

## **CANDIDATES AND EMPLOYEES PRIVACY POLICY OF SIA “FORTA PREFAB”**

### **GENERAL ISSUES**

1. The purpose of the Candidates and Employees Privacy Policy (hereinafter – the Privacy Policy) is to provide information on the processing of personal data in the field of staff management by SIA “FORTA PREFAB” (hereinafter – Forta).

2. While performing data processing, Forta observes the conditions stated in the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter – the Regulation), the Personal Data Processing Law, as well as other effective regulatory enactments of the Republic of Latvia.

### **RECITALS**

#### **1. Identity and contact information of the data controller**

- 1.1 **Data controller:** SIA “Forta Prefab”, registration number 40103727283, legal address: Jūrkalna iela 15/25, Rīga, LV-1046, tel. 25422262, e-mail: [info@fortapro.com](mailto:info@fortapro.com)
- 1.2 **Contact information of the Data Protection Officer:** e-mail address: [dpo@fortapro.com](mailto:dpo@fortapro.com) or the correspondence mailing address: Jūrkalna iela 15/25, Rīga, LV-1046, with an indication “To the Data Protection Officer”.

#### **2. Scope of the Privacy Policy**

- 2.1 The Privacy Policy applies to the following categories of data subjects:
  - 2.1.1 candidates for Forta vacancies and trainees for traineeship (hereinafter – the candidates);
  - 2.1.2 employees of Forta;
  - 2.1.3 natural persons, who provide references about the candidate within Forta staff selection process (hereinafter – reference providers).
- 2.2 The Privacy Policy applies to processing of personal data regardless the form or environment it is carried out in, for example, format, electronic, photo, audio or video format.

#### **3. Principles of processing of personal data**

- 3.1 When processing personal data of the data subjects stated in Paragraph 2 of this Privacy Policy, Forta observes the following principles:
  - 3.1.1 processing of personal data is performed lawfully, transparently and in good faith. Personal data is processed in accordance with the effective regulatory enactments, on a legal basis and providing candidates, employees reference providers with all the necessary information about processing of their personal data;
  - 3.1.2 processing of personal data is performed only in cases, when a clear and lawful purpose is established, and personal data is not processed in any manner incompatible with these purposes. Personal data that is provided by a candidate or an employee for the purpose of staff selection or staff management of Forta, is not processed for other purposes, except the instances, when such processing is stipulated in regulatory enactments.
  - 3.1.3 Forta processes personal data only to the extent necessary for fulfilment of the specific purpose. Forta does not request provision of more data than necessary for ensuring the staff selection or staff management process.
  - 3.1.4 Forta implements reasonable measures for ensuring accuracy of the processed data. As far as possible, Forta verifies accuracy and correctness of personal data, and also updates personal data, for example, in case of change of employee's surname.
  - 3.1.5 Forta stores personal data for a limited period. Forta sets the term for storing personal data in accordance with requirements of regulatory enactments or according to the period required for fulfilment of the purpose of processing of personal data, and for implementation of legitimate interests of Forta;

3.1.6 When implementing relevant technical and organisational measures, Forta ensures that personal data is processed in a way that allows ensuring adequate security of this data, protecting it from accidental or unlawful destruction, loss, transformation, unauthorised disclosure or access.

#### **4. Purposes of processing of personal data**

4.1 Forta processes personal data of data subjects stated in Paragraph 2 of this Privacy Policy for the following purposes:

4.1.1 **for ensuring the process of staff selection for vacancies at Forta and exercising of the rights and obligations arising from this process**, for example:

- 4.1.1.1 receiving and assessment of documents submitted by candidates;
- 4.1.1.2 communication with the candidate;
- 4.1.1.3 identification of the candidate;
- 4.1.1.4 organising of job interview on-site or remotely;
- 4.1.1.5 assessment of suitability of the candidate for the vacancy;
- 4.1.1.6 storage of personal data for a predefined period, for further participation of the candidate in other staff selection competitions (only upon the candidate's consent).

4.1.2 **ensuring of staff management, fulfilment of statutory requirements or legitimate interests of Forta**, for example:

- 4.1.2.1 conclusion and performance of employment contract;
- 4.1.2.2 accounting of employees;
- 4.1.2.3 ensuring calculation and disbursement of salary;
- 4.1.2.4 organising of compulsory health check and adjusting of work environment;
- 4.1.2.5 assessment of performance of the works;
- 4.1.2.6 ensuring of internal and external communication;
- 4.1.2.7 ensuring of “social benefits”, for example, congratulation of children of employees;
- 4.1.2.8 upgrading of qualification of employees;
- 4.1.2.9 ensuring of functioning and resources of information systems, planning and development in the field of staff management;
- 4.1.2.10 organisation and execution of business trip;
- 4.1.2.11 ensuring of premise access control and maintaining of pass mode;
- 4.1.2.12 organising of meetings on web platforms;
- 4.1.2.13 employee surveys;
- 4.1.2.14 initiation, assessment and enforcement of disciplinary case;
- 4.1.2.15 organising of events for employees;

4.1.3 other purposes, which the data subject is informed about prior to commencement of data processing pursuant to the procedure and in the amount specified in regulatory enactments.

#### **5. Legal basis of processing of personal data**

5.1 Forta processes personal data of data subjects stated in Paragraph 2 of this Privacy Policy only in cases when any of the following legal bases applies:

5.1.1 **Data processing is required for fulfilment of legal obligations applicable to Forta** (Article 6, Paragraph 1, Subparagraph c) of the Regulation). This legal basis is applied by Forta, if processing of personal data is stipulated in an external regulatory enactment – in laws, for example, the Labour Law, Regulations of the Cabinet of Ministers, laws of the European Union. For example, processing of personal data, carried out in compliance with this legal basis is:

- 5.1.1.1 informing of the State Revenue Service about establishment of employment legal relations;
- 5.1.1.2 processing of personal data for ensuring of compulsory health check;
- 5.1.1.3 processing of personal data in order to grant statutory holidays to the employee.

- 5.1.2 Data processing is required for performance of contract, to which the data subject is a party, or implementation of measures at the request of the data subject prior to conclusion of the agreement** (Article 6, Paragraph 1, Subparagraph b) of the Regulation). Forta applies this legal basis for conclusion, performance of the contract, to which the employee is a party and Forta is the employer, or implementation of measures upon the candidate's request prior to conclusion or during performance of the contract. Performance of the contract also includes observing and fulfilment of rights and obligations, stipulated in internal regulatory enactments of Forta. For example, processing of personal data, carried out in compliance with this legal basis is:
- 5.1.2.1 candidate's identification from an identity document prior to establishment of employment legal relations (conclusion of contract);
  - 5.1.2.2 transfer of salary to the employee's account opened with a credit institution;
  - 5.1.2.3 obtaining and processing of the required information for fulfilment of obligations defined in the employment contract or job description.
- 5.1.3 Data processing is required for observing of legitimate interests of Forta or third party**, except when interests or fundamental rights and freedoms of the data subject, where protection of personal data is required, are more significant than such interests (Article 6, Paragraph 1, Subparagraph f) of the Regulation). This legal basis is applied by Forta for predefined purposes, if data processing is required for implementation or defending of legitimate interests of Forta. For example, processing of personal data, carried out in compliance with this legal basis is:
- 5.1.3.1 ensuring of efficiency of the staff management process;
  - 5.1.3.2 ensuring of internal and external communication;
  - 5.1.3.3 ensuring of evidence in case of possible claims;
  - 5.1.3.4 video surveillance at Forta factories.
- 5.1.4 Processing of personal data special categories, consented by the data subject or required for fulfilment of obligations of Forta and exercising of specific rights of Forta or the candidate and the employee in the field of employment**, to the extent allowed by regulatory enactments of the European Union and the Republic of Latvia. (Article 9, Paragraph 2, Subparagraphs a) and b) of the Regulation). For example, processing of personal data of special categories, carried out in compliance with this legal basis is:
- 5.1.4.1 data about an employee as a donor, in order to grant a holiday provided for in the Labour Law;
  - 5.1.4.2 data about employee's health, for example, data received from the Centre for Disease Prevention and Control.
- 5.1.5 Data processing, for which the data subject has given clear consent** (Article 6, Paragraph 1, Subparagraph a) of the Regulation). Processing of personal data on a basis of consent given by the candidate or the employee may take place only in case, when any other legal basis for data processing, specified in Paragraphs 9.1 – 9.4 of the Privacy Policy, does not apply. The candidate or the employee is entitled to revoke his/her consent for processing of personal data at any time. Revocation of the consent shall not affect lawfulness of data processing carried out until the day of revocation of the consent. A refusal to give consent for processing of own personal data or revocation of consent shall not create any adverse consequences for the candidate or the employee. For example, processing of personal data, carried out in compliance with this legal basis is:
- 5.1.5.1 submission of the candidate's CV and application to Forta for participation in the staff selection competition (the Consent is given by the candidate's active conduct, submitting CV and cover letter);
  - 5.1.5.2 use of the employee's photo for the company's marketing purposes, for example, publishing it on the company's website and/or in brochures;
  - 5.1.5.3 processing of personal data of the employee's children, in order to grant additional holidays stipulated in the state, and other social benefits granted by the company;

5.1.5.4 participation in events organised for employees of Forta (active conduct by the employee, manifesting itself as attending the event, shall be considered as agreeing to the conditions of the organised event);

5.1.5.5 participation in employee surveys (completing and submission of the survey shall be considered as agreeing to participation in the survey);

5.1.5.6 in exceptional cases - storage of the candidate's application for subsequent staff selection competitions of Forta (written consent).

## 6. Provision, categories and types of personal data

6.1 Forta processes personal data of data subjects mentioned in Paragraph 2 of this Privacy Policy mainly for implementing the staff selection process, establish employment legal relations, fulfil the legal obligations binding upon Forta, and exercise its legitimate interests. Observing the aforesaid, obtaining of certain information, including personal data, is required by Forta to fulfil the respective purposes; therefore, refusal to provide this information may threaten commencement of employment legal relations. If provision of data is not mandatory, but provision of such data may help improving the work environment or working conditions, provision of such data to Forta is voluntary.

6.2 During the staff selection process, Forta processes the following personal data of candidates:

Category of personal data	Type of personal data
Identification data	Name, surname, personal identity number
Contact information	Address of residence, e-mail address, phone number
Professional experience and education data	Name of the education institution, degree, type of education, programme name, obtained qualification, period of acquisition of education, name of the employer, position, period of employment, job duties
Data about skills	For example, language skills, computer skills
Data about the candidate, provided by the reference providers	Information included in references
Other data, submitted by the candidate at own initiative within the framework of the staff selection process	Photo, age, marital status, hobbies, etc.

6.3 Forta indicates in the job offer, what information is required for participation in the staff selection competition, also asking candidates not to provide any additional data that is not required for assessment of the candidate's suitability for the specific vacancy. If the candidate submits additional data, it shall be considered that the candidate has agreed to processing of such personal data. If the candidate has given consent for using of his/her application documents in other staff selection competitions organised by Forta for a specific period, or if employment legal relations with the candidate are established, the additionally provided data is deleted, for example, painting over certain types of data in the submitted application documents.

6.4 In exceptional cases, during the selection process, Forta may process the following personal data of the reference providers:

Category of personal data	Type of personal data
Identification data	Name, surname
Contact information	E-mail address, phone number
Professional experience data of the person	Name of the employer, position

6.5 For ensuring staff management, Forta processes the following personal data of the employee:

Category of personal data	Type of personal data
Identification data	Name, surname, personal identity number, number of ID document
Contact information	Address of residence, e-mail address, phone number
Data about the professional experience, education, qualification upgrading	Name of the education institution, degree, type of education, programme name, obtained qualification, period of acquisition of education, name of the employer, position, period of employment, job duties, numbers of certificates, date of issue, field.
Data about skills/abilities	Language skills, computer skills
References	Information included in references
Data included in the employment contract and job description, as well as data related to performance of these documents	Contract date, number, status, period of employment legal relations, work place, position, position category, description of job duties, amount of salary, name of credit institution, account number, data about reliefs, photo, video or voice recordings, job contact information, pass number, state registration number of the car, information about road traffic violations, invoice number, date, subject, payment amount, place and time of business trip.
Special categories of personal data	Health data
Data related to performance of job duties and assessment of such performance	Work performance terms and result, work assessment period, goals and tasks defined for the work assessment period and the achieved results, assessment results/evaluation, information included in a disciplinary case.
Data about social guarantees and "Social benefits"	Data about social reliefs, data of accident insurance policy, data about the number of days of additional leave, age, name and surname of children.
Systems access data	Username, passwords assigned to the employee
Communication data	Data of correspondence, e-correspondence (content, delivery status, traffic data), made and received phone calls, information included in employee surveys
Technical data	Data in auditing notes, backup copies, IP addresses, cookie data
Other data, obtained pursuant to the statutory procedure	Data received from sworn bailiffs, investigation authorities, courts, insolvency administrators, maintenance guarantee fund and other state administration institutions, performing their duties and tasks.

## 7. Sources of obtaining personal data

7.1 Forta obtains personal data from:

- 7.1.1 the candidate's submitted application for a vacancy or place of traineeship, CV and other attached documents;
- 7.1.2 cooperation partners, staff selection service providers;
- 7.1.3 the candidate, if he/she has indicated personal data for obtaining references about the candidate;
- 7.1.4 reference providers;
- 7.1.5 employees;
- 7.1.6 state administration institutions and officials, if it is stipulated in external regulatory enactments and only to the extent and pursuant to the procedure specified in these regulatory enactments.

## **8. Recipients of personal data**

- 8.1 Forta implemented relevant measures in order to ensure that personal data is not accessed by recipients who do not have a legal basis for such access and processing of personal data.
- 8.2 To fulfil the statutory obligations of Forta, ensure implementation of administrative management processes and exercise own legitimate interests, Forta has to transfer personal data to other data recipients.
- 8.3 The personal data of data subjects, processed by Forta, may be transferred to the following categories of recipients:
- 8.3.1 employees of Forta for performance of job duties under the employment contract, job description or order document, observing statutory requirements;
  - 8.3.2 state administration institutions and officials, if such transfer is stipulated in external regulatory enactments and to the extent and pursuant to the procedure specified in regulatory enactments (for example, to the State Revenue Service, sworn bailiffs, etc.);
  - 8.3.3 law enforcement and supervisory institutions, based on requests of such institutions;
  - 8.3.4 cooperation partners (for example, independent auditors, auditors, processors of personal data (for example, developers/maintainers of IT infrastructure), insurance companies, medical examiners performing compulsory health check, photographers who provide photo-video services in events organised by Forta, airlines, providers of accommodation services, organisers of international conferences, organisers of training, if certificates containing personal data are issued, producers of business cards, etc.);
  - 8.3.5 legitimate or authorised representatives of the candidate or the employee;
  - 8.3.6 courts.
  - 8.3.7 The categories of recipients of personal data may change over the course of time, about which Forta will inform in this Privacy Policy.

## **9. Duration of storage of personal data**

- 9.1 Forta stores personal data of the data subjects stated in Paragraph 2 of this Privacy Policy for as long as necessary for fulfilment of the purposes of processing of personal data, and according to statutory requirements.
- 9.2 When considering the terms of storage of personal data, Forta observes statutory requirements, conditions of fulfilment of contractual obligations, instructions given by the data subject (if data processing is based on the data subject's consent), as well as legitimate interests of Forta.
- 9.3 When defining the period of storage of personal data, Forta observes the following criteria:
- 9.3.1 there is a legal obligation to store personal data for a period specified in an external regulatory enactment, for example, personal files of employees, which contain employment contracts, job descriptions, notices of termination, contracts (agreements) on termination of employment legal relations are stored for 75 years, documents on an accident at the workplace are stored for 45 years, compulsory health check cards – for 10 years;
  - 9.3.2 storage of personal data is necessary for exercising of legitimate interests of Forta or the data subject, for example, personal data for proving of fulfilment of obligations are stored in accordance with the statutory limitation period for claims (for example, in the Civil Law – 10 years, and in the Labour Law – 2 or 3 years);
  - 9.3.3 there is an effective contract with the employee, and personal data is stored after performance of the contract, observing the statutory period of termination for claims;
  - 9.3.4 there is effective consent of the candidate or the employee for processing of certain personal data, and there is no other purpose and legal basis for processing of personal data, after revocation of the consent.
- 9.4 Forta stores applications for vacancies, submitted by candidates, for 3 months after conclusion of the staff selection competition. Whereas, if the candidate has given consent for use of his/her application documents in other staff selection competitions, organised by Forta, for a certain period, the application documents will be stored for a period indicated in the consent. The data subject is entitled

at any time to revoke his/her consent for storage of such data (for example, if the candidate is not interested in further participation in staff selection competitions organised by Forta).

- 9.5 After expiry of the term of storage of personal data, the data is safely deleted, destroyed or anonymised, so that the data could not be further linked to a particular data subject. Valuable archive documents, which also contain personal data, will be transferred for storage to the Latvian National Archive pursuant to the statutory procedure.

## **10. Rights of the Data Subject**

- 10.1 The data subjects stated in Paragraph 2 of this Privacy Policy are entitled to address Forta and receive information related to processing of their personal data.
- 10.2 The data subject has the following rights granted by regulatory enactments:
- 10.2.1 to access own data;
    - 10.2.1.1 to receive a confirmation that Forta processes personal data of the data subject;
    - 10.2.1.2 if Forta processes personal data of the data subject, the data subject is entitled to access the respective personal data and receive information about the processing purposes, categories of processed personal data, categories of recipients of personal data, period of storage of personal data, source of obtaining of personal data, and whether automated decision-making is applied to the data subject;
  - 10.2.2 to rectify personal data (if the data subject is aware that the personal data processed by Forta is inaccurate or incomplete);
  - 10.2.3 to delete personal data in the cases specified in regulatory enactments;
  - 10.2.4 to restrict processing of own personal data;
  - 10.2.5 to object to processing of own personal data in the cases specified in regulatory enactments;
  - 10.2.6 to exercise the right to data portability in the cases and pursuant to the procedure specified in regulatory enactments;
  - 10.2.7 to revoke the consent (if processing of personal data is carried out, based on consent of the data subject).
- 10.3 For data subjects mentioned in Paragraph 2 of the Privacy Policy to be able to exercise the rights stated in Paragraphs 10.2.1 – 10.2.7 of the Privacy Policy, Forta has to verify the identity of the data subject; therefore, the data subject shall submit a request concerning processing of his/her personal data, using one of the following methods:
- 10.3.1 visiting Forta office and presenting an identity document;
  - 10.3.2 sending a request electronically to the e-mail address [dpo@fortapro.com](mailto:dpo@fortapro.com), signed with a secure electronic signature;
  - 10.3.3 sending the request by mail, using the contact information specified in Paragraph 1.1 or 1.2 of this Privacy Policy (in this case the reply will be provided in a registered letter, addressed to the person whose data is requested).
- 10.4 Receiving the data subject's request, Forta assesses it and replies within one month from the moment of receipt of the request. Taking into consideration complexity of the request, the period of providing a reply may be extended pursuant to the statutory procedure. In separate cases Forta may ask the data subject to provide additional identification information to ensure security of personal data and its disclosure only to the particular person.

## **11. Transfer of personal data to third countries, automated decision-making, including profiling**

- 11.1 Forta does not transfer personal data to third countries, except separate cases, when personal data of employees of Forta may be transferred to third countries to ensure performance of job duties of any specific employee (for example, a purpose of such transfer may be organising of business trip).
- 11.2 Forta transfers personal data to third countries, if the conditions stated in Chapter 5 of the Regulations are observed, in order to ensure that the level of protection of personal data guaranteed under the Regulation is not lowered.
- 11.3 During the staff selection process and the staff management process, Forta does not carry out automated decision-making, including profiling (automated processing of personal data in order to

assess specific personal aspects related to the candidate or the employee, for example, to predict any aspects related to the candidate's or employee's job performance).

## **12. Video surveillance**

- 12.1 Forta carries out video surveillance in its production premises and territory. Video surveillance is carried out in order to prevent and detect crimes against property, and to protect vital interests of persons, including their life and health.
- 12.2 To warn data subjects about the area of video surveillance, Forta installs informative signs, indicating the relevant information according to statutory requirements.
- 12.3 Video surveillance records are available to a restricted number of employees who are entitled to transfer these records to law enforcement institutions pursuant to the statutory procedure.
- 12.4 Forta does not intend to transfer video surveillance records to third countries.
- 12.5 Forta permanently deletes video records within 2 weeks after their recording, unless another legitimate purpose for longer storage period has arisen, which is substantiated with any basis mentioned in Article 6 of the General Data Protection Regulation (for example, theft or an accident at work, where the Data Controller has a legal basis for storing a video recording for as long as necessary for complete investigation and conclusion of the case).
- 12.6 The data subject is entitled to request Forta to ensure access to his/her personal data in a video recording, indicating the purpose of such access, as well as a specific time and information identifying the data subject.

## **13. Final issues**

- 13.1 If the data subject has reasonable doubts about the processing of personal data carried out by Forta, the data subject is entitled to request an information regarding the processing of personal data by using the contact information indicated in Paragraph 1.1 and 1.2 of this Privacy Policy.
- 13.2 If the data subject holds a view that his rights to privacy are infringed, the data subject may submit a claim to the Data State Inspectorate ([www.dvi.gov.lv](http://www.dvi.gov.lv), mailing address: Elijas iela 17, Riga, LV-1050), or submit a statement of claim in a court.
- 13.3 Forta may amend this Privacy Policy, publishing the current version on Forta's website <https://fortapro.com/>, or making it available in any other manner accessible to a particular data subject or a category of data subjects.

4 April 2022

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*Mārtiņš Motivāns*  
*CEO of SIA "Forta Prefab"*