

NEWMARK

Privacy Notice relating to **Applicants and Candidates** who wish to become members of Staff (the "**Notice**").

Effective as at June 30, 2024.

It is important that you check back often for updates to this Notice.

1. PURPOSE OF THIS NOTICE

The Newmark entities in the UK (and their branches to the extent applicable) listed in Annex 1 (the "**Firms**") (as updated from time to time), are committed to handling Personal Data securely and in accordance with applicable data protection laws (including in the UK the Data Protection Act 2018 (the "**Act**") and the UK General Data Protection Regulation as defined at section 3(10) of the Act (the "**UK GDPR**"), in Dubai, the Data Protection Law, DIFCC Law No.5 of 2020 and in Switzerland, the Swiss Federal Act on Data Protection. This privacy notice ("**Notice**") applies to any individual who is considering or being considered for a position as a member of Staff at the at the above groups either directly in relation to an advertised vacancy, speculatively (whether directly with us or an Affiliate or through a Third Party agency) or otherwise ("**you**").

1.1 For the purpose of this Notice:

- (a) "**Affiliates**" means at the relevant date of determination any company, partnership or other entity controlled by, or controlling, or in common control with us and includes any group entity. A company, partnership or other entity shall be deemed to control another company, partnership or other entity if the former company, partnership or other entity possesses, directly or indirectly, the power to direct, or cause the direction of, the management and policies of the other company, partnership or other entity whether through the ownership of voting securities or partnership interests, representation on its board of directors or similar governing body, by contract or otherwise;
- (b) "**Personal Data**" means any information relating to an identified or identifiable natural person ("**data subject**"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- (c) "**Staff**" means individuals working for and/or on behalf of any of the Firms and their Affiliates, including directors, officers, employees, partners, contractors and temporary workers;
- (d) "**Third Parties**" means entities which we engage with and are not part of us or our Affiliates. Third Parties where used here would generally be recruitment or employment agencies, head hunters and those performing similar roles but might include, but not be limited to, (i) our past, present and prospective corporate customers, clients and counterparties and those corporate entities which provide services to them; or (ii) entities which provide goods and services to us or our Affiliates;
- (e) "**We**", "**our**" or "**us**" and similar words means the relevant group entity, or entities, for whom you might work or provide services to and their Affiliates. Under the UK GDPR they are a "data controller". A list of such "controllers" which is current at the time of this Notice is attached in Annex 1. In certain circumstances there may be more than one Firm which is a data controller processing your Personal Data. Additionally, we may use another group entity to deal with recruitment (currently

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Cantor International Services Limited), where this occurs it will be a “processor” of your Personal Data;

- (f) “**You**” and “**your**” relates to individuals whose Personal Data we process for the purposes set out in this Notice. We may not have a direct relationship with you but with an Affiliate or Third Party. In relation to our processing activities, you are a ‘data subject’ (as defined in the GDPR).

1.2 As a data controller of your personal data we determine the purposes for and the manner in which we (or our Affiliates) process your Personal Data. We are also responsible for the management of your Personal Data. This Notice sets out what Personal Data we collect about you, how we use and store that Personal Data and your rights in relation to the Personal Data we hold about you.

1.3 It is important that you read this Notice, together with any other related notices we may provide on specific occasions when we are collecting or processing Personal Data about you, so that you are aware of how and why we are using such Personal Data.

1.4 When you become a member of Staff your Personal Data will be processed in accordance with the Staff Privacy Notice which will be provided to you at the appropriate time. This Notice does not and will not form part of any contract of employment or other contract to provide services.

1.5 Please note:

- (a) save to the extent we have expressly agreed in writing by a signed agreement, we will not be a processor or sub-processor for you or any Third Party;
- (b) unless we have agreed with you in writing, we do not act as a joint controller with you and/or with any Third Party;
- (c) we have a number of different Affiliates and therefore if you have a relationship with a different entity in our groups not set out in Annex 1 then a different privacy notice may apply to their processing of your Personal Data.

2. **HOW YOUR PERSONAL DATA IS COLLECTED**

2.1 We may collect Personal Data about you through the application and recruitment process, either directly from you, one of our Affiliates or sometimes from Third Parties. We may sometimes collect additional information from our Affiliates or other Third Parties including regulatory or professional bodies, your former employers or equivalent, credit reference agencies or other background check agencies such as HireRight.

2.2 If you become employed or similarly engaged by us, we will collect additional Personal Data in the course of your job-related activities throughout the period of you working for us and where required, thereafter. Please see the Staff Privacy Notice (a copy of which will in any case be provided to you at the appropriate time).

3. **TYPES OF PERSONAL DATA AND WHO HAS ACCESS TO IT**

On application

3.1 We will collect and process any information on your CV, or equivalent, application form or equivalent and if certain information is not included we may ask that additional information is provided. Such information does not have to be provided but it might affect your application if it is not provided.

The types of information we use to assess your application include:

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- (a) your name and contact details;
 - (b) previous experience;
 - (c) education;
 - (d) references;
 - (e) your answers to questions relevant to the applicable role.
- 3.2 Our internal recruitment team, HR department, legal department, relevant business personnel and senior management will have access to all of this information. Depending on the role in question, we may also share this information with our compliance department, facilities department and other members of Staff who become involved in the interviewing or assessment process.
- 3.3 You may also be asked to provide equal opportunities information or information about your health. This is not mandatory information – if you do not provide it, it will not affect your application. This information will not be made available to any Staff outside of our recruitment team, including hiring managers and facilities, in a way which can identify you or make reasonable arrangements for you. During the recruitment process, any information you do provide, will otherwise be used only to produce and monitor equal opportunities statistics.

Assessments

- 3.4 We might ask you to participate in assessment days; complete tests or occupational personality profile questionnaires; and/or to attend an interview – or a combination of these. Information will be generated by you and by us. For example, you might complete a written test or we might take interview notes. We may also collect CCTV or other visual images of you if you attend at our premises or remotely for interview.
- 3.5 If you are unsuccessful following assessment for the position you have been considered for then, unless you tell us otherwise, we may retain your details on file so that we may proactively contact you should any further suitable vacancies arise. You are able to withdraw this consent at any time by contacting us DPM@nmrk.com .

Conditional offer

- 3.6 If we make a conditional offer of employment or equivalent we will ask you for information so that we can carry out pre-employment checks. You must successfully complete pre-joining checks to progress to a final offer.
- 3.7 In order to comply with our legal requirements we process information about you to confirm your identity, your right to work and to seek assurance as to your trustworthiness, integrity and reliability.

Once you have received a conditional offer we may ask you to provide:

- (a) Proof of your identity – you will be asked to attend our office with original documents to verify your identity, this may be your passport, driver's license or other form of national identification.
 - (b) Proof of your qualifications – you may be asked to attend our office with original documents or provide copies.
- 3.8 You may also be asked to complete a criminal records declaration to declare any unspent convictions. For the avoidance of doubt, for Switzerland only, references to 'criminal records

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and offences' include administrative proceedings, debts, creditworthiness and social security measures and their consequences.

- 3.9 We may also provide your details to a Third Party to carry out a criminal record check and other verification checks, which will verify your declaration of unspent convictions and other information you have provided.
- 3.10 We may contact your referees directly, using the details you provide in your application, to obtain references.
- 3.11 We may also ask you to complete a questionnaire about your health. This is to establish your fitness to work and so that we can make any necessary adjustments to your working arrangements.
- 3.12 If we make a final offer which has been accepted by you, we will also ask you for the following:
 - (a) bank details – to process salary payments,
 - (b) emergency contact details – so we know who to contact in case you have an emergency at work,
 - (c) such other information as may be required by law for you to work for us or for us to provide you and your family with the benefits which we make available such as health insurance.
- 3.13 Final recruitment decisions are made by hiring managers and members of our recruitment team. Relevant information gathered during the application process will be taken into account.

4. **HOW WE WILL USE INFORMATION ABOUT YOU**

- 4.1 We will collect, use, disclose, transfer and store your Personal Data when needed in order to process your job application and to assess your suitability for becoming a member of Staff at a Firm.
- 4.2 In most cases, our legal basis for processing your Personal Data is one or more of:
 - (a) the processing is necessary for the performance and consideration of ~~the~~ employment or other contract between you and the Firm or to take steps at your request, before entering into a contract with you; or
 - (b) the processing is necessary for the purposes of a legitimate interest pursued by the Firm (or those of our Affiliates or a Third Party) and your interests and fundamental rights do not override those interests; or
 - (c) the processing is necessary for compliance with a legal or regulatory obligation to which the Firm is subject.

Some of the above legal grounds for processing will overlap and there may be several grounds which justify our use of your Personal Data.

- 4.3 Where appropriate, we may seek your consent to process specific Personal Data. If we do that, we will request your consent in writing, and explain the purpose of the processing. Where we do rely on consent to process your Personal Data, you have the right to withdraw your consent at any time by contacting DPM@nmrk.com.

Assessing suitability for joining us as a member of Staff

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- 4.4 We assess your suitability for the role on the basis of our legitimate interests to maintain a well-managed and orderly workforce and business.

Background Checks for Regulatory compliance and recruitment

- 4.5 We carry out background checks as part of our recruitment process, in order to comply with our internal compliance requirements or our legal and regulatory obligations. These checks may include information about These checks may include processing information about criminal convictions, regulatory sanctions, financial soundness, validation of qualifications, as well as adverse media checks for probity matters or findings including in relation to members of staff in senior or regulated roles or those with access to commercially sensitive information including non-public information held by or about regulated Firms in the group or clients of any Affiliate . We may process information about criminal convictions in order to:

- (a) comply with our legal and regulatory obligations (such as the Financial Conduct Authority's rules);
- (b) protect our commercially sensitive business information and client data and to comply with internal policies and procedures;
- (c) make decisions on any risk (including risks to individuals, clients or the markets that we operate in) of theft, fraud, dishonesty, malpractice, unfitness, serious improper conduct, disclosure or improper use of trade secrets or other commercially sensitive information including client trade data;
- (d) comply with internal governance aimed at preventing or detecting fraud;
- (e) defend a legal claim and to protect your interests (or someone else's interests).

- 4.6 In some circumstance to comply with our legal or regulatory obligations, we may be required to disclose this Personal Data to our regulators, relevant supervisory authorities or other Third Parties with similar powers (for example, exchanges).

- 4.7 We may use a Third Party provider to carry out criminal record checks on our behalf and where permitted under applicable law. We ensure that such criminal record checks are carried out in line with data protection law.

- 4.8 We may also receive information about criminal convictions from Third Parties including our regulators, a professional body with which you are registered or from your former employer or equivalent.

- 4.9 You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have provided notice.

5. WHEN WE SHARE YOUR PERSONAL DATA

We share or disclose Personal Data when we use Affiliates or Third Parties who provide elements of our recruitment service for us, if necessary as part of our legal and regulatory obligations or where we have another legitimate interest in doing so. When we share Personal Data, we do so in accordance with applicable data privacy and security requirements. We may also occasionally share non-personal, anonymised, statistical data with Affiliates or Third Parties.

We have contracts in place with our Affiliates or Third Parties to which we provide your Personal Data which means that they cannot do anything with your Personal Data unless we have instructed them to do it. They will not share your Personal Data with any

organisation apart from us or where we have agreed that they may do so. They will hold it securely and retain it for the period we instruct.

6. TRANSFERRING INFORMATION ABROAD

In some cases, your Personal Data may be accessed by or transferred to Staff, Affiliates or Third Parties in countries outside of the UK (or the location of the relevant branch), to where such Staff, Affiliates or Third Parties reside, perform their services or maintain any technical connection necessary for the provision of such services or relevant relationship. In those cases, except where the relevant country has been determined to ensure an adequate level of data protection by the relevant authority (e.g. the UK Government, the European Data Protection Board (EDPB) or equivalent foreign authority) we will ensure that such transfers of Personal Data have appropriate safeguards in place to protect the Personal Data in accordance with the requirements of the relevant applicable legislation which may include the use of Standard Contractual Clauses in the form laid down by the GDPR.

7. HOW LONG DO WE KEEP PERSONAL DATA IN RELATION TO AN APPLICATION?

7.1 We will retain your Personal Data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, accounting, or reporting requirements. To determine the appropriate retention period for Personal Data, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements.

7.2 In some circumstances we may anonymise your Personal Data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

8. RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION

Your duty to inform us of changes

8.1 It is important that the Personal Data we hold about you is accurate and current. You must keep us informed if your Personal Data changes during your relationship with us, for example, if your contact address changes.

Your rights in connection with Personal Data

8.2 Under certain circumstances, by law you have the right to:

(a) **Request, update, modify, delete or obtain** (commonly known as a "data subject request") a copy of the Personal Data that we hold on you; or

(b) **restrict or stop us** from using any of the Personal Data which we hold about you;

You can request this by contacting the Head of Privacy and Data Protection by email at DPM@nmrk.com. We endeavour to respond to such requests within a month or less, although we reserve the right to extend this period for complex requests.

8.3 When you submit a request to exercise any of your rights we may require that you validate your identity. This is another appropriate security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it.

8.4 In some cases, there may be a fee for dealing with your request such as where a request is manifestly unfounded or excessive or further copies of materials are required. If you want to review, verify, correct or request erasure of your Personal Data, object to the processing

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of your Personal Data, please contact the Head of Privacy and Data Protection by email at DPM@nmrk.com.

8.5 Where appropriate, we will respond to your requests relating to your Personal Data in writing or by email. If you require our response in a different format, please let us know.

9. **HOW TO CONTACT US**

Please contact us if you have any questions about this Notice or the information we hold about you or how we process your Personal Data at DPM@nmrk.com.

10. **COMPLAINTS**

We hope that our Head of Privacy and Data Protection can resolve any query or concern you raise. If you feel we have not handled your query or concern to your satisfaction you can contact the Information Commissioner's Office ("**ICO**"), the UK's supervisory authority for data protection issues. The ICO can be contacted by telephone on 0303 123 1113, or via the ICO's live chat facility, which you can access via your browser by clicking [here](#).

In Switzerland, complaints can be forwarded to the Federal Data Protection and Information Commissioner (FDPIC) , which can be accessed by clicking [here](#).

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Annex 1

This Notice applies to all of the Firms in the UK and their Staff. It also applies to overseas branches of the Firms located in Europe as applicable.

The Firms Include:

NEWMARK HOLDINGS LIMITED
NEWMARK HOLDINGS (EUROPE) LIMITED
NEWMARK HDH HOLDINGS LIMITED
NEWMARK BH2 LLP
KNOTEL UK LIMITED
GERALD EVE LLP
NEWMARK GE SERVICES LLP