfer Personal Data from one imc Entity to another, or to allow access to the Personal Data from an overseas location. Should this occur, the imc Entity sending the Personal Data remains responsible for ensuring protection for that Personal Data.

imc handles the transfer of Personal Data between imc Entities, where the location of the recipient Entity is a Third Country, using the Binding Corporate Rules transfer mechanism. Binding Corporate Rules provide legally binding, enforceable rights on Data Subjects with regard to the Processing of their Personal Data and must be enforced by each approved imc Entity, including their Employees.

When transferring Personal Data to another imc Entity located in a Third Country, you must:

Ensure that the recipient imc Entity is included on the approved list of imc Entities subject to the imc 'Binding Corporate Rules Agreement'. The approved list is held and maintained by the Office of Data Protection.

- Only transfer the minimum amount of Personal Data necessary for the particular purpose of the transfer (for example, to fulfil a transaction or carry out a particular service).
- Ensure adequate security measures are used to protect the Personal Data during the transfer (including password-protection and Encryption, where necessary).

Transfers between third parties

Each imc Entity will only transfer Personal Data to, or allow access by, Third Parties when it is assured that the information will be processed legitimately and protected appropriately by the recipient. Where Third Party Processing takes place, each imc Entity will first identify if, under applicable law, the Third Party is considered a Data Controller or a Data Processor of the Personal Data being transferred.

Where the Third Party is deemed to be a Data Controller, the imc Entity will enter into, in cooperation with the Office of Data Protection, an appropriate agreement with the Controller to clarify each party's responsibilities in respect to the Personal Data transferred.

Where the Third Party is deemed to be a Data Processor, the imc Entity will enter into, in cooperation with the Office of Data Protection, an adequate Processing agreement with the Data Processor. The agreement must require the Data Processor to protect the Personal Data from further disclosure and to only Process Personal Data in compliance with imc instructions. In addition, the agreement will require the Data Processor to implement appropriate technical and organisational measures to protect the Personal Data as well as procedures



for providing notification of Personal Data Breaches. imc has a 'Standard Data Processing Agreement' document that should be used as a baseline template.

When an imc Entity is outsourcing services to a Third Party (including Cloud Computing services), they will identify whether the Third Party will Process Personal Data on its behalf and whether the outsourcing will entail any Third Country transfers of Personal Data. In either case, it will make sure to include, in cooperation with the Office of Data Protection, adequate provisions in the outsourcing agreement for such Processing and Third Country transfers. imc has a 'Standard Provisions for Outsourcing Agreement' document that should be used for guidance.

The Office of Data Protection shall conduct regular audits of Processing of Personal Data performed by Third Parties, especially in respect of technical and organisational measures they have in place. Any major deficiencies identified will be reported to and monitored by the imc Executive Management team.