

PHOTRONICS DATA PRIVACY NOTICE

➤ WHAT IS THE PURPOSE OF THIS DOCUMENT?

This privacy notice describes how Photronics, Inc. and its subsidiaries (collectively, “Photronics,” “we,” or “our”) collect and use personal information in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation) (“GDPR”). Photronics is a “data controller.” This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current, former, and prospective employees, workers, contractors, customers, and suppliers. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time and, if we do so, we will upload an updated copy to www.photronics.com as soon as reasonably practical.

It is important that you read and retain this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information and what your rights are under the data protection legislation.

➤ DATA PROTECTION PRINCIPLES

We will comply with data protection law. This means that the personal information we hold about you must be:

1. Used lawfully, fairly and in a transparent way.
2. Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
3. Relevant to the purposes we have told you about and limited only to those purposes.
4. Accurate and kept up to date.
5. Kept only as long as necessary for the purposes we have told you about.
6. Kept securely.

➤ THE KIND OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection, such as information about a person’s personal lifestyle, background, or beliefs.

We will collect, store, and use the following categories of personal information about you (“Personal Data”):

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses.
- Date of birth.
- Gender.
- Marital status and dependents.
- Next of kin and emergency contact information.
- Bank account details, payroll records and tax status information.
- Salary, compensation (including bonus, benefits, tax rates and allowances, and stock option information), and benefits information (including retirement fund details).
- Start date and, if different, the date of your continuous employment.
- Leaving date and your reason for leaving.
- Location of employment or workplace.
- Copy of driver’s license.
- Recruitment information (including educational history, references, and other information included in a resume, cover letter, application, or as part of the application process).
- Employment records (including job titles, work history, working hours, holidays, training records, professional memberships, and employment status checks).
- Compensation history.
- Performance information.
- Disciplinary and grievance information.
- Workplace video monitoring.
- Information about your use of our information and communications systems.
- Photographs.
- Financial account information.
- Data collected automatically through the Photronics website (such as IP addresses, browser characteristics, device characteristics, operating system, language preferences, referring URLs, information on actions taken on our website, and dates and times of website visits).

We believe that we have a legitimate interest in processing Personal Data in the context of the overall employment or contractual relationship. Some of the above grounds for processing may overlap and there may be several grounds which justify our use of Personal Data.

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your personal lifestyle, background, or beliefs.
- Information about your health, including any medical condition, health and sickness records, including:
 - where you leave employment and under any benefits plan operated by Photronics the reason for leaving is determined to be ill-health, injury, or disability, the records relating to that decision;
 - details of any absences (other than holidays) from work including time on sick leave; and statutory leave including, maternity leave, paternity leave, shared parental leave, statutory Adoption Leave, and parental leave.
 - where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.
- Genetic information and biometric data.
- Information about criminal convictions and offenses.

➤ **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about employees, workers and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies, or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

➤ **HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information under the following circumstances pursuant to Article 6 of the GDPR:

1. You have given consent to the processing of your personal data for one or more specific purposes;
2. Processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract;
3. Processing is necessary for compliance with a legal obligation to which we are subject;
4. Processing is necessary in order to protect your vital interests or of another natural person;
5. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;

6. Processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data, in particular where the data subject is a child.

- **Situations in which we will use your personal information**

We may process personal data about you and, if applicable, your dependents, for purposes such as:

- Human Resources and personnel management, such as staffing; recruiting; verifying background and qualifications (if and when relevant to your job function and in compliance with the law); offering and administering payroll, insurance, and other benefits including pensions and stock options including stock purchase programs; managing work-related expenses; evaluating performance; training and career development; managing disciplinary and termination processes; responding to personnel grievances; enforcing compliance with internal policies; providing relocation related, travel, or other mobility related support; complying with applicable legal requirements; and performing other administrative and managerial tasks.
- Business operations, such as engaging a prospective party in business transactions including the purchase, sale, lease, merger, or other type of acquisition, disposal, securitization or financing (in whole or in part) involving Photronics; managing the company's assets; selecting, managing, and deploying contractors, vendors, suppliers, advisors, other professional experts, and Photronics personnel to perform work for Photronics; providing IT, finance, legal, and management services such as strategic planning, budgeting and financial forecasting, allocation of human resources, research and development, real estate and property management, storage, and computing; safeguarding IT infrastructure, equipment, and other Photronics property and ensuring business continuity; preventing and managing security incidents and providing security services; administering occupational health and safety initiatives; authenticating worker status to authorize access to Photronics resources and facilities or to assist in authorizing access to Photronics client facilities; operating maintenance departments; maintaining business records, compiling audit trails, and implementing other reporting tools; contacting or assisting personnel and others in case of emergency; and other general administrative and operation tasks.
- Compliance with legal and other requirements, such as duties under labor laws and regulations; record-keeping and reporting obligations; government requests, inspections, and investigations; responding to legal process such as subpoenas; protecting the legal rights of Photronics, our personnel, or others; detecting and preventing crime, fraud, and conflicts of interests; auditing compliance with Photronics standards, procedures, and contractual obligations; and in the good faith belief that such use is necessary to adhere to applicable laws or perform any of the purposes described in this Notice.
- In some cases, Photronics may collect personal data (including sensitive personal data) about your family members, close personal relationships, beneficiaries, and emergency contacts for certain purposes described below (such as the provision of health care or life insurance benefits

to you or your dependents or in case you experience a medical emergency at work). If you provide personal data about others, Photronics will rely on you (unless otherwise required by law) to communicate to those individuals that you are providing us with their personal data, to inform them that they continue to have privacy rights in such personal data, and to obtain their consent, as necessary, for us to process their personal data (including explicit consent where necessary for the collection and disclosure of sensitive personal data) as described in this Notice. Photronics will respect the privacy rights of those individuals whose personal data you provide us.

- **If you fail to provide personal information**

If you fail to provide certain information when requested, subsequently withdraw consent, or otherwise exercise your right to restrict processing, 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).

- **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

➤ **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

Special categories of particularly sensitive personal information require higher levels of protection under Article 9 of the GDPR.

We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. You have given explicit consent to the processing of your personal data for one or more specified purposes;
2. Processing is necessary for the purposes of carrying out our or your obligations and exercising our specific rights in the field of employment and social security and social protection law providing for appropriate safeguards for your fundamental rights and interests;
3. Processing is necessary to protect your vital interests or of another natural person where you are physically or legally incapable of giving consent;
4. Processing relates to personal data which are manifestly made public by you;

5. Processing is necessary for the establishment, exercise or defense of legal claims or whenever courts are acting in their judicial capacity;
6. Processing is necessary for reasons of substantial public interest;
7. Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
8. Processing is necessary for reasons of public interest in the area of public health;
9. Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

- **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory maternity pay, statutory sick pay, pensions and permanent health insurance.
- If you leave employment and under any benefits plan operated by Photronics the reason for leaving is determined to be ill-health, injury or disability, we will use information about your physical or mental health, or disability status in reaching a decision about your entitlements under the applicable plan.
- We will use “special categories” of more sensitive personal information to ensure meaningful equal opportunity monitoring and reporting.

- **Do we need your consent?**

- We do not need your consent if we use special categories of your personal information in accordance with our written policy to carry out our legal obligations or exercise specific rights in the field of employment law. In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

➤ AUTOMATED DECISION-MAKING

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

1. Where we have notified you of the decision and given you 21 days to request a reconsideration.
2. Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.
3. In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

➤ DATA SHARING

We may have to share your data with third parties, including third-party service providers and other entities in our group.

We require third parties to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU.

If we do, you can expect a similar degree of protection in respect of your personal information.

• **Why might you share my personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you, or where we have another legitimate interest in doing so.

• **Which third-party service providers process my personal information?**

“Third parties” includes third-party service providers (including contractors, suppliers, and designated agents) and other entities within our group. Photonics will only disclose information about you to third parties if we are legally obligated to do so or where we need to comply with our contractual duties to you.

- **How secure is my information with third-party service providers and other entities in our group?**

All our third-party service providers and other entities in the group are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

- **When will we share your personal information with other entities in the Photronics group?**

We will share your personal information with other entities in our group in connection with our regular business practices.

- **What about other third parties?**

We may share your personal information with other third parties in connection with our legitimate business interests. In this situation we will, so far as possible, share anonymised data with the other parties.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

- **Transferring information outside the EU**

We may transfer the personal information we collect about you to the United States of America in order to perform our contract with you. There is an adequacy decision by the European Commission in respect of the United States of America. This means that the United States of America is deemed to provide an adequate level of protection for your personal information.

We have put in place measures to protect the security of your information. Details of these measures are available upon request or on the intranet.

Third parties will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors, suppliers, and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so. If you require further information about these protective measures, it is available on photronics.com.

➤ **DATA RETENTION**

• **How long will you use my information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal information are available in our retention policy which is available on our intranet. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker, customer, or contractor of the company we will retain and securely destroy your personal information in accordance with applicable laws and regulations.

➤ **SAFEGUARDS**

We will comply with the eight data protection principles in the GDPR which states that Personal Data must be:

- processed fairly and lawfully;
- obtained only for one or more specified and lawful purposes and not be further processed in any manner incompatible with that purpose or those purposes;
- be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- be accurate and, where necessary, kept up to date;
- shall not be kept for longer than is necessary for lawful purposes;
- shall be processed in accordance with the rights of data subjects under the GDPR;
- protected by having appropriate technical and organisational measures in place to safeguard against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, the Personal Data;
- personal data shall not be transferred to a country or territory outside the EU unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

➤ **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

- **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

- **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing.
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct, or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please use the contact information below.

- **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

- **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

➤ **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please email privacy@photronics.com. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

➤ **DATA PROTECTION OFFICER**

We have appointed Richelle E. Burr, Photronics' Vice President, General Counsel, and Secretary, as the data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to any relevant national authority for data protection issues.

➤ **RECOURSE**

You may file a complaint concerning our processing of your Personal Data. The complaint should be sent to privacy@photronics.com. We will investigate and attempt to resolve any complaints or disputes regarding the use or disclosure of Personal Data within 45 days of receiving a complaint. For any unresolved complaints, we commit to cooperate with the EU data protection authorities. You may submit your complaint to the appropriate resolution panel of the responsible data protection agency (DPA). We will ensure that you do not incur any costs in your application to the DPA. The decision of the DPA shall be binding upon us. Contact details for the EU data protection authorities can be found at:

http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm.

If a complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for claims not resolved by other redress mechanisms.

➤ **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have any questions about this privacy notice, please contact privacy@photronics.com.