

## Nintendo of Europe SE - Recruiting Privacy Policy

Last updated: 08.2024

Nintendo of Europe SE ("**Nintendo**", "**we**", "**us**"), Goldsteinstrasse 235, 60528 Frankfurt am Main, Germany respects your privacy rights and recognizes the importance of protecting your personal data.

Concerning the personal data which is collected in each of the following instances and except where otherwise provided herein, Nintendo is the controller within the meaning of the General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 – "**GDPR**").

In this Nintendo of Europe Recruiting Privacy Policy you will find information about how and for which purposes Nintendo collects and processes personal data from you during a recruiting process, in particular you will find information about:

### I. General Recruiting

### II. Nintendo Job Portal (the "Job Portal")

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### III. Recruiting Services

### IV. XING

### V. LinkedIn

### VI. Transfer of data to third parties

### VII. Your rights under the GDPR

### VIII. Contact and data protection officer

## **I. General Recruiting**

Nintendo participates in many recruiting exhibitions and events. In the context of such events, you might provide us with documents such as your CV or your contact data so we can stay in touch with you as a potential employee or to apply directly for a job (not via our recruiting tool “Job Portal”).

### **1. What personal data we collect and how data is used (purpose of processing)**

- 1.1 If you apply for a job via our recruiting specialists at an event or if you, following an event, apply for a job, we process your data (such as name, your email address, your date of birth, your postal address and your phone number), and the documents you provided (CV, certificates, letters, including the data contained therein to your person and your qualification) as well as information and messages additionally provided by you such as your planned starting date, your period of notice or your motivation why you would like to apply, for the purposes of processing your application, including the preparation and conduct of job interviews and recruitment tests and the evaluation of the results and as otherwise necessary within the application process. We contact you in the course of the application process to inform you about the status of your application or to invite you to a job interview or a recruitment test. During the application process, our HR department will first process your documents. Should your application fit the requirements for the position, your data and documents will be forwarded to the relevant department.
- 1.2 The legal basis for the processing referred to in Section 1.1 is Section 26 para. 1 sentence 1 of the German Federal Data Protection Act (Bundesdatenschutzgesetz). The processing is necessary for entering into a potential employment relationship.
- 1.3 During the hiring process, your documents will also be made available to the works council for inspection. We hereby fulfil our legal obligations regarding the co-determination rights of the works council.

### **2. Storage time**

If you apply for an open position, your personal data will be generally deleted within six months after the end of the application process, unless you gave your consent that we may store your data for a longer period and inform you about suitable job offers in the future (Art. 6 para. 1 (a) GDPR).

If you do not apply for a specific position, but you provide us with your contact data, your CV or other personal data to be considered with open positions in the future and subject to your consent, we store and process your data for a longer period and inform you about suitable job offers in the future (Art. 6 para. 1 (a) GDPR).

In case you accepted a job offer by us, your application data will be stored in your personnel file.

## **II. Nintendo Job Portal (the “Job Portal”)**

Nintendo operates the Nintendo Job Portal which provides the option to directly apply for jobs. If you submit a job application via the Job Portal to Nintendo the following applies:

### **1. What information we process and how information is used (purposes of processing)**

- 1.1 If you apply for a job via the Job Portal, we process your application data (such as name, your email address, your date of birth, your postal address and your phone number), and the files you provided (CV, certificates, letters, including the data contained therein to your person and your qualification) as well as information and messages additionally provided by you such as your planned starting date, your period of notice or your motivation why you would like to apply, for the purposes of processing your application, including the preparation and conduct of job interviews and recruitment tests and the evaluation of the results and as otherwise necessary within the application process. You can choose to create a personal account for the Job Portal after sending your application data and documents. If you choose to do so, we will link your application data and your documents to your personal account. If you create a personal account, you can login to the Job Portal and change and amend your personal data at any time. We contact you in the course of the application process to inform you about the status of your application or to invite you to a job interview or a recruitment test. During the application process, our HR department will first process your documents. Should your application fit the requirements for the position, your personal and documents will be forwarded to the relevant department.
- 1.2 The legal basis for the processing referred to in Section 1.1 is Section 26 para. 1 sentence 1 of the German Federal Data Protection Act (Bundesdatenschutzgesetz). The processing is necessary for entering into a potential employment relationship.

- 1.3 During the hiring process, your documents will also be made available to the works council for inspection. We hereby fulfil our legal obligations regarding the co-determination rights of the works council.

## **2. Processing of your personal data when visiting our websites**

Information about what information is transferred from your Internet browser to the Nintendo server when you visit our website and for which purposes we process the information as well as information about cookies used on our websites is contained in our [Website Privacy Policy](#).

## **3. Storage time**

Your personal data, including your personal account if you created one will be generally deleted within six months after the end of the application process unless you gave your consent that we may store your data for a longer period as part of our Talent Pool and inform you about suitable job offers in the future (Art. 6 para. 1 (a) GDPR). In case you accepted a job offer by us, your application data will be stored in your personnel file.

## **III. Recruiting Services**

Nintendo uses recruiting service platforms (for example, tietalent.com) to connect with possible applicants. In the context of such services, the service provider might provide us with documents (which you provided to the service provider beforehand) such as your CV or your contact data so we can get in touch with you as a potential employee (not via our recruiting tool “Job Portal”).

### **1. What personal data we collect and how data is used (purpose of processing)**

- 1.1 If your application profile is linked to our company profile by the recruiting service platform, we process your data (such as name, your email address, your date of birth, your postal address and your phone number) and the documents you provided to the recruiting service platform (CV, certificates, letters, including the data contained therein to your person and your qualification) as well as information and messages additionally provided by you to the recruiting service platform such as your planned starting date, your period of notice or your motivation why you would like to apply, for the purposes of processing your application, including the preparation and conduct of job interviews and recruitment tests and the evaluation of the results and as otherwise necessary within the application process. We contact you in the course of the application to invite you to

a job interview or a recruitment test. During the application process, our HR department will first process your documents. Should your application fit the requirements for the position, your personal and documents will be forwarded to the relevant department.

- 1.2 The legal basis for the processing referred to in Section 1.1 is Section 26 para. 1 sentence 1 of the German Federal Data Protection Act (Bundesdatenschutzgesetz). The processing is necessary for entering into a potential employment relationship.
- 1.3 During the hiring process, your documents will also be made available to the works council for inspection. We hereby fulfil our legal obligations regarding the co-determination rights of the works council.

## **2. Storage time**

If you apply via a recruiting service platform for an open position, your personal data will be generally deleted within six months after the end of the application process, unless you gave your consent that we may store your data for a longer period and inform you about suitable job offers in the future (Art. 6 para. 1 (a) GDPR). In case you accepted a job offer by us, your application data will be stored in your personnel file.

## **IV.XING**

Nintendo operates a company profile (the “**Xing Profile**”) on XING, a platform operated by New Work SE, Am Sandkai 1, 20457 Hamburg, Germany (“**Xing**”). We use the Xing Profile to inform about our company and to get into contact with potential employees.

### **1. What personal data we collect and how data is used (purposes of processing)**

- 1.1 Users have the opportunity to contact us with our Xing Profile. We process the available profile data of the users (such as job title, company name, industrial sector, education, contact details, photo) and the content of the message to process the enquiries of the users and respond to their requests.

The legal basis for this processing is the provision of the services users have requested (Art. 6 para. 1 (b) GDPR).

- 1.2 If a user submits an application to us via Xing, we process the application data (such as name, email address, date of birth, postal address and phone number), the files provided by the user (CV, certificates, letters, including the personal data contained therein and the qualification) as well as information and messages additionally provided by the user for the purposes of processing the user's application, including the preparation and conduct of job interviews and recruitment tests and the evaluation of the results, and as otherwise necessary within the application process. We contact the user in the course of the application process to inform the user about the status of his/her application or to invite the user to a job interview or a recruitment test. During the application process, our HR department will first process the documents. Should the application fit the requirements for the position, the personal data and documents will be forwarded to the relevant department. The legal basis for the aforementioned processing is Section 26 para. 1 sentence 1 of the German Federal Data Protection Act (Bundesdatenschutzgesetz). The processing is necessary for entering into a potential employment relationship.
- 1.3 During the hiring process, documents of the user will also be made available to the works council for inspection. We hereby fulfil our legal obligations regarding the co-determination rights of the works council.
- 1.4 The personal data will be generally deleted within six months after the end of the application process unless the user gave us his/her consent that we may store the data for a longer period and inform the user about suitable job offers in the future (Art. 6 para. 1 (a) GDPR). In case the user accepted a job offer by us, the application data will be stored in his/her personnel file.
- 1.5 We may contact a user if the user's profile raises our interests. In this case, we process the user's profile data. The legal basis is Art. 6 para.1 (f) GDPR. We have a legitimate interest to contact other users via Xing.
- 1.6 If a user registers for an event organized by us via our Xing Profile, we process the profile data to enable the registration and participation. The legal basis is Art. 6 para. 1 (b) GDPR.
- 1.7 Users have the opportunity to share, comment on or "Like" our posts. We process data of the user and the respective interaction to process the enquiries of the users and

respond to their requests. The legal basis for this processing is the provision of the services users have requested (Art. 6 para. 1 (b) GDPR).

## **2. How Xing processes your personal data**

With each visit of our Xing Profile or with each interaction with our posts, Xing may process personal data. Xing may also place cookies (which are small files downloaded to the users' devices). We do not and cannot control this data processing. For more information on how and for what purposes Xing collects, processes personal data and the users' rights and options to protect the privacy, please see the Xing Privacy Policy at <https://privacy.xing.com/en/privacy-policy>. Please note that Xing may process or transfer user data in respectively to the United States or other countries outside the European Economic Area.

## **V. LinkedIn**

Nintendo operates a company profile (the "**LinkedIn Profile**") on LinkedIn, a platform operated by LinkedIn Ireland Unlimited Company, Wilton Place, Dublin 2, Ireland. We use the LinkedIn Profile to inform about our company and to get into contact with potential employees.

### **1. What personal data we collect and how data is used (purposes of processing)**

- 1.1 Users have the opportunity to contact us with our LinkedIn Profile. We process the available profile data of the users (such as job title, company name, industrial sector, education, contact details, photo) and the content of the message to process the enquiries of the users and respond to their requests.

The legal basis for this processing is the provision of the services users have requested (Art. 6 para. 1 (b) GDPR).

- 1.2 If an user submits an application to us via LinkedIn, we process the application data (such as name, email address, date of birth, postal address and phone number), the files provided by the user (CV, certificates, letters, including the personal data contained therein and the qualification) as well as information and messages additionally provided by the user for the purposes of processing the user's application, including the preparation and conduct of job interviews and recruitment tests and the evaluation of the results, and as otherwise necessary within the application process. We contact the

user in the course of the application process to inform the user about the status of his/her application or to invite the user to a job interview or a recruitment test. During the application process, our HR department will first process the documents. Should the application fit the requirements for the position, the personal data and documents will be forwarded to the relevant department. The legal basis for the aforementioned processing is Section 26 para. 1 sentence 1 of the German Federal Data Protection Act (Bundesdatenschutzgesetz). The processing is necessary for entering into a potential employment relationship.

During the hiring process, documents of the user will also be made available to the works council for inspection. We hereby fulfil our legal obligations regarding the co-determination rights of the works council.

The personal data will be generally deleted within six months after the end of the application process unless the user gave us his/her consent that we may store the data for a longer period and inform the user about suitable job offers in the future (Art. 6 para. 1 (a) GDPR). In case the user accepted a job offer by us, the application data will be stored in his/her personnel file.

- 1.3 We may contact a user if the user's profile raises our interests. In this case, we process the user's profile data. The legal basis is Art. 6 para. 1 (f) GDPR. We have a legitimate interest to contact other users via LinkedIn.
- 1.4 If a user registers for an event organized by us via our LinkedIn Profile, we process the profile data to enable the registration and participation. The legal basis is Art. 6 para. 1 (b) GDPR.
- 1.5 Users have the opportunity to share, comment on or "Like" our posts. We process data of the user and the respective interaction to process the enquiries of the users and respond to their requests. The legal basis for this processing is the provision of the services users have requested (Art. 6 para. 1 (b) GDPR).

## **2. How LinkedIn processes your personal data**

With each visit of our LinkedIn Profile or with each interaction with our posts, LinkedIn may process personal data. LinkedIn may also place cookies (which are small files downloaded to the users' devices).

We do not and cannot control this data processing. For more information on how and for what purposes LinkedIn collects, processes personal data and the users' rights and options to protect the privacy, please see the LinkedIn Privacy Policy at <https://www.linkedin.com/legal/privacy-policy> and the LinkedIn Cookies Policy at <https://www.linkedin.com/legal/cookie-policy>. Users can object at [https://www.linkedin.com/psettings/guest-controls/retargeting-opt-out?trk=microsites-frontend\\_legal\\_cookie-policy](https://www.linkedin.com/psettings/guest-controls/retargeting-opt-out?trk=microsites-frontend_legal_cookie-policy).

Please note that LinkedIn may process or transfer user data in respectively to the United States or other countries outside the European Economic Area.

## **VI. Transfer of data to third parties**

- 1.1 If you are interested in a position with other Nintendo group companies (Europe and worldwide), we may transfer your personal data and documents to the relevant departments of the other Nintendo group company. In this event, the Nintendo group company processes your data for the purposes of processing your application and as far as necessary for the establishment of a potential employment relationship (Section 26 para. 1 sentence 1 of the German Federal Data Protection Act (Bundesdatenschutzgesetz)).
- 1.2 Where such Nintendo group companies are located outside the European Union, they are either located in a third country where the European Commission has decided that this country ensures an adequate level of data protection or appropriate safeguards for an adequate level of data protection are provided for by standard data protection clauses that have been adopted by the European Commission and that have been entered into between Nintendo and the other Nintendo group company.
- 1.3 In compliance with applicable data protection requirements, Nintendo may share your personal data with third party processors acting on our behalf (Art. 28 GDPR) and providing services in connection with the recruiting process. Where such third party processors are located outside the European Union, such third party processors are either located in a third country where the European Commission has decided that this country ensures an adequate level of data protection or appropriate safeguards for an adequate level of data protection are provided for by standard data protection clauses that have been adopted by the European Commission and that have been entered into between Nintendo and the third party data processor.

## VII. Your rights under the GDPR

In particular, but without limitation, you may have the following rights under GDPR:

- **Right of access:** You have the right at any time to obtain information from us as to whether or not we process personal data from you and you also have the right to obtain at any time access to your personal data stored by us.
- **Right to rectification of your personal data:** If we process your personal data, we shall endeavour to ensure that your personal data is accurate and up-to-date for the purposes for which we collected your personal data. If your personal data is inaccurate or incomplete, you have the right to obtain the rectification of such data.
- **Right to erasure of your personal data or right to restriction of processing:** You may have the right to obtain the erasure of your personal data or the restriction of processing of your personal data.
- **Right to withdraw your consent:** If you have given your consent to the processing of your personal data, you have the right to withdraw your consent at any time. The withdrawal of the consent does not affect the lawfulness of the processing based on the consent before withdrawal.
- **Right to data portability:** You may have the right to receive the personal data concerning you and which you have provided to us, in a structured, commonly used and machine-readable format or to transmit those data to another controller.
- **Right to object:** You have the right to object to the processing of your personal data at any time if we process your personal data for direct marketing purposes or if we process your personal data in order to pursue our legitimate interest and there are grounds relating to your particular situation.

To exercise the aforementioned rights you may at any time contact us as provided in Section VII. below.

- **Right to lodge a complaint with supervisory authority:** You have the right to lodge a complaint with a data protection supervisory authority located in the European Union.

With regard to any data processing by Xing and/or LinkedIn and your related rights under GDPR, please directly contact Xing and/or LinkedIn.

### **VIII. Contact and data protection officer**

If you have any questions about this Privacy Policy or about Nintendo's data processing activities or if you want to exercise any of your rights under GDPR, you may contact us at any time by mail to Nintendo of Europe SE, Attn.: Legal Department, Goldsteinstrasse 235, 60528 Frankfurt am Main, Germany or via email [privacyinquiry.jobs@nintendo.de](mailto:privacyinquiry.jobs@nintendo.de).

You can also contact our data protection officer at any time by mail to Nintendo of Europe SE, Attn.: Legal Department, Goldsteinstrasse 235, 60528 Frankfurt am Main, Germany or via email [dataprotectionofficer@nintendo.de](mailto:dataprotectionofficer@nintendo.de).