

## Fluence Energy, LLC Privacy Shield Policy

This Privacy Shield Policy (“**Policy**”) describes how Fluence Energy, LLC and its subsidiaries and affiliates in the United States (“**US**”) (“**Fluence**”, “**Company**,” “**we**,” or “**us**”) collect, use, and disclose certain personally identifiable information that we receive in the US from the European Economic Area (“**EEA Personal Data**”). At the date of this Policy, our only US affiliated entity is Fluence Energy, LLC. If and when Fluence Energy, LLC establishes or acquires additional US affiliated entities, this Policy also will apply to those new entities.

Fluence 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 customers, suppliers, job applicants and employees received in the US, Fluence has elected to self-certify to the EU-US Privacy Shield Framework administered by the US Department of Commerce (“**Privacy Shield**”) Fluence 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, Fluence 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 Fluence’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

#### Non-Employees

Our Website Privacy Policy located at [www.fluenceenergy.com](http://www.fluenceenergy.com) describes the categories of EEA Personal Data that we may receive in the US through our public website, as well as the purposes for which we use that EEA Personal Data.

Aside from our website, we may collect the following categories of EEA Personal Data in the US pertaining to individuals who are not Fluence job applicants, employees and independent contractors: Names, addresses, telephone numbers, fax numbers, email addresses, nationality, employer names, job titles and other business contact information. We process EEA Personal Data of such individuals for the following purposes: (a) sales, marketing and business development activities, (b) procurement and purchasing activities, (c) engineering, design and development activities. Fluence will only process EEA Personal Data in ways that are compatible with the purpose that Fluence collected it for, or for purposes the individual later authorizes.

Before we use your EEA Personal Data for a purpose that is materially different than the purpose we collected it for or that you later authorized, we will provide you with the opportunity to opt out. Fluence uses reasonable efforts to help ensure that EEA Personal Data is reliable for its intended use, accurate, complete, and current.

## **Employees and Individual Independent Contractors**

We may collect the following categories of EEA Personal Data in the US pertaining to job applicants, employees and independent contractors for Fluence or its subsidiaries and affiliates: names, addresses, telephone numbers, fax numbers, email addresses, nationality, age and date of birth (including for family members and dependents) tax identification numbers (including for family members and dependents), government identification numbers such as driver's license or passport numbers, elections made regarding Company benefit plans and fringe benefits (including for family members and dependents), bank account information, drug test results, the results of background checks, current and previous employment and compensation information, educational records, and religious affiliations. We process EEA Personal Data of such individuals for employment-related purposes, where allowed or required by applicable law, such as onboarding and termination procedures, payroll administration and processing, the provision and administration of benefit plans and fringe benefits, any required governmental reporting, travel arrangements, expense reimbursements. Fluence will only process EEA Personal Data in ways that are compatible with the purpose that Fluence collected it for, or for purposes the individual later authorizes. Before we use your EEA Personal Data for a purpose that is materially different than the employment-related purposes we collected it for or that you later authorized, we will provide you with the opportunity to opt out. Fluence maintains reasonable procedures to help ensure that EEA Personal Data is reliable for its intended use, accurate, complete, and current.

In addition to the categories described above, we may collect the following categories of sensitive EEA Personal Data pertaining to job applicants, employees and independent contractors for Fluence or its subsidiaries or affiliates: racial or ethnic origin, trade-union membership, data concerning health or sex life. We process sensitive EEA Personal Data for the following purposes where allowed or required by applicable law: monitoring of Company demographic and diversity data, compliance with applicable laws concerning disability accommodations, compliance with applicable laws and contracts regarding collective bargaining and labor relations. 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 we collected it for 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, including sales and marketing providers for Fluence's business, payroll administrators, benefits providers and administrators, travel services and Fluence's banks that support payroll and expense reimbursement activities. Where required, 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, Law Enforcement or other Legal Compliance.** 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**

Fluence 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 to 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 4300 Wilson Blvd. Suite 900, Arlington VA 22203 USA, Attention: General Counsel. You may also contact our EEA affiliate, Fluence Energy GmbH, at Schallershofer Str. 143, 91056 Erlangen, Germany, Attention: Managing Director, with any questions or concerns. You also can

submit questions and complaints through the Fluence Ethics and Compliance Helpline at [fluenceenergy.ethicspoint.com](http://fluenceenergy.ethicspoint.com).

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 [https://www.bfdi.bund.de/DE/Service/Kontakt/kontakt\\_node.html](https://www.bfdi.bund.de/DE/Service/Kontakt/kontakt_node.html). A form for submitting complaints to the EU data protection authorities is available at [https://www.bfdi.bund.de/SharedDocs/ExterneLinks/Sachthemen/Beschwerdeformular\\_Datenverarbeitung.html?nn=5217040](https://www.bfdi.bund.de/SharedDocs/ExterneLinks/Sachthemen/Beschwerdeformular_Datenverarbeitung.html?nn=5217040).

**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 Fluence and provided us the opportunity to resolve the issue; and (2) 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 the US Department of Commerce's Privacy Shield Framework: Annex I (Binding Arbitration) at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

## **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: Fluence Energy, LLC, 4300 Wilson Blvd., Suite 900, Arlington, VA 22203 USA, Attention: General Counsel.

## **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: 22 May 2018**

**Last modified: 22 May 2018**