

Data Protection Policy



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Data Protection Policy

Helix do Brasil Serviços de Petróleo Ltda. ('we' or 'us' or 'our') gather and process your personal information in accordance with this Data Protection Policy and in compliance with all Data Protection legislation, including the Brazilian Federal Law No. 13.709/18 (Brazilian General Data Protection Law – "LGPD").

Personal Data will be collected only for specified, explicit and legitimate purposes. It will not be further processed in any manner incompatible with those purposes and will be kept in an identifiable form for no longer than is necessary for the purposes for which the data is processed, in accordance with the applicable law.

1. DEFINITIONS

Throughout this Policy, the following definitions apply:

Company name: Helix do Brasil Serviços de Petróleo Ltda.

Company Personnel: all employees and directors, their dependents, day rate workers, contractors, third parties, agency workers, consultants, volunteers and interns.

Data Controller: The person or organization that determines when, why and how to process Personal Data.

Data Subject: an identified or identifiable natural individual about whom we hold Personal Data.

Brazilian General Data Protection Law (LGPD): Brazilian Federal Law No. 13.709/2018.

Personal Data: any information identifying a Data Subject or information relating to a Data Subject that we can identify (directly or indirectly) from that data alone or in combination with other identifiers.

Personal Data Breach: the loss, or unauthorised access, disclosure or acquisition of Personal Data.

Data Processing or Process: any activity that involves the use of Personal Data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring Personal Data to third parties.

Sensitive Personal Data: information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union or religious membership, philosophical or political organization, data related to health or sexual life, biometric or genetic data, when related to a natural individual.

2. INTRODUCTION

This Data Protection Policy complies with Law nº 13.709/18 – Brazilian General Data Protection Law (LGPD) and applies to all personal data the Company processes regardless of how that data is stored or whether it relates to past or present Company Personnel. Separate policies in respect of data subjects who are job applicants, can be found in the Privacy Notice for Job Applicant/Speculative Applicants.

This Data Protection Policy applies to all Company Personnel. You must read, understand and comply with this Data Protection Policy. You must also comply with all such Related Policies, including any amendments. Any employee who is found to have breached this Data Protection Policy may be subject to disciplinary action up to and including summary dismissal.

3. SCOPE

We recognise that the correct and lawful treatment of Personal Data will maintain confidence in the organization and will provide for successful business operations. It is a critical responsibility that we take seriously at all times.

Whilst employees are required to comply with the terms of this Data Protection Policy, it does not form part of their employment contract.

Please contact the following personnel with any questions about the operation of this Data Protection Policy or if you have any concerns that this Data Protection Policy is not being, or has not been, followed:

- privacidade@helixesg.com – MKR Consultoria, Data Protection Officer – HdB

4. HOW DO WE COLLECT YOUR PERSONAL DATA?

Helix may collect your personal data directly from you, the Data Subject and through third parties that are legitimate for such sharing and, below, there are some of the main – but not limited to – situations in which we may collect your data:

- When we review your resume;
- When we perform your admission process;
- When we sign the hiring contract;
- Records created during the course of your employment
- When we celebrate commercial contracts or agreements with suppliers or service providers;
- When you board some of our offshore platforms;
- When you perform or request some professional training;
- When a supplier, client or a third party shares your personal data with us for the purpose of providing services or products.

5. TYPES OF DATA WE HOLD AND PROCESSING PURPOSES

The Data Subjects of this Policy are the Company Personnel and, below, you can verify the list of the Personal Data collected and the main purposes for such Processing.

5.1. TYPES OF DATA WE HOLD

Personal Data is kept in personnel files or within the Company's HR systems. The type of data held by the Company includes but is not limited to the following:

- Name, address, phone numbers - for individual and next of kin
- Social Security number
- Marital Status
- Nationality
- Gender
- Passport details
- Next of Kin/Emergency Contact details (name, address, relationship, telephone number)
- Bank name, address, sort code and account number (for payment of salary/expenses)
- Basic Health Information (Confidential Health Questionnaire)
- Nomination of Beneficiary information (name, address, relationship, telephone number)
- Personal and corporate e-mail
- Signature
- CVs and other information gathered during recruitment
- References from former employers
- National Insurance number
- Job title, job descriptions and pay grades
- Conduct issues such as letters of concern, disciplinary proceedings
- Holiday records
- Internal performance information
- Medical or health information
- Sickness absence records
- Tax codes
- Terms and conditions of employment
- Training details

Personal Data will also be gathered throughout the course of your employment. This data includes:

- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process)
- Start Date
- Location of employment or workplace
- Work history
- Compensation history
- Appraisals and performance Information
- Disciplinary and grievance information
- CCTV Footage and other information obtained through electronic means.
- Details about your use of our information and communications system
- Photographs
- Visa information

5.2. WE MAY ALSO COLLECT, STORE AND USE THE FOLLOWING “SPECIAL CATEGORIES” OF MORE SENSITIVE PERSONAL INFORMATION:

- Information about race
- Information regarding Trade Union Membership
- Information about your health, including any medical condition, vaccination, health and sickness records
- Health data related to the Covid-19 global pandemic, including but not limited to your temperature, your travel history, information about testing and potential contact with individuals displaying Covid-19 symptoms and information about your health and vaccination status that are relevant to help us protect you and our personnel, employees, and other visitors to our premises.

For full details on the information that we require and maintain and the ways in which this information is processed, contact the DPO through privacidade@helixesg.com.

5.3. SITUATIONS IN WHICH WE WILL USE YOUR PERSONAL INFORMATION:

The situations in which we will process your personal information includes, but are not limited to:

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us.
- Checking if you are legally entitled to work in Brazil.
- Paying you and, if you are an employee/worker, deducting tax and National Insurance contributions.
- Providing Benefits to you.
- FGTS and Social Security.
- Submitting mandatory information to government authorities and agencies.
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Making logistical and travel arrangements.
- Business management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Gathering evidence for possible grievance or disciplinary hearings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and developmental requirements.
- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work.

- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.

5.4. PROCESSING PURPOSES

These Personal Data will be used for the purpose of contracts signature with third parties and receiving and preparation of documents and reports during the provision of our services.

The Personal Data may also be used to ensure the appropriate management of our employees, including, among other situations, payroll, granting benefits and compliance with legal obligations.

Finally, the Personal Data may be used to exercise our rights in judicial, administrative or arbitration procedure.

In attention to the principles of the LGPD, we emphasize that we only collect the Personal Data that are strictly necessary to achieve the proposed purposes.

6. LEGAL BASIS USED FOR THE PROCESSING OF PERSONAL DATA

The Brazilian General Protection Law (LGPD) establishes the circumstances in which the Controller may proceed the Processing of Personal Data. Therefore, we inform you that the processing of your Personal Data will be carried out in accordance with the following hypotheses:

- With the Data Subject's consent, if required.
- In situations where the processing proves to be indispensable for the protection of life, health or physical safety of the Data Subject or a third party.
- For compliance, by the Controller, with legal or regulatory obligations, such as sending information to the regulatory agency, tax record maintenance and compliance with labor charges, tax obligations, among other affairs;
- For the Company's regular exercise of its rights, including some potential judicial, administrative and arbitration procedure;
- When there is a legitimate interest of Helix do Brasil for the Personal Data processing, such as the management of our employees.
- When necessary for the execution of a contract or preliminary procedures related to a contract of which the Data Subject is a party, at the request of the Data Subject.

7. PERSONAL DATA PROTECTION PRINCIPLES

All the Personal Data that we processes will always observe the principles determined by the LGPD, which are: Purpose, Adequacy, Necessity, Free access, Quality of the data, Transparency, Security, Prevention, Nondiscrimination and Accountability.

7.1. PURPOSE

The data collected by the Company can only be processed for legitimate, specific and explicit purpose of which the Data Subject is informed, with no possibility of subsequent processing that is incompatible with these purposes

7.2. ADEQUACY

The processing of the Personal Data must be compatible with the purposes communicated to the Data Subject in accordance with the context.

7.3. NECESSITY

The processing must be limited to the minimum necessary to achieve its purposes, embracing relevant, proportional and non-excessive data in relation to the purposes of the data processing.

7.4. FREE ACCESS

To the Data Subject is guaranteed facilitated and free of charge consultation about the form and duration of the processing, as well as about the integrity of their Personal Data.

7.5. QUALITY OF THE DATA

Guarantee to the Data Subjects of accuracy, clarity, relevancy and updating of the data, in accordance with the need and for achieving the purpose of the Processing.

7.6. TRANSPARENCY

Is guaranteed to the Data Subject clear, precise and easily accessible information about the Data Processing and the respective processing agents, subject to commercial and industrial secrecy.

7.7. SECURITY

Technical and administrative measures will be used to protect Personal Data from unauthorized accesses and accidental or unlawful situations of destruction, loss, alteration, communication or dissemination.

7.8. PREVENTION

The adoption of measures to prevent the occurrence of damages due the processing of Personal Data.

7.9. NONDISCRIMINATION

It will not be possible carrying out the Data Processing for unlawful or abusive purposes.

7.10. ACCOUNTABILITY

Is the demonstration, by the data processing agent, of the adoption of measures which are efficient and capable of proving the compliance with the rules of Personal Data protection, including the efficacy of such measures.

8. SECURITY INTEGRITY AND CONFIDENTIALITY

8.1. PROTECTING PERSONAL DATA

Personal Data will be secured by appropriate technical and organizational measures against unauthorized or unlawful processing, and against accidental loss, destruction or damage.

You must follow all procedures, policies and technologies we put in place to maintain the security of all Personal Data from the point of collection to the point of destruction. Whether you work remotely, whether you work at home or at client sites, or process Personal Data on personal devices, you must follow any guidance we issue in relation to this.

Failure to follow the Company's rules on data security may be dealt with the Company's disciplinary procedure. Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

8.2. REPORTING A PERSONAL DATA BREACH

According to the Brazilian National Data Protection Authority, a "Personal Data incident" can be characterized as any event, confirmed or under suspicion, related to a data breach, such as unauthorized, accidental or illegal access that results in the destruction, loss, alteration, leakage or in any form of inadequate or illegal data processing, which may pose a risk to the rights of the Data Subject.

In this case, Helix must notify the National Data Protection Authority and the Data Subjects within a reasonable period of time counted from the date of knowledge of the incident and must contain specific requirements established in the LGPD.

Aiming to comply with de LGPD and minimize, as quickly as possible, any damage that a data breach may cause to the company and Data Subjects, we have put in place procedures to deal with any suspected Personal Data Breach. Any suspected incident must be reported within two (2) business days from the date of knowledge of the Personal Data Breach, or in accordance with other relevant instructions that may be issued by the Brazilian National Data Protection Authority from time to time.

The communication must contain, at least, a description of the nature of the Personal Data affected, as indication of the technical and security measures used to protect the data (subject to commercial and industrial secrecy), the risks related to the incident and the measures that were or will be adopted to reverse or mitigate the effects of the damage.

If you know or suspect that a Personal Data Breach has occurred, you should contact the DPO listed in Section 3 immediately.

9. DATA RETENTION PERIOD

The Personal Data stored by the Company will be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed. When Personal Data is no longer needed, it is going to be deleted or anonymized in accordance with the Company's specific Personal Data retention guidelines.

We will ensure that the Personal Data we use and hold are accurate, complete, kept up to date and relevant to the purpose for which we collected it. Even so, all reasonable steps will be taken to destroy or amend inaccurate or out-of-date Personal Data.

Personal Data will be kept in an identifiable form for no longer than is necessary for the purposes for which the data is processed, in accordance with the applicable law.

10. INTERNATIONAL TRANSFER LIMITATION

We will transfer the personal information we collect about you to the following countries outside Brazil in order to perform our contract with you:

- USA (Corporate Headquarters)
- EU (Aberdeen Office)

We may also need to pass your information to other countries outside of Brazil to meet client requirements, apply for visa applications, to ensure agents can assist with transportation or mandatory taxation processes.

In such instances, we will ensure that your personal information does receive an adequate level of protection and that the international transfer is in compliance with the LGPD.

11. DATA SUBJECT'S RIGHTS AND REQUESTS

Accordingly to the LGPD, you have the right to facilitated access to information concerning the processing of the data that Helix do Brasil Serviços de Petróleo Ltda. processes about you and to request information about:

- the specific purpose of the processing;
- the type and duration of the processing, being observed commercial and industrial secrecy;

- identification of the controller;
- information regarding the shared use of data by the controller and the purpose;
- responsibilities of the agents that will carry out the processing;
- If we did not collect the data directly from you, information about the source.

Therefore, Data Subjects have, at any time and by means of request, the right to:

- Withdraw consent to processing, if applicable, with extend right to request the deletion of such data in case of consent, and to receive information about the possibility of denying the consent and the consequences of such denial;
- Request confirmation or access to the Personal Data that we hold;
- Ask us to erase Personal Data if it is no longer required for the purpose for which it was collected or processed, and to anonymize or block unnecessary or excessive Personal Data, or data processed in noncompliance with the provisions of the LGPD;
- To rectify incomplete, inaccurate or outdated data;
- To complete incomplete data;
- Challenge Processing which has been justified on a legal basis other than consent, in case of noncompliance with LGPD;
- Make a complaint to the supervisory authority, as well as consumer protection entities regarding the Processing of your Personal Data;
- Right of data portability;
- Right to obtain information about public and private entities with which we have shared your Personal Data;
- Right to revision of automatic decision making that affects your interests.

To exercise the aforementioned rights, the Data Subjects or their legal constituted representative must contact the DPO through an express request by sending an e-mail to privacidade@helixesg.com – MKR Consultoria, Data Protection Officer – HdB, including the word “Privacy” in the e-mail subject.

12. RECORD KEEPING

Where required by the LGPD and Data Protection legislation we will keep full and accurate records of all our data processing activities. In addition, we will keep records of Data Subjects’ consents and procedures for obtaining consents, in accordance with the Company’s record keeping guidelines.

13. SHARING PERSONAL DATA

We may share the Personal Data we hold with another employee, agent, representative of our group (which includes our subsidiaries and our ultimate holding company along with its subsidiaries) and third parties such as, logistics companies, medical laboratories, audit firms, and companies that provide us technical trainings, if the recipient has a job-related need to know the information.

Your personal information will be shared with third parties and other entities in our group for the purpose of:

- Employment law support
- Taxation requirements
- Pension administration
- Benefits Provision and Administration
- Co-ordinating Offshore Travel [Heliports and Agents]
- Competency assessments [ROV Personnel only]
- Training Bookings
- Applying for work permits/visa’s

However, as we value the privacy security of your Personal Data, we only share it if:

- we have a purpose and lawful basis for doing so;
- sharing the Personal Data complies with the Data Protection Policy provided to the Data Subject and, if applicable, consent has been obtained; and
- the third party has agreed to comply with the required data security policies and procedures and put adequate security measures in place.

14. CONSEQUENCES OF NOT PROVIDING YOUR DATA

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers), and as such we may not be legally able to continue your employment or the commercial relationship.

15. FAMILIARISATION

We require all Company Personnel to read and understand the Data Protection Policy when they join the company therefore the policy will be issued with all new start forms and information.

16. CHANGES TO THIS DATA PROTECTION POLICY

We reserve the right to change this Data Protection Policy at any time and, in case the modifications involve the Data Processing, we will notify Data Subjects in advance.

This Data Protection Policy does not override any applicable national data privacy laws and regulations in countries where the Company operates.

Related documents:

HHR-GU-0025 – Personal Data Retention Guidelines

HHR-FR-0182 – Privacy Notice (Job Applicants/Speculative Job Applicants)