

AIR LIQUIDE GLOBAL PRIVACY POLICY

INTRODUCTION

Air Liquide is committed to respecting the appropriate standards on privacy and data protection in all countries where it operates.

Data protection and privacy laws apply in several countries where Air Liquide is present and provide for obligations on the way Personal Data (i.e. any information relating to an identified or identifiable natural person) can be collected, used, disclosed. In addition, these laws grant individuals certain rights in relation to their Personal Data.

Thus, this Global Privacy Policy (Policy) aims to define a common framework on privacy and data protection within Air Liquide by setting out global rules to be applied by all Air Liquide entities and employees worldwide when collecting, using or transferring Personal Data from one country to another.

The Policy also aims to address the manner in which Personal Data from the European Economic Area (EEA) and Switzerland is handled to ensure that it is adequately protected when transferred within the Air Liquide Group outside the European Economic Area (EEA) and Switzerland in accordance with European Data Protection rules.

As such, this Policy together with the Air Liquide Intra-Group Agreement, constitute Air Liquide's Binding Corporate Rules (BCRs) which have been approved by European Data Protection Authorities as providing an adequate level of protection to the processing and transfer of Personal Data within Air Liquide in accordance with the European Union Data Protection Directive (95/46/CE) which regulates privacy and personal data protection practices within the European Union.

Air Liquide will ensure that all existing and newly hired employees are made aware of this Policy and are provided with appropriate training on this Policy on a regular basis. Furthermore, Air Liquide will be auditing compliance with all aspects of this Policy.

This Policy does not substitute any applicable national data protection and privacy laws and regulations in countries where Air Liquide operates. Local laws must be followed at all times and will take precedence over the Policy where they provide for stricter standards on privacy and data protection.

Also, where a member of the Air Liquide Group has reasons to believe that the law that applies to him prevents him from fulfilling its obligations under the BCRs and that this has a substantial effect on the guarantees provided by the rules of the Policy, the concerned member of the group will inform the Data Protection Officer or Information Protection Coordinator (as the case may be) unless prohibited by any applicable law.

The Policy will be published on Air Liquide's website (www.airliquide.com) and intranets.

The Appendix 1 of this Policy provides all the definitions of the terms used in this Policy.

1. SCOPE

This Policy sets out a framework for Personal Data processing activities including the collection, use and disclosure of Personal Data carried out by or on behalf of entities of the Air Liquide Group.

It also addresses transfers of Personal Data within Air Liquide globally, including from group entities located in the EEA and Switzerland to group entities located outside the EEA and Switzerland to ensure that such data is adequately protected when being transferred.

Thus, the purpose of the Policy is to provide for global rules to be followed by all Air Liquide employees worldwide when handling and/or transferring the following Personal Data:

- Human Resources Personal Data, including Personal Data of Air Liquide' current and former employees, temporary workers, trainees and job applicants (identity information, professional contact and organization information, contract information, salary and benefits related information, job qualifications and performance information, information for management and eligibility to share holdings, emergency contact information);
- Personal Data of Air Liquide' business contacts within customers, prospects and vendors (identity information, contract information, billing information, information provided as part of satisfaction surveys);
- Health Personal Data concerning individuals to whom Air Liquide may provide specific services to address health issues (in particular respiratory issues) and medical devices (identity information, contact information and pathology, prescription and treatment).

In case of a conflict between national laws and the rules set out in this Policy, the relevant Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be) will decide on the actions that need to be taken and in case of doubt will consult with the relevant data protection authority.

2. GLOBAL RULES TO BE FOLLOWED BY AIR LIQUIDE GROUP FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA

• Rule N°1 – Personal Data Must Be Collected for Specific, Explicit and Legitimate Purposes

European Data Protection rules require Personal Data to be collected for specific, explicit and legitimate purposes, i.e. the reasons for which Personal Data will be used.

This implies for Air Liquide to ensure that the purpose for which Personal Data is collected is:

- set within limits,
- relevant to Air Liquide's activity;
- clearly communicated to concerned individuals,
- legally allowed.

Also, it must be ensured that Personal Data collected for a specific purpose, as stated to the individual by Air Liquide, is not further used in a way which is incompatible with the initial purpose of collection.

The purposes for which Air Liquide processes Personal Data are:

- Management of human resources and payroll, including administrative management, career, performance and development plans management, compensation and benefits, management of recruitment, management of mobility and of expatriates, management of data on current and former employees holding or eligible to Air Liquide shares.
- Management of business relationships with customer, prospects and vendors including for billing, marketing and public relations, market analysis and reporting.
- Developing and maintaining global customer relationships. This includes providing healthcare support to individuals through appropriate healthcare services and products/medical devices, as well as researches and products and services development.

- **Rule N°2 – Ensure That There Is A Legal Ground for the Processing Of Personal Data**

Prior to any Personal Data collection and processing Air Liquide must make sure that one of the following conditions is met:

- Air Liquide has obtained consent from the concerned individual to the collection and processing of his/her Personal Data, **OR**
- The data processing is required in order to enter into a contract with the concerned individual or for the performance of the contract with the individual; **OR**
- There is a legitimate interest for Air Liquide to process the Personal Data, provided that this does not cause an unreasonable prejudice to the interests or rights of the concerned individuals; **OR**
- The processing of Personal Data is necessary (i) to protect the individual’s vital interest (i.e. in case of a life or death situation), or (ii) to enable Air Liquide to comply with a legal obligation, or (iii) to perform tasks of public interest (such as administering justice, exercising statutory, governmental or other public functions).

Furthermore, specific conditions apply to the collection of information on an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health condition, and sex life. Please refer to Rule n°5 to learn more.

- **Rule N°3 – Ensure That Only Adequate, Relevant and Non-Excessive Personal Data Is Collected and Retained For a Limited Time Period**

In consideration of the purpose and context of the processing as well as individuals concerned, Air Liquide must make sure that it will only collect Personal Data which is necessary and appropriate for the intended purpose of use and that such data is proportionate to the purpose of use.

Furthermore, Air Liquide will ensure that only accurate, complete Personal Data is processed and that the Personal Data is only kept as long as needed, and not “just in case”, with respect to the purpose for which it was collected and is intended to be used. Moreover, Air Liquide will keep the Personal Data as far as possible up to date.

- **Rule N°4 – Be Transparent To Individuals Whose Personal Data Is Collected On How Their Personal Data Will Be Used**

Air Liquide must ensure that individuals, whose Personal Data it processes, receive clear and complete information notice, in an easily accessible way, on how and by whom their Personal Data will be used.

More specifically, Air Liquide will provide information to individuals on:

- The identity of the Data Controller of Personal Data, **AND**
- The purposes for which Air Liquide collects Personal Data, and where Personal Data is used in a new way, what such new purposes are.

In addition, depending on the country concerned and on the specific circumstances of the processing to ensure that such processing is carried out fairly, Air Liquide will also provide information on:

- Whether the collection of Personal Data is mandatory or optional and the consequences if such Personal Data is not provided;
- The recipients of the Personal Data;
- The rights of the individual under this Policy;
- Any transfers of Personal Data outside the EEA or Switzerland.

The above listed information will be given upon collection of Personal Data or as soon as practicable thereafter.

Where the collection of Personal Data is performed indirectly (i.e. such as from a business partner, a recruitment agency), Air Liquide will make sure that the concerned individual is informed of the identity of the Data Controller processing the data and the purposes for which it is used as soon as practicable upon receipt or retaining of such data.

As an exception to these rules, Air Liquide may not provide information notice to individuals where this would involve a “disproportionate effort” or in specific cases permitted by law. In determining what does not constitute a “disproportionate effort”, Air Liquide will assess such effort against whether the absence of information would have a detrimental effect on individuals.

- **Rule N°5 – Ensure That the Collection and Use of Sensitive Personal Data Is Allowed**

Depending on the country where you are located, **specific restrictions may apply to the collection and use of Sensitive Personal Data** i.e. information relating directly or indirectly to an individual’s racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health condition, and sex life.

This is because Sensitive Personal Data, as defined above, are generally considered to be of a private nature and may present a risk to be used in a discriminatory way with adverse consequences for concerned individuals.

In accordance with European Data Protection rules, the collection of Sensitive Personal Data by Air Liquide is not allowed as a principle. However, there are exceptions, and Air Liquide can be authorized to process Sensitive Personal Data if:

- The collection and processing of such data is necessary and relevant to achieve Air Liquide’s business purposes, **AND**

- When one of the following conditions is met:
 - ✓ Air Liquide obtains consent from the concerned individual to the collection and processing of his/her Sensitive Personal Data, **OR**
 - ✓ The processing of Sensitive Personal Data is necessary (i) to allow Air Liquide to comply with its obligations under employment law, or (ii) to protect the vital interests of the concerned individual or another person where this person is physically or legally incapable to give his/her consent (i.e. cases of life and death), or (iii) to establish, exercise or defend a legal claim; **OR**
 - ✓ The individual has made public his/her Sensitive Personal Data.

Contact the Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be) to obtain advice on whether you are allowed or not to collect Sensitive Personal Data in accordance with applicable data protection and privacy laws.

- **Rule N°6 – Uphold Individuals Rights of Access, Correction, Deletion and Objection to the Processing Of Their Personal Data**

In accordance with applicable data protection and privacy laws, individuals whose Personal Data is processed by Air Liquide shall be able to request Air Liquide:

- Whether Air Liquide holds Personal Data on him/her;
- To access to Personal Data processed by Air Liquide on him/her together with information on the purposes for which it is being processed and to whom the Personal Data is disclosed;
- To correct or delete (in accordance with applicable laws and regulations) Personal Data that Air Liquide processes on him/her;
- To object upon legitimate grounds to the processing of Personal Data by Air Liquide.

Air Liquide must ensure that individuals are informed on these rights in accordance with Rule N°4 above.

As there are often strict timescales for answering to such requests, they must be forwarded as soon as possible to the relevant Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be).

The procedure for handling individual's requests in relation to their Personal Data is further described under section 3 below.

- **Rule N°7 – Ensure That Individuals Are Able To Object To Direct Marketing Communications**

Prior to sending any direct marketing communications, Air Liquide will ensure that concerned individuals have been informed on their right to object to the use of their Personal Data for direct marketing purposes and have been provided with effective means to opt-out from receiving direct marketing communications.

Also, where an individual objects to receiving direct marketing, Air Liquide will accurately record this choice so as to ensure that no further direct marketing communications are sent to concerned individuals.

- **Rule N°8 – Prevent Automated Individual Decisions That May Have a Negative Effect on Individuals**

European data protection laws aim to prevent that decisions with respect to an individual be taken solely on the basis of automated Personal Data processing, without any human intervention, as such decisions may have a significant negative effect on concerned individuals.

Where decisions are made by automated means, Air Liquide will ensure that individuals have the right to know the logic involved in the decision and will take the necessary measures to protect the legitimate interests of individuals.

- **Rule N°9 – Ensure Security and Confidentiality of Personal Data**

Air Liquide will implement appropriate technical and organizational measures to ensure the security and confidentiality of Personal Data it collects and uses.

More specifically, Air Liquide will have in place appropriate measures taking into account the nature of the Personal Data involved and the risks presented by the processing, to protect Personal Data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, in particular where processing involves transmission of personal information over a network, and against all other unlawful forms of processing.

In this respect, Air Liquide will take appropriate steps to inform and train Air Liquide employees regarding the security and confidentiality requirements that apply to the collection, use and disclosure of Personal Data they may process during the performance of their duties.

In addition, when Air Liquide wishes to entrust the processing of Personal Data to a Data Processor - either an entity of the group or an external service provider, acting on its behalf, Air Liquide must ensure that a written agreement is put in place with the Data Processor specifying that:

- The Data Processor will only act on behalf of and upon instructions from the relevant Air Liquide Group entity acting as a data controller, **AND** that;
- The Data Processor will implement the appropriate technical and organisational security measures to protect the security and confidentiality of Air Liquide's Personal Data.

- **Rule N°10 – Implement Appropriate Measures For Transfers and Onward Transfers of Personal Data outside the EEA and Switzerland to Data Controllers and Data Processors That Are Not Members of the Group**

Where Air Liquide transfers Personal Data to entities of the Air Liquide Group located in countries outside the European Economic Area (EEA), or outside Switzerland, those transfers are covered by Air Liquide's BCRs and no additional measures are to be implemented to address these transfers of Personal Data.

Where Air Liquide intends to transfer Personal Data to a third party, i.e. which is not a member of the Air Liquide Group, located in countries outside the European Economic Area (EEA), or outside Switzerland, as these transfers are not covered by the BCRs:

- Air Liquide must ensure that those countries have been recognized by the European Commission as providing an adequate level of protection to Personal Data.
- If the country where the third party is located has not been recognized by the European Commission as providing an adequate level of protection, Air Liquide will implement appropriate measures in accordance with European Data Protection laws to ensure that Personal Data is adequately protected when being transferred to these countries by signing contracts for the transfer of personal data based on the standard contractual clauses adopted by the European Commission.
- Alternatively, and on an exceptional basis and only for non-massive and non-structural transfers, when the country where the third party is located does not provide adequate protection in accordance with the European Commission's decisions, Air Liquide may rely on one of the following conditions to transfer Personal Data to such country:
 - ✓ The concerned individual gives consent to Air Liquide for the transfer of his/her Personal Data, after having been informed of the possible risks of such transfers for the him/her due to the absence of an adequacy decision and appropriate safeguards;
 - ✓ Air Liquide needs to carry out the transfer of Personal Data to perform or conclude a contract with concerned individual;
 - ✓ The transfer of Personal Data is necessary (i) to protect the individual's vital interests (i.e. in case of a life or death situation), or (ii) to allow Air Liquide to establish, exercise or defend a legal claim, or (iii) for reasons of public interest;
 - ✓ The transfer covers Personal Data publicly available (for instance from a public register).

Contact the Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be) to obtain advice on what needs to be done before transferring Personal Data in accordance with applicable data protection and privacy laws.

3. COMPLAINTS AND REQUESTS IN RELATION TO THIS POLICY

If an individual is concerned that his/her Personal Data have not been processed in accordance with this Policy, and/or wishes to exercise one of his/her rights as set out under Rule N°6 above, he/she can bring his/her complaint or address his/her request preferably in writing for the quality of treatment of the complaint or request:

- **for Air Liquide employee**, to the Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be) whose contact information are available on Air Liquide Intranet;
- **for other individual** via a specific form accessible via a link on the Air Liquide's institutional Internet website. Through this form the individual will be able to provide information regarding her/his complaint (personal contact information, nature of his/her relation with Air Liquide, type and object of her/his claim, the Air Liquide entity concerned by this complaint). Based on this information, the relevant Local or Regional Data Protection Officer or Information Protection Coordinator will initiate the treatment of the complaint. Data subject should provide valid contact information to ensure the efficiency of the procedure.

Once such request and/or complaint is received, it will be handled by the Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be) who will lead the necessary investigations together with the relevant staff internally. The Local or Regional Data Protection Officer or Information Protection Coordinator (as the case may be) will also act as a point of contact and as such will inform the concerned individual of the outcome of his/her complaint and/or request as applicable.

4. THIRD PARTY BENEFICIARY RIGHTS

Individuals whose Personal Data will be collected and used in the EEA and Switzerland and transferred outside the EEA and Switzerland shall be able to enforce the principles set out in Annex 6 as third party beneficiaries and pursue his or her complaint against:

- L’Air Liquide SA, if the entity responsible for a breach of the BCRs is established outside of the EEA or Switzerland, by bringing a complaint before the relevant local Data Protection Authority in the country in which L’Air Liquide SA is established (i.e. in France) or in the country in which the individual is employed or has his/her habitual residence and/or by bringing an action before the relevant local court in which L’Air Liquide SA is established (i.e. in France) or in the country in which the individual is employed or has his/her habitual residence; OR
- the Exporting Entity, if such entity is responsible for a breach of the BCRs, by bringing a complaint before the relevant local Data Protection Authority in the country in which the Exporting Entity is established or in the country in which the individual is employed or has his/her habitual residence and/or by bringing an action before the relevant local court in which the Exporting Entity is established or in the country in which the individual is employed or has his/her habitual residence

In addition, if the concerned individual can establish that he/she has suffered damage as a result of a breach of this Policy, he/she is entitled to receive compensation directly from:

- L’Air Liquide SA, if the entity responsible for a breach of the BCRs is based outside of the EEA or Switzerland, for the damage suffered; OR
- the Exporting Entity, if such entity is responsible for a breach of BCRs, for the damage suffered.

5. UPDATE OF THE POLICY

This Policy may be amended notably to take into account applicable data protection and privacy laws. To ensure that any changes to the Policy are recorded and made available, Air Liquide will:

- Keep an updated list of all changes to the Policy together with a list of Air Liquide Group members that are required to comply with it. This list will be held by the Digital Security Department of L’Air Liquide S.A.
- Notify all Air Liquide Group members of changes to the Policy.
- Inform concerned individuals whose Personal Data is processed in accordance with this Policy of any substantial changes to the Policy, and more specifically via Air Liquide’s intranet with respect to employees, and via Air Liquide’s website with respect to customer, prospects, vendors and other concerned individuals.

- Report at least once a year to the relevant Data Protection Authorities, any substantial changes to the Policy or to the list of Air Liquide Group members bound by it together with a brief explanation for such changes.

Furthermore, Air Liquide will ensure that no transfer of Personal Data is made to any new member of the Air Liquide Group until such new member effectively adheres and is bound by this Policy and can deliver compliance.

APPENDIX 1 – DEFINITIONS

Air Liquide: means any Air Liquide entity worldwide

Air Liquide Group: means L’Air Liquide S.A and all its subsidiaries worldwide.

Binding Corporate Rules (BCRs): means this Policy and the Third Party Beneficiary Agreement, to which Air Liquid is bound, for the purpose of ensuring an adequate level of protection for European Personal Data transfers.

Data Controller: means the Air Liquide entity which alone or jointly with others determines the purposes and means of the processing of Personal Data.

Data Processor: means any legal entity which processes Personal Data on behalf of the Data Controller.

European Data Protection Authorities: means a Data Protection Authority in the European Economic Area or Switzerland. **Intra-Group Agreement:** means the agreement between L’Air Liquide S.A and all L’Air Liquide S.A affiliated companies worldwide which grants third party beneficiary rights to individuals whose Personal Data are processed by Air Liquide.

Exporting Entity: means an Air Liquide Entity in the EEA or Switzerland that Transfers European Personal Data to a Relevant Country

Personal Data: means any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

Relevant Country(ies): means the country(ies) other than those in the EEA and countries in respect of which the European Commission has issued an adequacy finding under Article 25(6) of the European Data Protection Directive

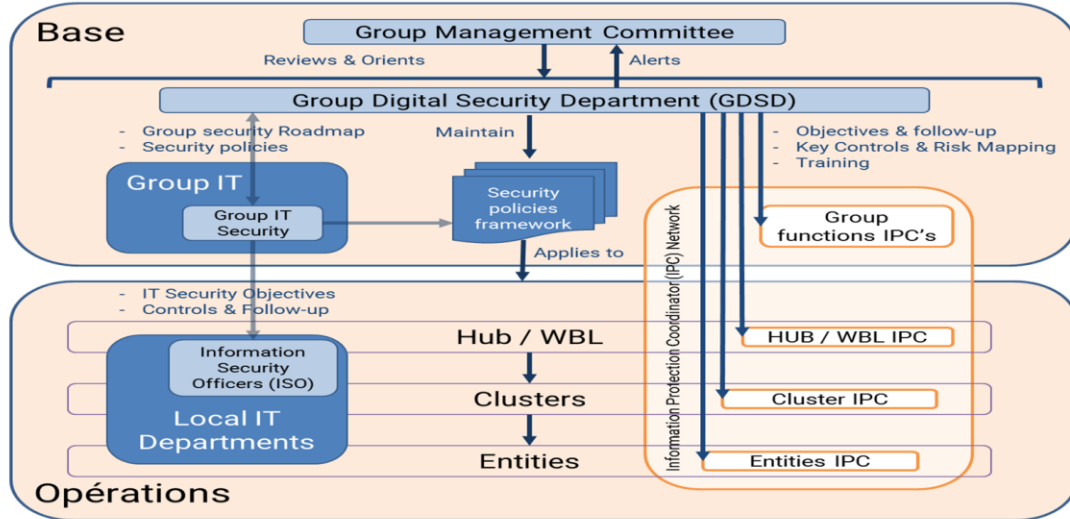
Responsible Entity: means

- L’Air Liquide SA if the entity responsible for a breach of the BCRs is based outside of the EEA or Switzerland; OR
- L’Exporting Entity if such entity is responsible for a breach of the BCRs.

Sensitive Personal Data: means any data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life.

APPENDIX 2 – PRIVACY COMPLIANCE NETWORK

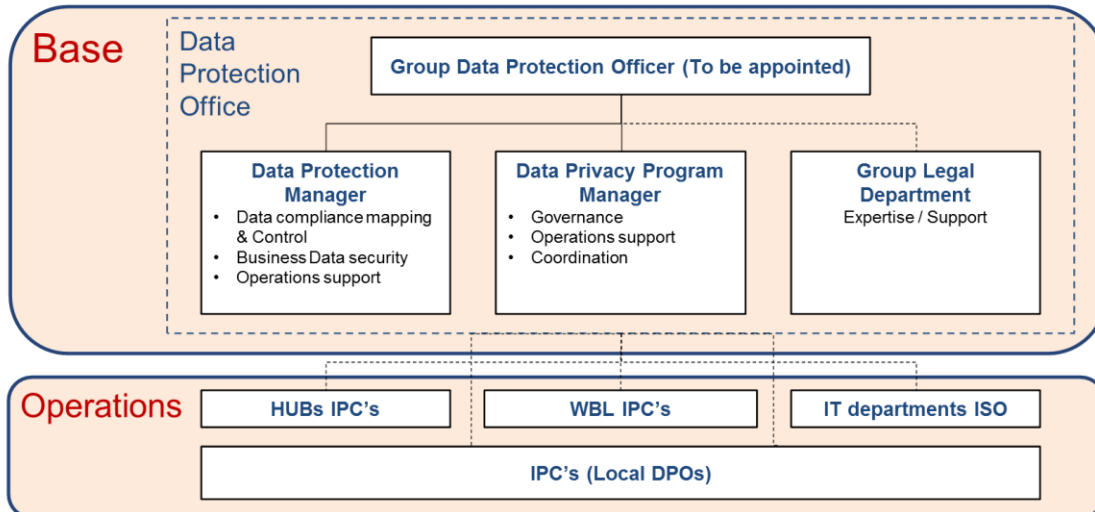
Organisation & key roles in Digital Security



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APPENDIX 3 – COMPLAINTS HANDLING PROCEDURE

See Air Liquide Complaints and Requests Policy separate document.

APPENDIX 4 – LIABILITY

- Where the entity responsible for a breach of BCRs is established outside of the EEA or Switzerland, L’Air Liquide SA accepts responsibility for and agrees to take the necessary action to remedy the entity’ acts and to pay compensation for any damages suffered by a European data subject resulting from the entity’s violation of the BCRs.

The burden of proof stays with L’Air Liquide SA to demonstrate that such entity was not liable for the violation of the BCRs resulting in the damages claimed by the individual. If L’Air Liquide SA can prove that such entity based outside of the EEA or Switzerland is not liable for the violation, L’Air Liquide SA may discharge itself from any responsibility.

- Where the Exporting entity is responsible for a breach of BCRs, the Exporting Entity accepts responsibility for and agrees to take the necessary action to remedy its acts and to pay compensation for any damages suffered by a European data subject resulting from its violation of the BCRs.

The burden of proof stays with the Exporting Entity to demonstrate that it was not liable for the violation of the BCRs resulting in the damages claimed by the individual. If the Exporting Entity can prove that it is not liable for the violation, it may discharge itself from any responsibility.

APPENDIX 5 – COOPERATION WITH DATA PROTECTION AUTHORITIES

Air Liquide will cooperate with Data Protection Authorities and other relevant regulators where required by local law. To that end, all Air Liquide Group members:

- Undertake to co-operate and assist each other in order to respond in a reasonable time period to any relevant request from the competent Data Protection Authority, and
- Agree to be audited by competent Data Protection Authorities,
- Will cooperate with the data protection authorities with regard to any decisions made by supervisory authority.

APPENDIX 6 – PRINCIPLES WHICH ARE ENFORCEABLE AS THIRD PARTY BENEFICIARY RIGHTS

- **Purpose limitation** (WP 153 Section 6.1, WP 154 Section 3)
- **Data quality and proportionality** (WP 153 Section 6.1, WP 154 Section 4)
- **Criteria for making the processing legitimate** (WP 154 Sections 5 and 6)
- **Transparency and easy access to BCRs** (WP 153 Section 6.1, Section 1.7, WP 154 Section 7)
- **Rights of access, rectification, erasure, blocking of data and object to the processing** (WP 153 Section 6.1, WP 154 Section 8)
- **Rights in case automated individual decisions are taken** (WP 154 Section 9)
- **Security and confidentiality** (WP 153 Section 6.1, WP 154 Sections 10 and 11)
- **Restrictions on onward transfers outside of the Air Liquide Group** (WP 153 Section 6.1, WP 154 Section 12)
- **National legislation preventing respect of BCRs** (WP 153 Section 6.3, WP 154 Section 16)
- **Right to complain through the internal complaint mechanism of the companies** (WP 153 Section 2.2, WP 154 Section 17)
- **Cooperation duties with Data Protection Authority** (WP. 153 Section 3.1, WP 154 Section 20)
- **Liability and jurisdiction provisions** (WP. 153 Section 1.3, 1.4, WP 154 Sections 18 and 19)