

PRIVACY NOTICE

SMURFIT EXECUTIVE PENSION FUND (THE "FUND")

1. INTRODUCTION

- 1.1 This Privacy Notice provides guidance and information to Members of the Fund (the "Members") regarding the processing of personal data by the Trustee of the Fund.
- 1.2 The Trustee of the Fund ("Trustee", "us", "we" or "our") is committed to protecting and respecting your privacy. This Privacy Notice sets out the basis on which any personal data we collect from you or that you provide to us will be processed. Please read this Privacy Notice carefully to understand our treatment and use of personal data.
- 1.3 In this Privacy Notice, references to "you" and "your" means the Members whose personal information we collect, use and process.
- 1.4 We will use your personal data only for the purposes and in the manner set forth below, which describes the steps we take to ensure the processing of your personal data is in compliance with the Data Protection Acts 1988 to 2018 and Regulation (EU) 2016/679 the (the "General Data Protection Regulation" or "GDPR") and all other applicable data protection and privacy laws (collectively referred to as "Data Protection Legislation").
- 1.5 We seek to maintain the privacy, accuracy, and confidentiality of data (including your personal data and special categories of data) that we collect and use concerning the Members.

2. IDENTITY OF THE CONTROLLER OF PERSONAL INFORMATION

- 2.1 For the purposes of Data Protection Legislation, the data controller is the Trustee of the Fund. We are the data controller of the information we collect, or which is collected on our behalf or made available to us about members, their spouses, partners, dependents and/or beneficiaries, or any of their lawful representatives, relating to and for the purpose of administering the Fund.

The Trustee has appointed:

- Aon Hewitt (Ireland) Limited t/a Aon (the "Fund Administrator") to provide the Fund's administration and member support services;
- Aon Hewitt (Ireland) Limited t/a Aon to act as Fund actuary (the "Fund Actuary");
- Eversheds Sutherland to provide legal services in relation to the Fund (the "Legal Adviser");
- other service providers with whom your personal data may be shared for the purposes of administering your pension benefits and the Fund more generally, valuing the Fund to assess and maintain its ability to pay out required pension benefits, and complying with its legal obligations and maintaining good governance practices (see further below).

While performing certain functions the Fund Administrator, Fund Actuary, Legal Adviser and certain other service providers may each act as a data controller of your personal data. Where this is the case, the relevant third party's privacy notice will set out ways in which they may use your personal data.

3. WHEN DOES THIS PRIVACY NOTICE APPLY

- 3.1 This Privacy Notice applies to personal information that we collect, use and otherwise process about you to run the Fund and pay benefits to you as a member of the Fund.

4. PROCESSING OF YOUR PERSONAL DATA

- 4.1 How and why do we process your personal data?

The personal data we collect from you or through our systems helps us manage our relationship with you but also to comply with our legal obligations or for the conduct of the Fund. The personal data we collect, the basis of processing and the purposes of processing are detailed below. Sometimes, these activities are carried out by third parties, including the Fund Administrator (see "Sharing of Personal Data" section below).

Personal data	Basis of processing	Purpose of processing
Personal information (including first, middle and last name, gender, date of birth, address, email address, phone number, birth certificate and PPS number).	It is necessary for the performance of our duties under the Trust Deed & Rules (or to take steps to perform our duties) or to comply with legal obligations. We also have a legitimate interest to process the information for the purposes of administering your pension benefits and any payments, communication purposes, and the on-going management of our relationship with you.	This is required to enable the Trustee to administer the Fund relationship with you.
Financial information (including bank account details, tax details and information about your investments or other pensions).	It is necessary for the performance of our duties under the Trust Deed & Rules (or to take steps to perform our duties) or to comply with legal obligations. We also have a legitimate interest to process the information for the purposes of administering your pension benefits and any payments, communication purposes, and the on-going management of our relationship with you.	This is required to enable the Trustee to process your payment, to pay taxes and to comply with our legal obligations.
Your employment details when accruing benefits under the Fund (including duration of employment, working hours, start/end dates, staff number (if applicable) and salary).	It is necessary for the performance of our duties under the Trust Deed & Rules (or to take steps to perform our duties) or to comply with legal obligations. We also have a legitimate interest to process the information for the purposes of administering your pension benefits and any payments, communication purposes, and the on-going management of our relationship with you.	This is required to enable the Trustee to ensure that correct levels of contributions are paid, benefits are correctly calculated and to process payments as they fall due.
Marital, Civil Partnership or other personal relationship status (including your marriage certificate information required to pay death benefits or details of	It is necessary for the performance of our duties under the Trust Deed & Rules (or to take steps to perform our duties) or to comply with legal	This is required to enable the Trustee to process early payment of benefits (if applicable), and who should receive benefits under the Fund on your death.

any divorce settlement (if applicable) where the Fund forms part of a divorce settlement, and Member health.	obligations. We also have a legitimate interest to process the information for the purposes of administering your pension benefits and any payments, communication purposes, and the on-going management of our relationship with you.	
Health, lifestyle and social information (i.e. where it is relevant to, for example, early payment of benefits from the Fund or details about personal relationships to determine who should receive benefits on your death)	It is necessary for the performance of our duties under the Trust Deed & Rules (or to take steps to perform our duties) or to comply with legal obligations. We also have a legitimate interest to process the information for the purposes of administering your pension benefits and any payments, communication purposes, and the on-going management of our relationship with you.	This is required to enable the Trustee to process early payment of benefits (if applicable), and who should receive benefits under the Fund on your death.
Family, dependents and desired beneficiary information	It is necessary for the performance of our duties under the Trust Deed & Rules (or to take steps to perform our duties) or to comply with legal obligations. We also have a legitimate interest to process the information for the purposes of administering your pension benefits and any payments, communication purposes, and the on-going management of our relationship with you.	This is required to enable the Trustee to administer the Fund and to consider who should receive benefits under the Fund.

4.2 Where do the Trustee and/or Fund Administrators obtain my personal data from?

Most of the personal data we process is obtained from you through your employer, but we also obtain personal data about you in the course of the administration of the Fund, including for example; contribution amounts, contribution rates, investment choices, beneficiary details for payment of death benefits, etc.

We may also get information (such as your salary and length of service) directly from your employer on an ongoing/annual basis. In addition, the Fund Administrator may have obtained information from you and passed it to us.

Sometimes we get information from other sources, for example, another Fund if you have transferred benefits from it, government departments (such as the Department of Employment Affairs and Social Protection and/or Revenue Commissioners), medical advisors, your independent financial advisors and publicly accessible sources (e.g. the electoral roll) if we have lost touch with you and we are trying to find you.

In some circumstances, we may request your explicit consent to process (specific types of) personal data and/or special categories of data and we will explain whether you have a choice about providing it and the consequences for you if you do not do so. In these circumstances,

you are able to withdraw your consent at any time by following the instructions provided when you gave consent or at the contact details below.

4.3 What will we use your personal data for?

We collect and process information about you for the purposes of complying with our legal duties to administer the Fund, and for other legitimate purposes relating to the operation of the Fund. We will only use your personal information for the purposes of:

- calculating and administering pension benefits and payments;
- updating, consolidating and improving the accuracy of our records;
- crime detection, prevention and prosecution;
- checking your identity to comply with our legal and regulatory requirements;
- providing you with the information that you request from us;
- investigating any complaint you may make;
- providing evidence in any dispute or anticipated dispute between you and us;
- notifying you about changes to your pension;
- providing you with access to our web portal;
- modelling, statistical and trend analysis, with the aim of developing and improving the services provided in relation to your pension, assessing the ability of the Fund to pay out its benefit obligations and to monitor its liquidity based on future predictions of longevity; and
- sharing with third parties for the purposes outlined in the section below.

5. SHARING OF PERSONAL DATA

5.1 Service Providers

We use third party service providers who provide services including the Fund Administrator who provides us with Fund administration services. In providing the services, your personal data will, where applicable, be processed by the Fund Administrator on our behalf.

We will check any third party that we use to ensure that they can provide sufficient guarantees regarding the confidentiality and security of your personal data. We will have written contracts with them which provide assurances regarding the protections that they will give to your personal data and their compliance with our data security standards and international transfer restrictions.

5.2 Disclosures to Third Parties

In certain circumstances, we share and/or are obliged to share your personal data with third parties for the purposes described above and in accordance with Data Protection Legislation.

These third parties include:

- financial institutions and the Fund actuary - for complex benefit calculations, valuations of our assets and liabilities, and regulatory reporting as required by law;
- external professional advisors including insurers or reinsurers - for the purposes of obtaining insurance cover;
- the Fund Administrator and its approved sub-contractors - for benefit administration purposes;
- auditors - to comply with legal requirements and ensure the Fund and your benefits are being administered properly;
- revenue - who may share information with the tax authorities of other countries;
- our legal advisers - for advice and interpretation of law and regulations in connection to your pension;
- government bodies and law enforcement organisations - for the purposes of crime prevention and compliance with regulatory requirements;
- relevant industry bodies and regulatory authorities (i.e. the Financial Services and Pensions Ombudsman);
- at your request, with your independent financial advisor - so that they can advise and provide their services to you;
- your dependents, beneficiaries or people entitled to benefit under your membership of the Fund;
- current, past or prospective employers; and
- others, where it is permitted by law, or where we have your consent.

We may also share your personal data with new Trustee, employers and/or other Fund administrators (if your benefits are transferred to another Fund).

When we need to use information about your health (or other very personal information), we may ask for your consent. However, sometimes there may be reasons of public interest or law which enable us to use this information without consent and we will do so where that is necessary for us to run the Fund in a sensible way. You can withdraw your consent at any time by using our contact details (below). This may affect what we can do for you unless we have another lawful reason for using your information.

We take appropriate measures to ensure that all processing of your personal data by us, or by our service providers, is lawful. The lawful basis for the processing of your personal data will depend on the purposes for which we process your information.

When we share your personal data with third parties who perform business services for us, we require them to take appropriate steps to protect your personal information, and only to use the personal information for the purpose of performing those specific services.

6. TRANSFERS OUTSIDE IRELAND AND THE EUROPEAN ECONOMIC AREA

- 6.1 In order to administer your pension benefits, your personal data may be transferred, stored and processed in one or more countries outside or Ireland and the European Economic Area ("EEA"), for example, when one of our service providers use employees or equipment based outside the EEA. The EEA comprises those countries that are in the European Union ("EU") and some other countries that are considered to have adequate laws to ensure personal data is protected.
- 6.2 When transferring your personal information outside of Ireland or the EEA, we will (and will ensure that service providers acting on our behalf agree to) protect it from improper use or disclosure and ensure the same levels of protection are in place as are applied within Ireland and the EEA.

7. HOW IS MY PERSONAL DATA SECURED AND STORED

- 7.1 The Trustee and the Fund Administrator operate and use appropriate technical and physical security measures to protect your personal data. Your personal data will normally be stored electronically on the Fund Administrator's database, workflow and document management systems. Some of your personal information may be stored in paper format.
- 7.2 Both the Trustee and Fund Administrator have taken appropriate security measures to protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access, in connection with the Fund.
- 7.3 Access is only granted on a need-to-know basis to those people whose roles require them to process your personal data. In addition, our other service providers are also selected carefully and required to use appropriate protective measures.

8. LENGTH OF STORAGE OF PERSONAL DATA

- 8.1 We will keep your personal data for as long as it is necessary to fulfil the purposes for which it was collected as described above and in accordance with our legal and regulatory obligations. We need to keep some of your personal data for a long enough period to make sure that we can satisfy our legal obligations in relation to the Fund and pay any benefits due to or in respect of you. This may mean that some information is held for longer than other information.
- 8.2 The Trustee needs to retain accurate records of who has benefit entitlements under the Fund because, as pension benefits are built up over such a long period of time, people often forget where they do and don't have benefits, and by keeping this information, we will be able to assist you should you find this happens to you. Our policy is to retain information about you until your membership of the Fund ends.
- 8.3 Once your membership ends, we may decide to delete some of the information held about you after 6 years. However, information will be held for longer where we consider it

appropriate in order to ensure the Fund pays the correct benefits and to deal with any queries relating to your benefits which may arise after that time.

8.4 Our Fund Administrator will hold on to your personal data for 7 years after the termination of their administration services contract with us. This is to protect themselves against any subsequent legal claims.

8.5 The criteria we use to determine retention periods for personal data include the following:

8.5.1 Retention in case of queries; we will retain it for a reasonable period to ensure that, if a query arises in the future about your benefits, we have enough information to deal with it where we have a legal obligation to do so;

8.5.2 Retention in case of benefits/claims; we will retain it for the period in which it may be enforced (this means we may retain it for 15 years from the end of the Fund year in which the last payment from the Fund is made to or in respect of you, in some instances); and

8.5.3 Retention in accordance with legal and regulatory requirements; we will consider whether we need to retain it after the period described in 8.5.2 because of a legal or regulatory requirement.

9. YOUR RIGHTS

This section explains your rights in relation to your personal data. The rights are not absolute and are subject to certain exemptions or qualifications.

We have set out below a summary of your rights, which include (as relevant):

Your right	What does it mean?	How do I execute this right?	Conditions to exercise?
Right of access and to obtain information about how we process it	Subject to certain conditions, you are entitled to have access to your personal data which we hold (this is more commonly known as submitting a "data subject access request") and to obtain information in relation to the information we hold and how we process it.	Requests for such information should be made in writing (see "Contact Us" section below). If possible, you should specify the type of information you would like to see to ensure that our disclosure is meeting your expectations.	We must be able to verify your identity. Your request may not affect the rights and freedoms of others, e.g. privacy and confidentiality rights of other members. Data solely retained for data backup purposes is principally excluded.
Right of data portability	Subject to certain conditions, you are entitled to receive the data which you have provided to us and which is processed by us by automated means, in a commonly-used machine readable format.	Requests should be made in writing (see "Contact Us" section below). If possible, you should specify the type of information you would like to receive to ensure that our disclosure is meeting your expectations.	The GDPR does not establish a general right to data portability. This right only applies if the processing is based on your consent or on our relationship with you and when the processing is carried out by automated means (e.g. not for paper records). It affects only personal data that was "provided" by you. Hence, it does, as a rule, not

			apply to personal data that was created by the Trustee of the Fund.
Rights in relation to inaccurate personal or incomplete data	You may challenge the accuracy or completeness of personal data which we process about you. If it is found that personal data is inaccurate, you are entitled to have the inaccurate data removed, corrected or completed, as appropriate.	We encourage you to notify us of any changes regarding your personal data as soon as they occur, including changes to your contact details, telephone number etc. Please always check first whether self-help tools are available. If no such tools are available, requests should be made in writing (see "Contact Us" section below).	This right only applies to your own personal data. When exercising this right, please be as specific as possible.
Right to object to or restrict our data processing	Subject to certain conditions, you have the right to object to or ask us to restrict the processing of your personal data.	Requests should be made in writing (see "Contact Us" section below).	This right applies only if the processing of your personal data is explicitly based on our so-called "legitimate interests" (see " <i>basis of processing</i> " above). Objections must be based on grounds relating to your particular situation. They must not be generic so that we can demonstrate that there are still lawful grounds for us to process your personal data.
Right to have personal data erased	Subject to certain conditions, you are entitled, on certain grounds, to have your personal data erased (also known as the " <i>right to be forgotten</i> "), e.g. where you think that the information we are processing is inaccurate, or the processing is unlawful.	Requests should be made in writing (see "Contact Us" section below).	There are various lawful reasons why we may not be in a position to erase your personal data. This may apply (i) where we have to comply with a legal obligation, (ii) in case of exercising or defending legal claims, or (iii) where retention periods apply by law or by statutes.
Right to withdrawal	You have the right to withdraw your	Requests should be made in writing (see	If you withdraw your consent, this will

	consent to any processing for which you have previously given that consent.	"Contact Us" section below).	only take effect for the future.
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- 9.1 You can exercise all of these rights free of charge except in some very limited circumstances and we will explain these to you where they are relevant.
- 9.2 Further information and advice about your rights can be obtained from the Office of the Data Protection Commissioner at Canal House, Station Road, Portarlinton, Co. Laois by telephone at 1890 25 2231 and/or by email to info@dataprotection.ie.

10. HOW TO GET MORE HELP / CONTACT US

- 10.1 If you want help to understand our Privacy Notice, or if you have any questions or queries, please contact:

Trustee:

c/o Tom Gallagher
 Director Compensation Benefits
 Smurfit Kappa Group
 Beech Hill
 Clonskeagh, Dublin 4

Tel: 01 202 7166
 Email: tom.gallagher@smurfitkappa.com

Fund Administrator

Smurfit Kappa Team
 c/o Aon
 Block D, Iveagh Court
 Harcourt Road, Dublin 2

Tel: 01 470 5670
 Email: smurfitkappa.ireland.mailbox@aon.com

- 10.2 If you are unhappy about any aspect of the way we collect, share or use your personal data, please let us know using the contact details above.
- 10.3 You also have a right to complain to the Office of the Data Protection Commissioner at Canal House, Station Road, Portarlinton, Co. Laois by telephone at 1890 25 2231 and/or by email to info@dataprotection.ie.

11. HOW WILL YOU KNOW IF WE AMEND THIS PRIVACY NOTICE

- 11.1 We may need to make changes to this Privacy Notice at any time. If we make any material changes to how we collect your personal data, or how we use or share it, we will update the Privacy Notice.