

# Rakuten India Enterprise Private Limited

## Applicants and Candidates Privacy Notice

*Updated on 10<sup>th</sup> February 2024*

Rakuten India Enterprise Private Limited (“**Rakuten India**”, “**we**”, “**us**” or “**our**”) collects and processes certain personal and personally identifiable information (“**personal data**”) from candidates applying to us for employment and other individual professional engagement opportunities.<sup>1</sup>

We are committed to ensuring that your personal data is handled in accordance with applicable laws, the regulations of the Rakuten Group of companies, and industry practices regarding personal data.

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<sup>1</sup> “personal data” under applicable Indian law means any data about an individual who is identifiable by or in relation to such data.

## **Applicability of this notice**

This privacy notice (“**notice**”) applies to the collection, use, storage, and disclosure of personal data about any candidates or other individuals:

- (i) who apply to an open position with us, either directly through us or an intermediary;
- (ii) who we contact for or who express interest in employment or any other form of professional engagement with us (including internships, traineeships, contract roles, etc);
- (iii) who attend a recruitment event either organised by us or on behalf of us (for example, through an educational institute); or
- (iv) who undergo an interview or assessment with us.

Under this notice, the aforementioned persons shall be referred to as “**you**” or “**your**”, as relevant.

This notice also describes the rights that you have in relation to the personal data that we process about you.

## **What personal data we collect and how we use it**

We may be required to collect certain personal data about you, primarily for the purposes of fulfilling open job positions and recruiting candidates for the company.

### *What personal data we collect*

Subject to applicable law, we collect the following personal data:

#### **1. Personal identifiers and contact information**

Full name, date of birth, email address, mailing or residential address, contact or phone number, photograph, and other similar contact data.

#### **2. National identifiers and work eligibility information**

Government identification, social security number, country of residence, nationality, citizenship status, visa status, residency and work permit status, and immigration information relevant to the candidature.

#### **3. Educational information**

Educational history, academic degrees, training courses, qualifications, certifications, publications, skills, transcripts, and documents issued by your educational institutes.

#### **4. Employment history and experience**

Resume, work history, professional background, professional experience, internships, traineeships, and publications.

#### **5. Demographic information**

Age, current and previous compensation information, marital status or civil partnership status, gender, sex, dependents, and military service.

#### **6. Sensitive personal information**

This includes information requiring special handling related to racial and ethnic origin, religious beliefs, trade union membership, and health and medical information, including disability status, where we have obtained your consent or the collection of such data is allowed by applicable law.

#### **7. Background check information**

Where applicable for the candidature and permitted by law, and only by notification to you, we may collect information associated with performing background screenings, including references from former employers and educational institutions, criminal records, court records, and public information about you on public professional networking or social media platforms.

#### **8. Monitoring on Rakuten premises**

Our offices are monitored using closed-circuit television (CCTV) video feeds and access cards. CCTVs capture videos, images, and voice in some cases. Access cards allow us to identify and limit access to our premises, based on our internal policies and processes. We conduct premises monitoring for security purposes, and within the provisions of applicable law.

#### **9. Information of third parties**

Professional references, personal references, beneficiaries, emergency contacts, Rakuten personnel that have referred your candidature, and their contact details.

#### **10. Video recordings of interviews**

We use video conferencing services or third-party recruitment platforms to organise video interviews. Such services capture your videos, images, and voice during your interactions with our human resources or other personnel.

#### **11. Personal preferences and other information you provide us**

Remote or other working preferences, city of work, role preferences, compensation-related discussions, and any other information you voluntarily submit to us in connection with your application.

#### **12. Special categories of personal data**

In the process of evaluating your candidature, we may process information requiring special handling, such as data relating to your ethnic origin, sexual orientation, religious beliefs, physical or mental health, disability status, and any union memberships. Some of this information may arise from other personal data of yours, such as your name, nationality, marital status, and social security. You may also volunteer this information to us, in particular, where you require any accommodations under law or company policy.

Additionally, the information we will process about you may vary depending on your specific role and personal circumstances as well. For example, in the case of emergency circumstances such as pandemics, we may need to collect additional information such as your infection status and vaccination certificates. Where we process any additional information about you or for purposes in addition to the aforementioned activities, we will provide you with appropriate information

regarding the collection and use, and only proceed with your explicit consent where required under applicable law.

### *How your personal data is collected*

We collect personal data from various sources:

1. **Directly from you**, when you [use our website](#) to apply, an online platform with our vacancies listings (such as LinkedIn.com), other recruitment platforms that you directly apply from, email applications, recruitment drives.
2. **From recruitment aggregators and agencies that you have registered with**, where such agency matches your profile with our application criteria, and you have agreed for them to provide us with your information.
3. **Through current Rakuten personnel that have referred you for a position**, and you have agreed for them to provide us with your information, including referrals from other Rakuten group companies.
4. **From other third party websites or platforms** that help us obtain your contact information or verify your academic and professional background.

### *How we use your personal data*

We use your personal data for the following recruitment-related purposes:

1. To process and evaluate your application for vacancies at Rakuten India and its group companies.
2. To organise interviews, communications, feedback, and other ancillary activities for processing your application.
3. To contact you, your references, and any other personnel on your behalf about your application.
4. To conduct background verification, with your consent.
5. To conduct internal analysis regarding your eligibility, the requirements for the vacancies you have applied for, for feedback relating to the recruitment process, to audit our own hiring processes, and to improve our process (including with regards to diversity and equal opportunity employment processes).
6. To assess your eligibility and interest in future opportunities, with your consent.
7. To comply with legal obligations, such as contract workmen requirements, disability accommodations, anti-discrimination laws, etc.

We may also combine your personal data along with those of other applicants, to use in an aggregated and de-identified manner, in order to analyse applicant, hiring, and compensation

trends. Once we aggregate or de-identify your personal data in an irreversible manner, this privacy notice will no longer apply to such aggregated data.

We do not use your personal data for marketing or advertising purposes, except where we obtain your consent to do so.

### **Lawful basis for processing your personal data**

We ensure that any personal data collected and processed based on applicable lawful basis, as provided under law. Where applicable law does not detail on an appropriate lawful basis, we perform appropriate due diligence to ensure that valid grounds are determined for collection and processing.

Most collection and processing activities under this notice are performed where the processing is in our legitimate interests, and not overridden by your data interests or rights.

In certain cases, where legitimate interest will not suffice, we will procure your consent prior to processing. You are free to revoke consent for processing.

In certain situations, we may have a legal obligation to collect or retain your personal data, for example, to comply with applicable employment laws prior to hiring. We may also need to process the information in your vital interests or those of another person.

In the event we process any sensitive personal data about you, we will ensure that one or more of the lawful basis above apply. Some categories of sensitive personal data may also be processed for the exercise of defence of legal claims.

If you have questions about or need further information concerning the lawful bases on which we collect, use, store, or otherwise process your personal information, please use the information provided under the “*Contact Us*” section to reach out to us.

### **To whom we disclose or transfer your personal data**

Subject to applicable law, we share personal information in the following instances:

- 1. Internally within Rakuten India and its assigned personnel**

To personnel within Rakuten India (including the human resources team and the department you are applying to), and any contract administrators assigned your application for processing.

- 2. Third-party service providers and recruitment agencies**

To service providers in connection with recruitment services, including recruitment agencies operating on our behalf, technology platforms, and background verification partners. We have contracts with such service providers, to ensure data security and processing conditions.

- 3. Within the Rakuten Group**

The Rakuten group of companies share data pertaining to application details for the purpose of evaluating candidates for roles across the group, including for remote work options. In some cases this may involve the international transfer of your personal data. Other legitimate business uses may include resource planning and budgeting for specific departments that are affiliated with or perform services for other companies within the Rakuten Group. Intra-group transfer of personal information is generally governed by our [Binding Corporate Rules](#) (BCRs). Our BCRs provide for an appropriate level of protection for global data processing within the Rakuten group and have been approved by the relevant European Union Authorities. Where we transfer personal data to Rakuten group companies that are not bound by the Binding Corporate Rules, we put in place appropriate contractual clauses with these Rakuten group companies.

**4. Your former employers or persons you have provided for reference checks**

To verify your former employment status and procure information from your references. This may also include internal references that have recommended your application.

**5. Government agencies and law enforcement**

To comply with our legal obligations, any applicable laws, to respond to a judicial or administrative order, further to a warrant, or any other legal compliance required by a competent authority, we may share your personal data with the agency or authority seeking that information. We may also share your personal data in circumstances that require intervention by law enforcement, such as a threat to the security of our personnel, premises, assets, or the public.

**6. In the event of a corporate transaction**

To the extent permitted under law (or with your consent, where relevant), your personal data may be disclosed or transferred to third parties that are part of a corporate due diligence, merger, acquisition, restructuring, sale, acquire, assignment, joint venture, transfer, divestiture, insolvency or bankruptcy proceedings, or any reorganising or disposal or any part of our business. Should such a disclosure occur, we will use reasonable efforts to try to ensure that the entity to which we transfer your personal data uses it in a manner that is consistent with this notice.

**7. With your consent**

We may disclose your personal data in other ways if you have provided us with explicit consent, or where you request us for the transfer.

Where we engage a third-party to process personal data on our behalf, such as some of those listed above, we will:

- delegate such processing by contract in writing,
- will choose a data processor that provides sufficient guarantees with respect to technical and organisational security measures governing the relevant processing,
- will ensure that the processor acts on our behalf and under our instructions, and
- impose by contract in writing appropriate data protection and information security requirements on such third-party data processors.

We may also disclose and transfer personal data to data processors located in jurisdictions which may not provide for an equivalent level of protection compared to where the data was collected.

We will ensure their compliance with our global privacy standard by appropriate contractual agreements incorporating, for example, appropriate contractual clauses.

### **How we store and secure your personal data**

Your personal data will be stored in digital form in our internal servers and with our technology service providers, and in physical form at our premises or storage facilities. Storage of your personal data will be performed in accordance with applicable law, and as required for processing under this notice.

All files and records containing your personal data are stored in a secure manner. We have implemented robust physical, technical, and organisational measures to ensure that your privacy is protected and respected. To achieve this, we have implemented and consistently monitor an Information Security Management System (ISMS) in accordance with industry standard and certifications. Our measures also protect against unauthorised or unlawful processing of personal data and/or against accidental loss, alteration, disclosure, or access, or accidental or unlawful destruction of or damage to personal data.

Access to personal data is restricted to those individuals who need such access for the purposes listed under this notice, for applicable business purposes, or where required by law. Access may also be granted on a strict need-to-know basis to managers and personnel in the departments that you are applying for a role. Our staff are also bound by the confidentiality and privacy obligations under their employment or engagement contracts.

We train our human resources personnel on how to access, use, process, store, and delete your personal data in accordance with applicable laws and industry best practices. When we process personal data to meet our legitimate interests, we put in place robust safeguards also to ensure that your interests or fundamental rights and freedoms are not overridden by our legitimate interests.

### **Retaining and deleting your personal data**

We will keep your personal data for the following purposes:

- To maintain records of recruitment related activities, including for analysis and audit purposes.
- To maintain records in the event you are considered for any alternative positions, within Rakuten India or the Rakuten group.
- To defend or exercise any legal claims and grievance redressal.
- To comply with record retention requirements under the law.

If you are successful with your candidature, your personal data will be kept in accordance with our Staff Privacy Notice (made available only to on-roll employees, contractors, and other personnel that it applies to).

If you are unsuccessful with your candidature, your personal data will be kept for the duration of the application process, and an additional seven (7) years from the date of collection, in order to meet the retention purposes listed above.

We will delete your personal data when it is no longer required for the aforementioned purposes.

Deletion of data as per our retention policies is intended to be permanent and irretrievable. You are encouraged to seek access to or a copy of your personal data from us prior to this period. In case there is any data that we are unable to delete irretrievably for technical reasons, we will implement appropriate measures to safely archive, anonymise, or de-identify, or otherwise prevent any further processing of the data.

## **Your rights**

You have certain rights regarding your personal data, subject to local law. These include the following rights to:

- access your personal data,
- rectify the information we hold about you,
- erase your personal data,
- restrict our use of your personal data,
- object to our use of your personal data,
- receive your personal data in a usable electronic format and transmit it to a third party (right to data portability), and
- lodge a complaint with your local data protection authority.

If you would like to discuss or exercise such rights, please contact us at [rakuten-Indiacareers@mail.rakuten.com](mailto:rakuten-Indiacareers@mail.rakuten.com).

However, please note that applicable law may restrict your right to exercise some of the above-mentioned rights.

We encourage you to contact us to update or correct your information if it changes, or if the personal data we hold about you is inaccurate.

We will contact you if we need additional information from you in order to honour your requests.

## **In the event of successful hiring**

Please note that this notice only applies to applicants and candidates as described in the section above titled '*Applicability of this notice*'. Selected candidates who have been transitioned to a position at Rakuten India will be governed under separate privacy notices and human resources policies as applicable to them, including the Staff Privacy Notice (made available only to on-roll employees, contractors, and other personnel that it applies to).

After successful hiring, in case of a conflict between this document and the Staff Privacy Notice, the latter shall prevail.



## **Contact us**

For any questions regarding this Notice, you can contact us at [rakuten-Indiacareers@mail.rakuten.com](mailto:rakuten-Indiacareers@mail.rakuten.com).

We and/or our data protection officer(s), will respond to you without undue delay.

## **Updates to this notice**

This notice does not form part of any employment or other professional contract that we may execute with you. We may change this notice from time to time, to reflect any updates to our privacy practices. Each version of this notice will be provided with a version date.