



South Korea Privacy Notice

Introduction

EM Topco Limited and all its subsidiaries (“Element” or “the Group”) are committed to complying with the Personal Information Protection Act (“PIPA”). Element’s head office is at 3rd Floor Davidson Building, 5 Southampton Street, London, United Kingdom, WC2E 7HA. In this notice, references to “we”, “us” or “our” are references to Element.

This South Korea Privacy Notice supplements our [Global Privacy Notice](#) and applies only to personal information we collect, use and process about residents in South Korea who engage with our websites, purchase products from us or use our services. Under the PIPA, residents in South Korea may have certain data privacy rights, such as the right to be informed of the processing of personal information, to request access to personal information, and to request a correction, erasure, or destruction of personal information.

Who is Collecting Data?

The Group comprises of multiple legal entities acting as separate data controllers, responsible for processing personal information in connection with our business. Please see our [‘Element Legal Entities Processing Personal Information’](#) PDF for further details on the companies within the group processing personal information.

What Personal Information we may collect

We may collect and process your personal information in connection with our products or services at the start of, and for the duration of, your relationship with us and beyond. We will limit the collection and processing of your personal information to information necessary to achieve one or more legitimate purposes, as identified in this notice.

We will only process sensitive personal information where we’ve obtained your explicit consent or are otherwise lawfully permitted to do so. Where you have provided consent for us to process your sensitive personal information, you can withdraw that consent at any time by contacting us.

We may collect the following categories of personal information about you:

Personal Information Category	Personal Information Collected
Identity information	First name, middle name, last name, alias, username or similar identifier, marital status, title, date of birth, gender, state or national identification number (such as a driver license, national insurance number or social security number), passport number, internet protocol (IP) address, signature
Sensitive information	Ideology, belief, admission to or withdrawal from a trade union or political party, political opinions, health, sexual life, and other personal information that is likely to threaten the privacy of any data subject noticeably
Demographic information	Age, gender, race, nationality, ethnicity, ethnic origin, citizenship, marital status, income, education, religion, citizenship, physical or mental disability, veteran, or military status

Commented [LK1]: LK: PIPA does not recognize the term “joint controller,” therefore the specific entity that collects and processes personal information of Korean data subjects (e.g. EM Topco Limited, Element Materials Technology Suwon Ltd., etc.) should be designated and disclosed as the data handler (similar with controller under the GDPR). If there are more than 2 entities who directly collect and process personal information of Korean data subjects, they all should be disclosed as data handlers independently.

Furthermore, for the sections below such as items of personal information, purpose of processing, transfer of personal information, etc., if there are difference between such data handlers (if plural), the content should be distinguished by each data handler.

Commented [LK2]: LK: The items of personal information collected in this section appears to list all the information Element collects from its customers, employees, job applicants, etc. in one place. In this case, it may be difficult for data subjects to know what personal information is being processed about them in practice, so we recommend you to separate this table to indicate personal information processed for each type of data subjects.

Contact information	Home, delivery, or billing address (including street address, city, state, town, postal code / zip code), telephone numbers, email address
Contractual information	Personal information (as outlined in the other categories) collected as part of the products and services we provide to you
Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies
Financial information	Bank account, payment card details, invoice amounts, payment amount, outstanding balances
Internet or another similar network activity information	Internet Protocol (IP) address, smart device information, location coordinates, site visits, browsing history, search history, information on an individual's interaction with our websites, time zone setting and location, browser plug-in types and versions, operating system and platform, other unique personal identifier, online identifier, account name, other technology on the devices you use to access our websites and comments or other content you send to us over the internet
Information that we gather through cookies or similar tracking tools when you use our websites	Browser cookies, advertising cookies, targeting cookies, web beacon, pixel tag, mobile ad identifier, or similar technologies may also be used to track your responses to adverts, messages, or forms, which helps us to ensure we present you with the most relevant content in the future. When running email campaigns, we may track delivery and monitor when emails are opened. For example, when you open the email a small image file may be downloaded to your web browser or email programme. You can restrict or block this type of technology through your web browser or email programme settings by preventing automatic s_d ownloading. Cookies may also be set if you click on a link within the email.
Geolocation Data	Physical location or movements
Sensory Data	Audio, electronic, visual, thermal, olfactory, call recordings, passport copies, identification document copies, CCTV images or similar information
Professional or employment related information	Education, current employment, employment history
Inferences drawn from other personal information	Profile reflecting a person's household, individuals associated with your account(s), information regarding your relationship with these individuals, or information about your business relations with us

Criminal offence data

We may collect and process information about criminal convictions where such processing is necessary to act in accordance with regulatory or other legal obligations or where the processing is necessary to protect the interests of our customers or the public.

How we collect your Personal Information

We collect your personal information in a variety of ways, such as:

Commented [LK3]: LK: (1) Under the Act on the Protection and Use of Location Information, there are certain license requirements applicable to businesses that wish to collect, use, and/or provide location information in Korea.

Please let us know if you require further assistance related thereto.

(2) In addition, if Element does obtain licenses to collect, use, and/or provide personal location information in Korea, the following matters will need to be further included in this privacy policy:

- (i) purposes of the processing of personal location information and the retention periods thereof;
- (ii) grounds for the retention of records confirming the collection, use, and provision of personal location information and the retention periods of such records;
- (iii) procedures and methods for the destruction of personal location information;
- (iv) matters related to the provision of personal location information to third parties;
- (v) matters related to notification for data subjects when location based service providers provide their personal location information to third parties designated by such data subjects;
- (vi) matters on the rights and obligations of the parental guardians of data subjects aged 8 or younger, etc., and the methods for exercising such rights; and
- (vii) the name and contact information of the chief location information officer or the department responsible for performing tasks related to the protection of personal location information and handling grievances related thereto.

We did not include matters regarding (i) - (vii) above because we could not confirm whether Element is required to obtain the aforementioned license in Korea to collect, use, and/or provide location information. Please let us know if you require further assistance regarding this matter.

- **Through interactions with you** when you enquired about or purchased products or services from us, requested information or assistance from us, registered to attend or attended one of our events, used our website or client portal or applied for a job with us
- **Through activity on our website** such as submissions from you via our website or website usage details collected automatically
- **Through interactions with our clients** due to your role in your organisation
- **Through interactions with third parties** such as industry, trade or regulatory bodies
- **From third party service providers** acting on our behalf in connection with the products and services we provide
- **From publicly available sources** including social media (LinkedIn, Facebook, Twitter), your organisation's website, the press, the electoral register, company registers and online search engines
- **From automated technologies or interactions that collect technical data about your equipment, browsing actions and patterns** such as cookies, server logs or other similar technologies

Legal basis for processing

We process your personal information pursuant to the following legal basis for the purposes stated in “Purpose of processing” section below and in Global Privacy Notice.

<u>Legal Basis on which we rely to process your Personal Information</u>	<u>Items of Personal Information we collect</u>
<u>Your consent (PIPA Article 15(1)(i))</u>	[*]
<u>Special provisions exist in laws or it is inevitable to observe legal obligations (PIPA Article 15(1)(ii))</u>	[*]
<u>Necessary to perform a contract with a data subject or to take actions at the request of the data subject in the process of entering into a contract (PIPA Article 15(1)(iv))</u>	[*]

Commented [LK4]: LK: In accordance with the amended PIPA that came into effect on September 15, 2023, data handlers are required to distinguish and disclose, either within their privacy policy or by notifying data subjects through email or other means, the items of personal information that are processed with or without the data subject's consent. For personal information that is processed without the consent, data handlers must specify the items and legal basis for such processing.

We have added the left table based on the assumption that Element will not provide this notification through email or other methods.

Please insert the pertinent personal information items corresponding to each applicable legal basis in the blank spaces provided in the second column. Please note that among the available legal basis under PIPA, we have only indicated the legal bases that appear relevant to Element's services. If any of these legal bases are not applicable, please feel free to remove them.

Deemed necessary to protect the urgent life, body, or property interests of the data subject or a third party (PIPA Article 15(1)(v))	[*]
Necessary for the legitimate interests of the data handler, provided that it clearly outweighs the rights of the data subject (this applies only when there is a significant relevance to the legitimate interests of the data handler and does not exceed a reasonable range) (PIPA Article 15(1)(vi))	[*]

Purpose of processing

We may use the personal information we collect for various purposes such as:

- To fulfil our **contractual obligations** to perform the service requested or provide a product
- For our **legitimate interests** as a commercial organisation
- To comply with a **legal obligation** which may require us to process personal information
- You have provided your **consent** to the processing

A more detailed description of our purposes for processing your personal information can be found in our **Global Privacy Notice** in the “purpose of processing” section.

How we share your Personal Information

To help us provide our products and services and to run our website we may share personal information when necessary for us to lawfully carry out our business activities. We may share personal information with the following categories of third parties:

- **Other group companies** where it is necessary to do so, and where we have a legal basis to share the information
- **Our third-party service providers and advisors** with whom we have contracted to perform services on our behalf and who process personal information on our behalf to provide our services or run internal business operations including email distribution, IT services, business support and customer services

Commented [LK5]: LK: For your information, we reviewed the “purpose of processing” section in the Global Privacy Notice, and the purposes listed under “legitimate interest” in that section may not fall into the term “legitimate interest” under PIPA.

Regarding the legal basis of “legitimate interests,” it is important to note that PIPA tends to interpret this legal basis quite narrowly compared to GDPR and other foreign laws.

For instance, PIPA acknowledges legitimate interests solely in the context of the controller. Furthermore, the Personal Information Protection Commission (“PIPC”) has traditionally interpreted this provision conservatively, and there have been limited cases where the legitimate interests as a legal basis have been recognized.

Commented [LK6]: LK: For your information, this may be the legal basis of processing and not the purpose of processing. If Element collect personal information with data subject’s consent, the purposes of processing which are prescribed in the consent form should also be disclosed in this privacy policy.

- **Independent debt recovery agencies, service providers, solicitors, or other agents** in the event of non-payment for products or services and where a debt remains outstanding after a specified timeframe for payment, no payment plan is in place or an agreed payment plan is not being adhered to, we may initiate formal proceedings to recover the full amount of the unpaid debt. We may share personal information with litigation and recovery specialists to undertake recovery action through the courts
- **Law enforcement authorities, regulatory bodies or government agencies** as in some circumstances we are legally obliged to share personal information with law enforcement bodies, for example to comply with a court order or legal obligation. We will satisfy ourselves that we have a lawful basis on which to share the information and document our decision making
- **With a successor entity** in the event of a merger, acquisition, or similar transaction

In specific, [we collect and process your personal information in \[*\]](#), and [we share your personal information with third parties below.](#)

• **(1) In the case of access by or disclosure to third parties (“Recipients”) for their benefit (Provision)**

Name of Recipient	Purposes of use by Recipient	Items of Personal Information accessed by or disclosed to the Recipient	Period of retention by Recipient	Legal Bases of Transfer
[*]	[*]	[*]	[E.g.: As long as necessary to fulfill the purposes on the left.]	[*]

• **(2-1) In the case of access by or disclosure to outsourced service providers (“Processors”) for data processing for the benefit of Element (Outsourcing)**

Name of Processor	Tasks outsourced to the Processor for data processing
[*]	[*]

• **(2-2) Cross-border transfer (Provision-Outsourcing-Store) to third parties**

Commented [LK7]: LK: Under the Enforcement Decree of PIPA which was amended in March 12th 2024 and took into effect on March 15th 2024 (“Amended Enforcement Decree”), if data handler directly collects personal information from overseas, the name of the country that the personal information being processed should be disclosed in the privacy policy.

Therefore, if the initial data handler who collects the personal information from data subject is not Korean entity, the relative information regarding its country should be disclosed here.

Commented [LK8]: LK: (1) With respect to the transfer of personal information to third parties, PIPA distinguishes the concepts of “provision” and “outsourcing” of personal information.

Provision is similar to a controller-to-controller transfer under the GDPR, which also differs from the joint controller (“Provision”). Outsourcing is similar to a controller-to-processor transfer under the GDPR (“Outsourcing”). Specifically, Provision refers to cases where personal information is transferred for the benefit and business purpose of the transferee beyond the original purposes for the collection/use of personal information, whereas Outsourcing refers to cases where personal information is transferred for the benefit and business purpose of the transferor consistently with the original purposes for the collection/use of personal information.

We prepared the tables so that Element may add information regarding Provision and Outsourcing. Whe...

Commented [LK9]: LK: The legal bases that appear relevant to Element’s services are as below:

- (1) Your consent (PIPA Article 17(1)(i));
- (2) Special provisions exist in laws or it is inevitable to observe legal obligations (PIPA Article 17(1)(ii), 15(1)(ii));
- (3) Deemed necessary to protect the urgent life, body, or property interests of the data subject or a third party (PIPA Article 17(1)(ii), 15(1)(v)).

Commented [LK10]: LK: We are of the understanding that Element shares personal information with its affiliates. In such case, please be noted that it constitutes cross-border transfer (Provision) under PIPA and should be disclosed in this section.

<u>Recipients (if the recipient is a corporation then the name of the corporation and the contact information)</u>	<u>Type of transfer / Items of Personal Information to be Transferred to Recipient(s)</u>	<u>Countries where the Personal Information is to be Transferred and the date, time, methods of Transfer</u>	<u>Purpose of Use of the Personal Information by Recipient(s)</u>	<u>Period(s) of Retention/Use by Recipient(s)</u>	<u>Legal Bases of Transfer</u>
[*]	[*]	[E.g.: UK, in times of collection, via network]	[*]	[E.g.: As long as necessary to fulfill the purposes on the left]	[*]

Commented [LK11]: LK: The legal bases that appear relevant to Element's services are as below:

- (1) Your consent (PIPA Article 28-8(1)(i));
- (2) Outsourcing or Storage that is required in the course of fulfilling a contract with the data subject and for which legally required information is disclosed in this privacy policy or individually notified to the data subject (PIPA Article 28-8(1)(iii)).

For your information, Outsourcing for marketing purpose may not be deemed as necessary for the execution and fulfilment of a contract with the data subject and therefore should be subject to consent of data subjects.

Also, please be noted that the consent for cross-border transfer may be omitted under the legal basis (2) above.

No Sale of Personal Information

We do not sell any personal information.

Retention Policy

We will retain personal information for as long as necessary to fulfil the purpose for which it was originally collected, such as providing our products or services, or as required by applicable laws or regulations. Our retention periods are driven by legislation and / or business need. If there is no legally defined retention period for personal information, we will determine an appropriate retention period. We will take reasonable steps to destroy the personal information we hold if it is no longer needed. Retention may extend beyond the termination of our relationship with you.

If required to retain certain personal information pursuant to applicable Korean laws, such as those set forth below, we will retain such personal information solely for the retention periods and purposes prescribed thereunder.

- Records on contracts or withdrawal of offers and the like: 5 years (as required under the Act on Consumer Protection, etc. in E-commerce)
- Records on payment settlement and supply of goods, etc.: 5 years (as required under the Act on Consumer Protection, etc. in E-commerce)
- Records on processing of customer disputes and complaints: 3 years (as required under the Act on Consumer Protection, etc. in E-commerce)
- Records on access: 3 months (as required under the Communications Secrecy Protection Act)
- Material documents related to employment contracts: 3 years (as required under the Labor Standards Act);
- Information related to the issuance of certificates including work experience certificates: 3 years following the termination of an employment contract (as required under the Labor Standards Act);
- Health examination charts and results of health examinations: 5 years (or 30 years in the case of workers handling certain materials prescribed by the

Commented [LK12]: LK: If any personal information is required to be preserved under applicable law, the legal grounds therefor and the specific items of personal information to be preserved must be disclosed in this privacy policy. Accordingly, we have included certain mandatory retention periods for, and the specific items of personal information to be preserved regarding e-commerce relationships. Please review and further revise in accordance with Element's actual practice.

[Ministry of Employment and Labor](#) (as required under the Occupational Safety and Health Act); and

- [Ledgers and documents related to year-end tax settlement: 5 years](#) (as required under the Income Tax Act and the Framework Act on National Taxes).

[For the destruction, the process and method for destroying the personal information are set forth below:](#)

- [Process of destruction](#)

[We select the relevant personal information to be destroyed and destroy it with the approval of our DPO.](#)

- [Method of destruction](#)

[We destroy the personal information recorded and stored in the form of electronic files by using a technical method \(e.g., low level format\) to ensure that the records cannot be reproduced, while the personal information recorded and stored in the form of paper documents shall be shredded or incinerated.](#)

Commented [LK13]: LK: The examples indicated on the left are regulations that set the retention period related to the processing of employees' personal information. Please review and further revise in accordance with Element's actual practice.

Commented [LK14]: LK: Under PIPA, a data handler is required to provide information regarding the specific procedures and methods for destroying personal information in its privacy policy. Please review and further revise in accordance with Element's actual practice.

How we transfer your Personal Information

We operate globally and we may transfer your personal information between Element group companies to help us operate our business efficiently and to provide you with our products and services. Third party service providers may process your personal information in connection with a service, they provide to us. When we share your personal information between Element group companies or with third parties, they may be located outside of the jurisdiction in which your personal information was collected. This means personal information collected in one jurisdiction may be transferred, stored, and processed outside the country of origin and where privacy laws differ. We only make these arrangements or transfers where we are satisfied that adequate levels of protection are in place to protect your personal information. For these transfers, we have the relevant legal safeguards in place to ensure adequate protection, or in certain circumstances we may rely on one of the exceptions to the rules that allows us to perform these transfers.

PIPA Rights

Residents of South Korea have the following privacy rights under the PIPA:

- **Right to be informed** about the processing of your personal information
- **Right to consent** or not, and to elect the scope of consent [or withdraw consent](#), to the processing of your personal information
- **Right to confirm the processing** of your personal information, and to **request access** (including the provision of copies) to your personal information
- **Right to suspend the processing** of, and to request a **correction, erasure, and destruction** of your personal information
- **Right to appropriate redress** for any damage arising out of the processing of your personal information in a prompt and fair procedure

- [Right to data portability](#)

- [Right to automated decision-making.](#)

How to exercise your rights

You or your authorized representative may submit a rights request to us by email at privacy@element.com. Please title your email 'PIPA rights request'.

Before completing your request, we may need to verify your identity and the identity of your authorized representative, if applicable. If we are unable to verify your identity through reasonable means and with the information you provide, we may ask follow-up questions. An authorized representative must have your signed permission to submit a request on your behalf. We may contact you directly to confirm you've given your permission and/or to verify your identity, before completing requests from an authorized representative.

If you request to receive a copy of your personal information by mail, we have the right to request a fee which will include postage costs to mail you the copies.

How to complain

In South Korea the Personal Information Protection Commission ("PIPC"), established under the Presidential Office, has the authority to deliberate and resolve matters regarding data protection. You can report infringements of personal information on the PIPC's website at: <https://www.pipc.go.kr/eng/user/lgp/ntp/reportingInfringement.do>.

Contact us

If you would like to speak to us about data protection, please email us [as below](#):

[\[name of DPO or department responsible for privacy inquiries\]: privacy@element.com.](#)

Amendment of This Policy

See past privacy policies [\[Link\]](#)

Commented [LK15]: LK: Please be noted that despite the recent amendment of PIPA recognizes the right to data portability, the effective date has not been determined yet.

Commented [LK16]: LK: PIPA requires the name and contact information of DPO or department responsible for privacy inquiries. Therefore, please disclose the 'name' of DPO or such department.

Commented [LK17]: LK: Please indicate the date of amendment of the Korean privacy policy, and include the links to previous versions of the Korean privacy policy.



Last updated: November 2023

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