

CANDIDATES (INCLUDING INTERNS AND TEMPORARY STAFF)

PRIVACY NOTICE FOR MAINLAND CHINA

应聘者（包括实习生和临时员工） 中华人民共和国（“中国大陆”）隐私声明

Thank you for your interest in our job opportunities. At the BorgWarner group of companies we take data protection very seriously and are committed to respecting and protecting your privacy. We have developed this Notice in particular to clearly inform you about how we collect, use, disclose and otherwise process personal data as required by applicable law or as we require in the course of fulfilling our professional responsibilities and operating our business as well as about your rights under applicable Mainland China data protection laws and regulations. Please find descriptions of all definitions used in Annex 1 of this Notice.

感谢您对我们的工作机会感兴趣。博格华纳集团下属公司非常重视数据保护，并承诺尊重和您的隐私。我们特别制定本声明以明确告知您，我们根据适用法律的要求或根据我们在履行专业职责和运营业务的过程中的需要，如何收集、使用、披露和处理个人信息，以及您在适用的中国大陆数据保护法律法规下享有的权利。关于所有定义的说明，请参见本声明附件1。

1. For whom is this Privacy Notice? 本隐私声明对谁适用的？

This Notice covers our processing of personal data under applicable Mainland China data protection laws and regulations with respect to candidates (including interns, and temporary staff) that apply for a position at an entity of the BorgWarner group in **Mainland China**. Should you apply online via the Online Application Tool please also note the **Website Privacy Notice** available [here](#).

本声明详述我们根据适用的中国大陆数据保护法律法规，对于申请在**中国大陆**的博格华纳集团实体的职位的应聘者（包括实习生和临时员工）的个人信息处理活动。如果您通过线上申请工具进行线上申请，您也需要注意[此处](#)提供的**网站隐私声明**。

2. Who are we and how can you contact us? 我们是谁以及您如何联系我们？

The controller of your personal data is the BorgWarner entity which offers the vacancy you are applying for or to which you apply for a position proactively.

您个人信息的数据处理者会是提供您所申请的职位或您主动向其申请职位的博格华纳实体。

A list of the relevant BorgWarner entities with their contact details as well as for information regarding the contact details of the relevant data protection officer or other privacy contact (if no data protection officer is appointed locally by the relevant BorgWarner entity), please contact chinadataprivacy@borgwarner.com.

关于相关博格华纳实体的列表以及联系方式，包含数据保护官或者其他数据保护联系人（如果该实体无数据保护官）的联系方式，您可联系chinadataprivacy@borgwarner.com。

In any case, you may always contact chinadataprivacy@borgwarner.com with respect to questions about this Notice, the processing of your personal data in general and to exercise your rights towards BorgWarner as outlined below under no. 8.

在任何情况下，关于本声明、对您的个人信息的一般处理，以及行使下述第8条所列举的您对博格华纳的权利的相关问题，您可联系chinadataprivacy@borgwarner.com。

3. How and what data do we collect?

我们如何收集以及收集哪些数据？

With your consent, we generally collect your personal data (including sensitive personal data, where applicable) directly from you (e.g. if you provide information about you via the Online Application Tool or alongside your application that you mail to us):

经您同意，我们通常会直接向您收集（例如，如果您通过线上申请工具或您邮寄申请时向我们提供的）您的个人信息（如适用，包括敏感个人信息）：

- *Contact details*, such as name, address (including country), telephone number and email address;
联系方式，例如姓名、地址（包括国家/地区）、电话号码和电子邮件地址；
- *Application data*, such as resume, job history, academic history, job reference, experience, certificates and qualifications;
申请数据，例如简历、工作经历、学术经历、工作推荐信、经验、证书和资格；
- *Premise visit data* should you be invited and come to an on-premise job interview, such as pictures/videos of you (should you visit areas on company premises monitored with CCTV due to security concerns), log data of entry and exit from company premises and vehicle information (e.g. license plate number);
场所访问数据，如果您被邀请参加现场面试，例如您的照片/视频（如果您参观的公司场所基于安全原因安装了闭路电视监控系统）、进出公司场所的日志数据和车辆信息（例如车牌号码）；
- *Interview data* should you attend a virtual job interview, such as pictures/video recordings;
面试数据，如果您参加了线上面试，例如照片/视频记录；
- Any other data you provide us with in your application and over the course of the application process, such as your health condition (if relevant to your application);
您在申请中和申请过程中向我们提供的任何其他数据，例如您的健康状况（如果您的申请相关）；

In some cases, we may collect personal data about you from other sources:

在某些情况下，我们可能会从其他来源收集您的个人信息：

- *Recruitment agencies* (contact details, application details);
招聘机构（联系方式、申请详情）；
- *Publicly available or publicly accessible sources* (e.g. third party online recruitment platform).
可公开获得或可公开访问的来源（例如第三方线上招聘平台）。

You can choose whether or not to provide us with your personal data unless there is an obligation for such provision by local regulations or where we have to collect personal data for compliance with a legal obligation to which we are subject. However, if you do not provide your personal data, we might not be able to decide whether you qualify for a vacancy. In some cases this may mean that we will be unable to hire you. 您可以选择是否向我们提供您的个人信息，除非在当地法律法规规定有义务提供外，或者为了遵守我们所承担的法律义务，我们必须收集您的个人信息。但是，如果您不提供您的个人信息，我们可能无法决定您是否符合该职位的任职资格。在某些情况下，这可能意味着我们无法聘用您。

4. How is your data used? 您的数据是如何被使用的？

With your consent, we will process your personal data (including sensitive personal data, where applicable) to make our hiring decision, operate our business and comply with our legal obligations. More specifically, we process your personal data for the purposes set forth in the table below.

经您同意，我们将处理您的个人信息（如适用，包括敏感个人信息），以做出我们的招聘决定，经营我们的业务并遵守我们的法律义务。具体而言，我们将根据下表所列的目的处理您的个人信息。

Categories of personal data 个人信息的类别	Purpose of processing 处理数据的目的
Contact details 联系方式	To respond to your application 以回应您的申请
Contact details, application data, interview data, any other data you provide us with in your application and over the course of the application process 联系方式、申请数据、面试数据以及您在申请中和申请过程中向我们提供的任何其他数据	To assess your suitability to work for us and make a decision whether to offer you employment. 以评估您是否适合申请的工作，并决定是否聘用您 To consider and adjustments or accommodations for the recruitment process or if you were to commence work with us in the event you have a disability. 以考虑和调整对招聘程序，或所需的特殊工作安排（如果您有相关残疾情况）。
Contact details, application data, interview data, any other data you provide us with in your application and over the course of the application process 联系方式、申请数据、面试数据以及您在申请中和申请过程中向我们提供的任何其他数据	To ensure that you are a suitable candidate for a vacancy 以确保您是该职位的合适人选
Contact details, application data, interview data, any other	To offer jobs and provide contracts of employment 以提供工作岗位和雇佣合同

<p>data you provide us with in your application and over the course of the application process 联系方式、申请数据、面试数据以及您在申请中和申请过程中向我们提供的任何其他数据</p>	
<p>Contact details, application data, interview data, any other data you provide us with in your application and over the course of the application process 联系方式、申请数据、面试数据以及您在申请中和申请过程中向我们提供的任何其他数据</p>	<p>To include you in our talent pool and contact you should a suitable position be available 以将您纳入我们的人才库，并在有合适的职位时与您联系</p>
<p>Pictures/videos of you 您的照片/视频</p>	<p>To operate CCTV on our premises (if any) 以在我们的场所内操作闭路电视监控系统（如有）</p>
<p>Contact details, premise visit data 联系方式、场所访问数据</p>	<p>To facilitate visits to our premises and ensure security of our premises 为访问我们的场所提供便利，并确保我们的场所的安全</p>
<p>Contact details 联系方式</p>	<p>To protect your vital interests or those of another natural person (this will only apply in case you require emergency medical care while visiting our premises but are unconscious or otherwise incapable of giving consent) 以保护您或其他自然人的重要利益（此条仅适用于您在访问我们场所时需要紧急医疗护理，但失去意识或因其他原因无法给予同意的情况时）</p>
<p>Contact details, application data, premise visit data, any other data you provide us with in your application and over the course of the application process 联系方式、申请数据、场所访问数据以及您在申请中和申请过程中向我们提供的任何其他数据</p>	<p>To safeguard our rights 以维护我们的权利</p>
<p>Contact details, application data, premise visit data, any other data you provide us with in your application and over</p>	<p>To comply with legal obligations to which we are subject (e.g. deriving from tax law, foreign trade law or sanctions regulations)</p>

<p>the course of the application process 联系方式、申请数据、场所访问数据以及您在申请中和申请过程中向我们提供的任何其他数据</p>	<p>以遵守我们所承担的法律义务（例如根据税法、对外贸易法或制裁法规）</p>
<p>Contact details, application data, premise visit data, any other data you provide us with in your application and over the course of the application process 联系方式、申请数据、场所访问数据以及您在申请中和申请过程中向我们提供的任何其他数据</p>	<p>To carry out compliance investigations 以进行合规调查</p>
<p>The data categories correspond to those listed with respect to the relevant purpose for processing. 与所列的相关处理目的相对应数据类别</p>	<p>For any of the above listed purposes it might be necessary to transfer data to our Affiliates 由于任何上述所列的目的，有必要将数据传输至我们的关联公司</p>

If we wish to use your personal data for purposes other than those stated above, we will obtain your consent where required by applicable laws and regulations.

如果我们希望将您的个人信息用于上述以外的其他目的，在适用法律法规要求的情况下，我们将获得您的同意。

5. Who has access to your information (recipients)?

谁可以访问您的信息（接收者）？

Within the Controller, only authorized BorgWarner employees with appropriate responsibilities have access to your personal data. In addition, and subject to your consent, we may share your personal data (including your sensitive personal data, where applicable) with the following categories of recipients:

数据处理者内部只有经授权并承担相应职责的博格华纳员工才可以访问您的个人信息。此外，在征得您的同意的情况下，我们可能会与以下类别的接收者共享您的个人信息（如适用，包括您的敏感个人信息）：

5.1 We may share your personal data with service providers that process personal data on our behalf and subject to our instructions as so-called processors, for the purpose of providing their professional services to us:

为了向我们提供专业服务可能会与代表我们处理个人信息并作为所谓的处理者遵守我们的指示的服务提供商共享您的个人信息：

- Online Application Tool provider

线上申请工具提供商

- IT service providers (HR systems and application portals, hosting services, email services, document processing software)
IT 服务提供商（人力资源系统和应用程序门户、托管服务、电子邮件服务、文件处理软件）
- Background check service providers
背景调查服务提供商

5.2 We may share your personal data with the following third parties: 我们可能会与以下第三方共享您的个人信息：

- Other entities of the BorgWarner group of companies: We may share your personal data with other entities of the BorgWarner group of companies for the purposes listed in no. 4 above.
博格华纳集团下属公司的其他实体：为了上述第4条所列的目的，我们可能会与博格华纳集团下属公司的其他实体共享您的个人信息。
 - Other third parties:
其他第三方：
 - Tax and other state authorities (including social security institutions and law enforcement agencies) for the purpose of compliance with laws and regulations applicable to us
税务和其他国家机关（包括社会保障机构和执法部门），为了遵守适用于我们的法律法规
 - Consultants (lawyers and auditors) for the purpose of compliance with legal obligations and safeguarding our rights
顾问（律师和审计师），为了遵守法律义务并维护我们的权利
- Courts in Mainland China and outside Mainland China for the purpose of safeguarding our rights
中国大陆和中国大陆以外的法院，为了维护我们的权利。

Where we share your personal data with these third-party vendors, we will put in place contracts with these third-party vendors to ensure your personal data in accordance with our instructions and to adopt security measures to protect your personal data.
当我们与这些第三方供应商共享您的个人信息时，我们将与这些第三方供应商签订协议，以确保您的个人信息符合我们的指示，并采取安全措施保护您的个人信息。

6. Do we transfer your data internationally (third country transfers)? 我们是否会将您的数据进行国际传输？

With your consent, we may transfer your personal data (and sensitive personal data, where applicable) to recipients that may be located outside Mainland China such as in the US. These countries may not offer a level of protection equivalent to the one granted in Mainland China.

经您同意，我们可能会将您的个人信息（如适用，包括敏感个人信息）传输给位于中国大陆以外的接收者，例如美国。这些国家提供的保护水平可能无法与在中国大陆提供的保护水平相当。

Where personal data is transferred to locations outside Mainland China, we will ensure that the recipient entities provide an adequate level of data protection that is at least comparable to the protection set out under applicable law to protect the integrity and security of your personal data before transferring personal data by execution of appropriate data transfer agreements or confirming there are in place adequate security measures and other controls.

在将您的个人信息传输至中国大陆以外的地方时，我们将在数据传输前通过签署适当的数据传输协议或确认已采取适当的安全措施和其他控制措施，确保接收者实体提供的保护水平至少应与适用法律所规定的保护水平相当，以保护您的个人信息的完整性和安全性。

7. How long do we store your data and how we protect your data?

我们会将您的数据存储多久，以及我们如何保护您的数据？

We take all reasonable steps and maintain appropriate physical, technical and administrative safeguards to ensure the confidentiality, integrity, privacy, and availability of your personal data.

我们将采取所有合理措施并维持适当的物理、技术和行政保护措施，以确保您的个人信息的保密性、完整性、隐私性和可用性。

Your personal data will generally only be stored until the personal data are no longer necessary in relation to the purposes for which they were collected (or otherwise processed).

您的个人信息通常仅存储至对于其收集（或以其他方式处理）的目的，或个人信息不再必要时。

If we cannot offer you the job which you are applying for, we will delete your personal data in accordance with the requirements of applicable laws and regulations, at the latest six months after the completion of the application process.

如果我们无法向您提供您正在申请的工作，我们将根据适用的法律法规的要求，最迟在申请程序结束后的六个月内删除您的个人信息。

In case you consent to storage of your personal data in the internal talent pool, we will store the data for a period of 12 months from the time you have been informed that the initial application was unsuccessful. This storage period will be extended by six months each time we contact you specifically in relation to the initiation of an employment with us.

如果您同意在内部人才库中存储您的个人信息，我们将在您被告知首次申请未成功之时起12个月内存储该等数据。每次就与您初次申请的职位与您联系后，我们将延长六个月的保存期。

As an exception, personal data may be stored longer where their processing is necessary for compliance with a legal obligation – including compliance with statutory retention periods – to which we are subject or for the establishment, exercise or defense of legal claims.

为了遵守雇主应承担的法律义务，或为了建立、行使或辩护法律诉求的例外情况下，而必须对此个人信息进行处理时，相应保存时间可能会延长。

8. What data subject rights do you have in Mainland China? 您在中国大陆地区拥有哪些数据主体权利？

8.1 **Right of access.** You may request information about the processing of your personal data and a copy of the personal data undergoing processing insofar as such copy does not adversely affect the rights and freedoms of others.

访问权。您可要求获取关于您的个人信息处理的信息，以及正在进行处理的个人信息的副本，前提是该等副本不会对他人的权利和自由造成负面影响。

8.2 **Right to rectification.** You may request correction of your personal data that is inaccurate and/or completion of such data which is incomplete.

更正权。您可要求更正不准确的个人信息和/或补全其完整的个人信息。

8.3 **Right to erasure.** You may request deletion of your personal data, in particular where (i) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed, (ii) you objected to the processing (iii) your personal data has been unlawfully processed or (iv) your personal data has to be erased for compliance with a legal obligation to which we are subject. The right to deletion, however, does not apply in particular where the processing of your personal data remains necessary in accordance with relevant laws and regulations such as employment or tax laws, or for compliance with a legal obligation or for the establishment, exercise or defense of legal claims.

删除权。您可要求删除其个人信息，尤其是在以下情况下：（i）该个人信息对于收集时或其他处理的目的不再是必要的；（ii）您反对处理；（iii）您的个人信息被非法处理；或（iv）为遵守我们应承担的法律义务，您的个人信息必须被删除。但是，删除权不适用于以下情况，尤其是：根据相关法律法规（例如劳动法或税法），或为遵守法律义务或为了建立、行使或辩护法律诉求，仍有必要对您的个人信息进行处理。

8.4 **Right to data portability.** You may request to receive your personal data, which you have provided to us, in a structured, commonly used machine-readable format and transmit those data to another controller without hindrance from us, where the processing is based on consent or a contract and the processing is carried out by automated means; in these cases you may also request to have the personal data transmitted directly to another controller where this is technically feasible (data portability).

数据携带权。如果个人信息的处理是基于您的同意或基于协议且以自动化的形式，您可要求以结构化的、通常的机器可读的格式，来获取您提供给我们的关于您的个人信息；在这些情况下，如果技术上可行，您也可要求将个人信息直接传输给另一位处理者。

8.5 **Right to limit or withdraw consent.** You may limit or withdraw your consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

限制或撤回同意的权利。您可在任何时间限制或撤回您的同意，撤回前不影响基于同意而进行的数据处理的合法性。

8.6 **Right to lodge a complaint.** You may lodge a complaint with us and/or a supervisory authority, if you have a privacy-related dispute or concern that remains unresolved by us internally. You may also bring a civil action against us in accordance with applicable laws. However, we would encourage you to first contact us should you have any requests for exercising your data subject rights, or for any enquiries and complaints.

投诉权。如果您有就与我们内部未能解决的与隐私相关的争议或顾虑，您可以向我们和/或监管机构提出投诉。您也可以根据适用的法律对我们提起民事诉讼。但是，如果您要求行使您的数据主体权利或任何咨询和投诉，我们鼓励您首先联系我们。

Please address your requests to exercise your rights or questions about this Notice to chinadataprivacy@borgwarner.com.

您提出请求，行使您的权利的请求或关于本声明的问题，请将电子邮件发送至：chinadataprivacy@borgwarner.com。

9. **Changes to this Notice**

本声明的变更

We reserve the right to amend or modify this Notice at any time to ensure compliance with applicable laws. Please check regularly whether this Notice has been updated. We will notify you and obtain your consent in case of material changes as required by applicable laws.

我们保留在任何时候修改或修改本声明的权利，以确保遵守适用的法律。请定期查看本声明是否已更新。在发生适用的法律规定的重大更改时，我们将通知您并获得您的同意。

This Notice has been updated last in July 2023.

本声明最近一次更新时间为2023年7月。

Annex 1 – Definitions

附录1 - 定义

The terms and expressions in capital letters used in this Notice have the meanings set forth below. Additionally, the definitions included in applicable Mainland China laws and regulations shall apply.

本声明中使用大写字母的术语和表述具有以下含义。此外，适用的中国大陆法律法规中的定义同样适用。

“Affiliate” shall mean BorgWarner Inc. and any entity which directly or indirectly controls, or is controlled by, BorgWarner Inc. ‘Control’ means direct or indirect ownership or domination of more than 50% of the voting interest of the respective entity.

“关联公司”指博格华纳公司以及直接或间接控制博格华纳公司或被博格华纳公司控制的任何实体。“控制”指直接或间接拥有或支配相关实体超过 50%的表决权。

“Controller”, **“we”**, **“us”**, **“our”** shall mean the BorgWarner entity which is controller of your personal data according to no. 2 of the Notice.

“控制者”、**“我们”**、**“我们的”**指根据本声明第2条作为您的数据处理者的博格华纳实体。

“Notice” shall mean this privacy notice for candidates (including interns and temporary staff) in Mainland China.

“声明”指针对中国大陆的应聘者（包括实习生和临时员工）的本隐私声明。

“Mainland China” shall mean People’s Republic of China, and shall exclude for the avoidance of doubt, Hong Kong SAR, Macau SAR, and Taiwan.

“中国大陆”指中华人民共和国，为避免疑问，不包括香港特别行政区、澳门特别行政区和台湾地区。

“Online Application Tool” shall mean the tool that can be accessed via the website of the BorgWarner group of companies in order to apply for vacancies online. Said tool is hosted by a service provider which processes the collected personal data on our behalf (as a so called processor).

“线上申请工具”指可通过访问博格华纳集团下属公司的网站进行线上申请的工具。该工具由代表我们处理收集到的个人信息的服务提供商（即所谓的处理方）托管。