

INFINERA CORPORATION CANDIDATE PRIVACY NOTICE

Infinera Corporation (“we”, “us” or “our”), a Delaware corporation, is the data controller for the purposes of the General Data Protection Regulation, which supplements and qualifies our general website privacy policy.

This policy sets out the basis on which we process any personal data that you provide to us or we otherwise receive about you in connection with your job application. By using our Portal (as defined below), you acknowledge and agree to the practices described in this policy.

If you have any questions or concerns about this policy, please contact us at dataprivacy@infinera.com or send us a letter at the address set out above.

The types of data we receive and use

We will receive and use the following information about you:

- **Information you provide as part of your application.** You will provide us information about you by using our Jobs Portal (the “Portal”) to apply for a role or by corresponding with us by phone, e-mail or otherwise. This includes information you provide when you register for and use the Portal, such as your name, contact information, work experience, educational qualifications, ability to work in the country for which you are applying for employment and any information you choose to submit on or upload to the Portal (such as information from a CV).
- **Sensitive information you can provide:** You have the option of providing certain sensitive personal data, such as, race or ethnic origin, or whether you have a disability, for the purposes of equal opportunities monitoring. If you decide not to provide this data, your application will not be prejudiced. Where permitted by local law this will only be processed with your consent.
- **Information we collect about your usage of the Portal.** We automatically collect certain data from you when you use our Portal, including IP address or other unique device identifiers, information collected by cookies on your usage of the Portal, mobile carrier (if applicable), time zone setting, operating system and platform and information regarding your use of the Portal.
- **Information from third parties.** We may receive information from third parties in connection with your application, such as referees, recruiters and organisations that provide background checks (this will/ may include right to work and education background checks and other checks to the extent permitted by applicable law).

Cookies

We use cookies to enhance your experience using the Portal. Cookies are small files which enable us to provide certain features and functionality. The Portal, will detect and use your IP address or domain name for internal traffic monitoring and capacity purposes or to otherwise administer the Portal.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of the Portal. They include, for example, cookies that enable you to log into secure areas of the Portal.
- **Analytical/performance cookies.** These are cookies that help us improve the way the Portal works. They ensure that users are finding what they need easily.

- **Functionality cookies.** These cookies are used to recognise you when you return to the Portal. This enables us to personalise our content for you, for example by remembering your choice of language or region.

You can disable cookies by changing the settings on your browser, however, this may affect your enjoyment of the Portal.

How we use your Information

Where it is in our legitimate interests, we will use your information to:

- identify and evaluate you for employment positions;
- determine and validate your qualifications for employment;
- conduct background checks to the extent permitted under applicable law (including checking references, qualifications and criminal records checks);
- provide you with user support of the Portal;
- communicate with you;
- send you notifications about new positions that match your profile, where required by applicable law we will ask for your consent in order to do this;
- improve the Portal by ensuring content from the Portal is presented in the most effective manner for you and your device;
- administer the Portal and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- keep the Portal safe and secure; or
- develop the Portal and improve our recruitment processes.

Where it is necessary for the performance of your employment contract (i.e., because you are a successful candidate), we will use your information to create an employment record and to conduct employment and diversity monitoring (to the extent permitted by applicable law).

How we share your information

We will share your information with group companies.

We share your information with the following categories of recipients:

- portal providers, which we use to collect and process your information;
- background check providers, as provided by applicable law, to verify the information that you provided as part of your application; and
- persons used to identify you so they can provide a reference.

Where we store your information

The information that we collect from you will be transferred to, and stored in, destinations outside of your country and the European Economic Area ("EEA") as described below. Where we transfer and/or store your information outside the EEA, this will either be to countries that have been found to have an adequate level of protection by the European Commission, to companies that comply with the US Department of Commerce's EU-US Privacy Shield or that have signed the Commission's model contracts for the transfer of personal data to third countries (i.e., the standard contractual clauses). For more information about the EU-US Privacy Shield Framework, visit the U.S. Department of Commerce's Privacy Shield website. Please contact our Data Privacy Contact at dataprivacy@infinera.com should you wish to examine a copy of the Standard Contractual Clauses or the privacy shield certification.

The security of your personal data

Although we will do our best to protect your personal data, any transmission is at your own risk. We will take appropriate security measures to safeguard your personal data against a breach.

Data retention

If you are a successful candidate, we will retain your information for as long as you are employed by us and in accordance with our internal retention policies. If you are unsuccessful this time, we will keep your information for up to two (2) years in case we decide you would be suitable for another role and we would like to contact you, or for longer if required by law or a court order and/or as needed to defend or pursue legal claims.

When you deactivate your account, we will still store your data for up to two (2) years in case we decide you would be suitable for another role and we would like to contact you, or for longer if required by law or a court order and/or as needed to defend or pursue legal claims.

Your rights

We set out below an outline of the rights you have in relation to your personal information and how to exercise them.

- **Access and portability:** You have the right to know whether we process personal information about you and to access information we hold about you.
- **Correction, erasure and restriction of processing:** You have the right to require us to correct any personal information held about you that is inaccurate and have incomplete information completed or ask us to delete information (i) where you believe it is no longer necessary for us to hold the personal information; (ii) where we are processing your information on the basis of our legitimate interest and you object to such processing; or (iii) if you believe the personal information we hold about you is being unlawfully processed by us. You can ask us to restrict processing information we hold about you other than for storage purposes if you believe the personal information is not accurate (whilst we verify accuracy); where we want to erase the personal information as the processing we are doing is unlawful but you want us to continue to store; where we no longer need the personal information for the purposes of the processing but you require us to retain the information for the establishment, exercise or defence of legal claims; or where you have objected to us processing personal information and we are considering your objection.
- **Objection:** You have the right to object to our processing of information about you based on legitimate interests and we will consider your request. Please provide us with detail as to your reasoning so that we can assess whether there is a compelling overriding interest in us continuing to process such information or we need to process it in relation to legal claims.

- **Complaints:** In the event that you wish to make a complaint about how we process your personal information, please contact us at dataprivacy@infinera.com. This is without prejudice to your right to raise a complaint with a relevant supervisory authority.

You may exercise the rights set out at above by contacting us at dataprivacy@infinera.com. Please note that we will require you to verify your identity before responding to any requests to exercise your rights. For each of these rights we may have valid legal reasons to refuse your request; we will let you know if that is the case.

Changes

We will post any future changes to this policy on this page.

This privacy notice was last updated on May 25, 2018.