

KEM ONE ALERT SYSTEM

In application of law no. 2016-1691 of 9 December 2016 relating to transparency, the fight against corruption and modernisation of economic life (called the “**Sapin II Law**”), KEM ONE has put in place an alert system which can be used, in accordance with the conditions defined in the present document, to make two kinds of report:

1. The 1st type of report is in the context of the fight against corruption and influence peddling and is only for KEM ONE employees: this is a **Type 1 alert**;
2. The 2nd type of report is in the context of the protection of whistleblowers: this is a **Type 2 alert** which is, for its part, open not only to KEM ONE employees, but also its external collaborators.

The present system is in addition to those already in place: it is not intended to replace other existing alert channels, in particular via the hierarchy, personnel representatives or, with regard to accounting controls, the auditors.

I. SCOPE OF USE OF THE ALERT SYSTEM

The present alert system covers two distinct types of alert.

A. Scope of use of the Type 1 alert (article 17, Sapin II Law)

The Type 1 alert is only for KEM ONE employees who have personally discovered behaviours of situations contrary to the code of conduct relating to the fight against corruption and influence peddling, appended to the internal regulations of every establishment in the KEM ONE company (below called the “**Code of Conduct**”).

B. Scope of use of the Type 2 alert (articles 6 et seq., Sapin II Law)

The Type 2 alert is open not only to KEM ONE employees, but also to its external collaborators (such as temporary personnel or personnel provided by a service provider), who have personally become aware:

- of a crime or offence,
- of a serious and manifest breach of an international commitment duly ratified or approved by France,
- of a serious and manifest breach of a unilateral act of an international organisation based on such a commitment,
- of a serious and manifest breach of the law or regulations
- or of a threat or serious prejudice to the public interest.

C. Uses excluded from the scope of the alert system

The system cannot under any circumstances be used, whether in the context of a Type 1 or Type 2 alert, to report facts, information or documents, whatever their form and their support, which are covered by:

- secrecy in relation to national defence,
- medical secrecy,
- and the secrecy of relations between a lawyer and his / her client.

II. HOW TO USE THE ALERT SYSTEM

A. Referral to the Ethics Officer

Any KEM ONE employee who has personally discovered one of the facts coming within the scope of the alert system as specified in Paragraph I above can bring the matter before the Ethics Officer after having informed or not having informed his / her hierarchy.

The KEM ONE Ethics Officer is the KEM ONE Legal Department comprising, on the date of publication of the present document:

- Aude de Pommery
- Claire Garrigue-Guyonnaud.

The external collaborators of KEM ONE may also refer a matter directly to the Ethics Officer.

The referral to the Ethics Officer is made either by post or by e-mail in accordance with the following conditions:

- Postal address: Immeuble le Quadrille, 19 rue Jacqueline Auriol 69008 Lyon, **whereby the following must appear clearly and legibly on the envelope: “For the exclusive attention of the KEM ONE Ethics Officer – CONFIDENTIAL”.**
- E-mail address: referent.ethique@kemone.com

B. Content of the alert

Any alert shall contain sufficiently precise and detailed factual elements to allow it to be processed by the Ethics Officer.

The information provided shall thus include:

- The identity, function and contact details of the author of the alert.
⇒ The author of the alert is obliged to identify himself / herself, as confidentiality with regard to his / her identity is assured at the conditions defined below.
- The identity, function and contact details of the person(s) about whom the alert relates.
- The facts reported, described in a precise and objective manner.
⇒ Only the following facts are to be reported:
 - (i) facts in direct relation to the scope of the alert system as specified in Paragraph I above
 - (ii) facts which support the subject of the alert reported.
- If applicable, any supporting documents facilitating the processing of the alert.

An alert template for making a Type 1 alert is provided in Annex 1.

An alert template for making a Type 2 alert is provided in Annex 2.

III. HOW AN ALERT IS PROCESSED

A. Acknowledgement of receipt

Once an alert has been reported to the Ethics Officer, it shall acknowledge receipt of it in writing to the person who reported it, stating the foreseeable time needed to examine its admissibility and the practical conditions at which he / she will be informed of the action taken.

B. Analysis of admissibility

There is then an analysis of the admissibility of the alert by the Ethics Officer in order to establish whether it does indeed come within the scope of the system.

If an alert should, when examined, be deemed not to come within the scope of the system, all the data provided in the context of it will be immediately destroyed or archived after anonymisation; the Ethics Officer shall inform its author by any means.

C. Investigation of the alert

If the Ethics Officer considers the alert admissible, it may decide to investigate this alert alone or to form an ad hoc committee to do so.

The composition of this committee, determined by the Ethics Officer, will depend on the nature of the facts reported.

The members of this committee will in any event only receive the data needed to accomplish their missions and will be subject to an obligation of strict confidentiality.

Any employee interviewed in the context of the investigation of an alert may be accompanied by a KEM ONE personnel representative.

At the end of the inquiry:

(i) If the Ethics Officer – or the ad hoc committee where one has been formed – deems necessary, it may bring the matter before the Human Resources Department, which may take, if applicable, disciplinary and / or legal action against the colleague implicated by the alert.

(ii) If the alert proves to be unfounded and no further action is taken, the investigation is closed and the data collected in the context of it are destroyed – or archived following anonymisation – within two months following this closure.

(iii) If the Ethics Officer – or the ad hoc committee – finds that the alert was not made in good faith and that it was a false allegation, it may notify the Human Resources Department, which may, if applicable, take disciplinary and / or legal action against the author of this alert.

(iv) At the end of the investigation, whatever the outcome, the Ethics Officer – or the ad hoc committee – will inform the author of the alert and the person(s) implicated of this closure.

(v) The Ethics Officer or the ad hoc committee may recommend to the KEM ONE Executive Committee, measures and actions which in their view need to be put in place following the processing of the alert.

IV. RIGHTS AND DUTIES OF A COLLEAGUE ISSUING AN ALERT

Anyone actuating the alert system must act **in good faith** and **personally have knowledge of the facts reported**: thus no alert may be based on facts discovered or related by others.

The use of the said system in good faith, even if the facts subsequently prove to be inaccurate or do not give rise to any further action, will not render the author liable to any disciplinary sanction.

On the other hand, any abusive use of the alert system in bad faith may expose its author to disciplinary sanctions and legal action.

The identity of the author of the alert is processed confidentially so that he / she is not subject to any prejudice due to having taken this action.

In addition to the Ethics Officer, the data collected in the context of the alert can also be accessed by anyone authorised to do so due to their duties in the processing of this alert – in particular the members of the ad hoc committee if one has been formed – and, if applicable, external consultants who may have been instructed by the Ethics Officer – or the ad hoc committee – to assist in processing the alert, this being only if these data need to be passed on to these recipients in order to process the alert concerned.

Any recipient of the data will be subject to an obligation of strict confidentiality.

V. RIGHTS OF THE COLLEAGUE FORMING THE SUBJECT OF AN ALERT

The colleague implicated by the alert will be informed of the alert by the Ethics Officer once data about him / her is recorded.

This information shall state in particular:

- the existence of the alert,
- the facts forming the subject of the alert,
- any recipients of the alert,
- and the conditions at which he / she can exercise his / her rights of access and correction.

Where conservation measures are necessary, in particular to prevent the destruction of proof, the implicated colleague may not be informed until after these measures have been taken.

The implicated colleague may assert his / her point of view to the Ethics Officer or, if applicable, the ad hoc committee.

VI. HOW THE PERSONAL DATA COLLECTED IS HANDLED

Personal data gathered in the context of an alert will be processed by the company KEM ONE, as the entity responsible for processing, solely for purposes of the analysis and processing of the alert.

A Type 1 alert can only be used to report situations or behaviours contrary to the Code of Conduct implemented within KEM ONE with regard to the fight against corruption and influence peddling.

A Type 2 alert can only be used to report a crime, an offence or a serious and manifest breach of an international commitment ratified or approved by France, of an act of an international organisation based on such a commitment or of the law or regulations, or to report a threat or serious prejudice to the public interest.

If, once the data has been gathered, an alert is deemed not to come within the scope of the system, all the data provided in this context is immediately destroyed.

The alert system is of a purely optional nature and under no circumstances may a KEM ONE employee be reproached for not having used it.

The recipient of the data processed in the context of an alert is the Ethics Officer.

The following may also access these data:

- anyone authorised to do so due to their duties in the processing of this alert (in particular if applicable, the aforesaid ad hoc committee) where these data need to be provided for the checking or processing of the alert;
- if applicable, the providers of external services specially tasked with such missions by KEM ONE, the Ethics Officer or the ad hoc committee.

In any event, prior to any data being passed on to any of the parties stated above, the data will be sorted to ensure that the recipient can only access the data needed for the purpose for which they are provided.

Anyone whose personal data are processed in the context of this system has a right of access, correction and opposition to the process of his/her data by contacting the Ethics Officer.

Every due precaution will be taken to ensure the security of the data, when collected, passed on and stored.

When the alert has been processed:

- If the alert is not followed by disciplinary or legal action, the data relating to this alert shall be destroyed or archived after anonymisation within a period of two months following the end of the verification operations.
- If disciplinary and / or legal proceedings are taken, the personal data relating to the alert will be kept until the end of the proceedings.
- Data which are archived are kept in a separate restricted-access information system for a period not exceeding the periods of litigation proceedings.

ANNEX 1 – Template Type 1 Alert

ALERT PUT IN PLACE

IN THE CONTEXT OF THE FIGHT AGAINST CORRUPTION AND INFLUENCE PEDDLING

The present alert (Type 1 Alert) is exclusively for:

- *individuals who are employees of KEM ONE*
- *to allow them to report behaviours or situations which are contrary to KEM ONE's code of conduct relating to the fight against corruption and influence peddling.*

Given name, surname, function of the author of the alert: _____

KEM ONE site to which attached: _____

E-mail address and / or telephone (or any other contact details allowing the recipient of the alert to contact you): _____

Description of the facts discovered (in a precise, detailed and **factual** manner):

Given name, surname, function of the person(s) implicated in the alleged facts: _____

If possible, KEM ONE site to which attached, e-mail address and / or telephone (or any other contact details via which they can be contacted): _____

You are asked to attach to this form any proof / documents – which support the alert made – available to you.

This alert is to be sent to the Ethics Officer designated by KEM ONE:

- (i) by e-mail to the following e-mail address:
- (ii) or by post to the following address: For the attention of the Ethics Officer, Immeuble le Quadrille, 19 rue Jacqueline Auriol 69008 Lyon, **whereby the following must appear on the envelope: “For the exclusive attention of the KEM ONE Ethics Officer – CONFIDENTIAL”.**

The present form may only be used to report situations or behaviours contrary to the Code of Conduct implemented within KEM ONE with regard to the fight against corruption and influence peddling in accordance with law no. 2016-1691 of 9 December 2016. The information collected via this form will be processed by KEM ONE (Immeuble Le Quadrille, 19 rue Jacqueline Auriol – 69008 Lyon) for purposes of analysing and processing the alert. Completing this form is purely optional; under no circumstances may a KEM ONE employee be reproached for not having provided these data. The data are kept for as long as necessary to process the alert and, if applicable, until the end of the disciplinary and / or legal action taken as a consequence. The data are intended for the Ethics Officer and anyone else authorised by virtue of their functions in the processing of this alert. You have a right of access and correction with regard to the information about you, by contacting the following address: referent.ethique@kemone.com. You are, if applicable, entitled to lodge a complaint with the CNIL [the French Data Protection Authority] (3, Place de Fontenoy – TSA 80715 – 75334 Paris Cedex 07).

ANNEX 2 – Template Type 2 Alert

ALERT PUT IN PLACE

IN THE CONTEXT OF THE PROTECTION OF WHISTLEBLOWERS

The present alert (Type 2 Alert) is reserved exclusively for:

- individuals who are employees or external collaborators of KEM ONE***
- in order to report a crime, an offence or a serious and manifest breach of an international commitment ratified or approved by France or of an act of an international organisation on the basis of such a commitment, of the law or regulations, or to report a threat or serious prejudice to the public interest.***

Given name, surname, function of the author of the alert: _____

KEM ONE site or business to which attached: _____

E-mail address and / or telephone (or any other contact details allowing the recipient of the alert to contact you): _____

Description of the facts discovered (in a precise, detailed and **factual** manner):

Given name, surname, function of the person(s) implicated in the alleged facts: _____

If possible, KEM ONE site to which attached, e-mail address and / or telephone (or any other contact details via which they can be contacted): _____

You are asked to attach to this form any proof / documents – which support the alert made – available to you.

This alert is to be sent to the Ethics Officer designed by KEM ONE:

- (i) by e-mail to the following e-mail address: referent.ethique@kemone.com.
- (ii) or by post to the following address: For the attention of the Ethics Officer, Immeuble le Quadrille, 19 rue Jacqueline Auriol 69008 Lyon, **whereby the following must appear on the envelope: “For the exclusive attention of the KEM ONE Ethics Officer – CONFIDENTIAL”.**

The present form can only be used to report a crime, an offence or a serious and manifest breach of an international commitment ratified or approved by France, of an act of an international organisation on the basis of such a commitment, of the law or regulations, or to report a threat or serious prejudice to the public interest, in accordance with law no. 2016-1691 of 9 December 2016. The information collected via this form will be processed by KEM ONE (Immeuble Le Quadrille, 19 rue Jacqueline Auriol – 69008 Lyon) for purposes of analysing and processing the alert. Completing this form is purely optional; under no circumstances may an internal or external collaborator of KEM ONE be reproached for not having provided these data. The data are kept for as long as necessary to process the alert and, if applicable, until the end of the disciplinary and / or legal action taken as a consequence. The data are intended for the Ethics Officer and anyone else authorised by virtue of their functions in the processing of this alert. You have a right of access and correction with regard to the information about you, by contacting the following address: referent.ethique@kemone.com. You are, if applicable, entitled to lodge a complaint with the CNIL [the French Data Protection Authority] (3, Place de Fontenoy – TSA 80715 – 75334 Paris Cedex 07).