

## Privacy Shield Policy

This Privacy Shield Policy ("Policy") describes how Apex Tool Group, LLC and its subsidiaries and affiliates listed below (collectively, "ATG," "we," or "us") in the United States ("US") collect, use and disclose certain personally identifiable information that we receive in the US from the European Economic Area ("EEA Personal Data"). This Policy applies to the following US affiliated entities: Apex Tool International, LLC, Apex Brands, Inc., Apex Tool U.S. Real Estate Holding, LLC and BC Mountain Finance Inc. This Policy supplements our Website Privacy Policy located at <http://www.apextoolgroup.com/privacy-policy>, and unless specifically defined in this Policy, the terms in this Policy have the same meaning as the Website Privacy Policy.

ATG recognizes that the EEA has established strict protections regarding the handling of EEA Personal Data, including requirements to provide adequate protection for EEA Personal Data transferred outside of the EEA. To provide adequate protection for certain EEA Personal Data about job applicants and employees received in the US, ATG has elected to self-certify to the EU-US Privacy Shield Framework administered by the US Department of Commerce ("Privacy Shield"). ATG adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access and Recourse, Enforcement and Liability.

For purposes of enforcing compliance with the Privacy Shield, ATG is subject to the investigatory and enforcement authority of the US Federal Trade Commission. For more information about the Privacy Shield, see the US Department of Commerce's Privacy Shield website located at: <https://www.privacyshield.gov>. To review ATG's representation on the Privacy Shield list, see the US Department of Commerce's Privacy Shield self-certification list located at: <https://www.privacyshield.gov/list>.

### **Personal Data Collection and Use**

Our Website Privacy Policy located at <http://www.apextoolgroup.com/privacy-policy> describes the categories of EEA Personal Data that we may receive in the US as well as the purposes for which we use that EEA Personal Data. We may receive the following categories of EEA Personal Data in the US: name, identification number, location data, online identifier and/or one or more factors specific to the physical, economic or social identity of a person. We process EEA Personal Data for the following purposes: job applicants, employment and employees. ATG will only process EEA Personal Data in ways that are compatible with the purpose for which ATG collected it, or for purposes the individual later authorizes. Before we use your EEA Personal Data for a purpose that is materially different than the purpose for which we collected it or than you later authorized, we will provide you with the opportunity to opt out. ATG maintains reasonable procedures to help ensure that EEA Personal Data is reliable for its intended use, accurate, complete and current.

We may collect the following categories of sensitive EEA Personal Data: trade-union membership. We process sensitive EEA Personal Data for the following purposes: employment. When we collect sensitive EEA Personal Data, we will obtain your opt-in consent where the Privacy Shield requires, including if we disclose your sensitive EEA Personal Data to third parties, or before we use your sensitive EEA Personal Data for a different purpose than for which we collected it or than you later authorized.

### **Data Transfers to Third Parties**

**Third-Party Agents or Service Providers.** We may transfer EEA Personal Data to our third-party agents or service providers who perform functions on our behalf as described in our Website Privacy Policy and including: payroll processing. Where required by the Privacy Shield, we enter into written agreements with those third-party agents and service providers requiring them to provide the same level of protection the Privacy Shield requires and limiting their use of the data to the specified services provided on our behalf. We take reasonable and appropriate steps to ensure that third-party agents and service providers process EEA Personal Data in accordance with our Privacy Shield obligations and to stop and remediate any unauthorized processing. Under certain circumstances, we may remain liable for the acts of our third-party agents or service providers who perform services on our behalf for their handling of EEA Personal Data that we transfer to them.

**Disclosures for National Security or Law Enforcement.** Under certain circumstances, we may be required to disclose your EEA Personal Data in response to valid requests by public authorities, including to meet national security or law enforcement requirements.

### **Security**

ATG maintains reasonable and appropriate security measures to protect EEA Personal Data from loss, misuse, unauthorized access, disclosure, alteration or destruction in accordance with the Privacy Shield.

### **Access Rights**

You may have the right to access the EEA Personal Data that we hold about you and to request that we correct, amend or delete it if it is inaccurate or processed in violation of the Privacy Shield. These access rights may not apply in some cases, including where providing access is unreasonably burdensome or expensive under the circumstances or where it would violate the rights of someone other than the individual requesting access. If you would like to request access to, correction, amendment or deletion of your EEA Personal Data, you can submit a written request via the contact information provided below. We may request specific information from you to confirm your identity. In some circumstances we may charge a reasonable fee for access to your information.

### **Questions or Complaints**

You can direct any questions or complaints about the use or disclosure of your EEA Personal Data to us at [DataPrivacy@apextoolgroup.com](mailto:DataPrivacy@apextoolgroup.com). You may also report any concerns to your manager, human resources, the Legal Department or ATG's ethics hotline (information on how to access our ethics hotline is available on BaseCamp under the "Apex Compliance Toolkit" link). We will investigate and attempt to resolve any complaints or disputes regarding the use or disclosure of your EEA Personal Data within 45 days of receiving your complaint. For any unresolved complaints, we have agreed to cooperate with the EU data protection authorities. If you are unsatisfied with the resolution of your complaint, you may contact the EU data protection authorities at: [http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index\\_en.htm](http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm) for further information and assistance.

**Binding Arbitration.** You may have the option to select binding arbitration for the resolution of your complaint under certain circumstances, provided you have taken the following steps: (1) raised your complaint directly with ATG and provided us the opportunity to resolve the issue; (2) made use of the independent dispute resolution mechanism identified above; and (3) raised the issue through the relevant data protection authority and allowed the US Department of Commerce an opportunity to resolve the complaint at no cost to you. For more information on binding arbitration, see [US Department of Commerce's Privacy Shield Framework: Annex I \(Binding Arbitration\)](#).

### **Contact Us**

If you have any questions about this Policy or would like to request access to your EEA Personal Data, please contact us as follows: [DataPrivacy@apextoolgroup.com](mailto:DataPrivacy@apextoolgroup.com).

### **Changes to this Policy**

We reserve the right to amend this Policy from time to time consistent with the Privacy Shield's requirements.

**Effective Date: May 24, 2018**

**Last modified: May 24, 2018**