

APPLICANT PRIVACY NOTICE

In this notice, “we”, “us”, “our” and “Energy Vault” means a company registered in Delaware, United States, with a principal office at 4165 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362, or for those applicants in Europe, a company registered in Switzerland with registration number CHE-134.914.795 and whose registered office is at Via Cantonale 19, 6900 Lugano, or for those applicants resident in Australia, a company registered in New South Wales, whose registered office is Suite 7 – 8, 425 Docklands Drive, Docklands, Victoria, 3008.

About this privacy notice

For the purposes of data protection law, we are a data controller in respect of your personal data. We are responsible for ensuring that we use your personal data in compliance with data protection law.

This privacy notice applies if you are a prospective employee of our organisation as well as if you are a prospective consultant, contractor or temporary worker at Energy Vault. The privacy notice sets out the basis on which any personal data about you will be processed by us. Please take the time to read and understand this privacy notice.

By submitting your application for a position, you acknowledge and agree that your personal data will be processed in accordance with the data privacy laws of the country where the applicable position is located. Please note that to be considered for a position in any particular country, you must have valid authorization to work in the country where the position is based. The company does not guarantee visa sponsorship unless explicitly stated in the job description.

Personal data that we collect about you

We will collect and process the following personal data about you if and as far as we have a legal basis to do so (to the extent a legal basis is required by applicable law):

- **Information that you provide to us or one of our affiliates.** This includes information about you that you give to us by filling in forms or by communicating with us, whether face-to-face, by phone, e-mail or otherwise through the recruitment process with us. This information may include:
 - your full name, date of birth, nationality, race/ethnicity, education and qualification details, marital status, gender identity and sexual orientation, religion, home address and home telephone number, mobile telephone number, next of kin, bank account details for the transfer of your salary and other benefits, tax details, national IDs, and your date of hire;
 - emergency contact details, family members’ and dependents’ details; and
 - any other details you provide in support of your application, including (but not limited to) information contained in your CV and/or covering email and your reasons for applying to Energy Vault.

You should ensure that in respect of any information you provide us with, which does not relate to you (for example, information about your family members), you have obtained the necessary permissions in order to disclose such information.

- **Information we collect or generate about you.** This may include:
 - work-related details such as your job position, contact details, performance at work, absences, pay and benefits information, service history, a copy of your employment agreement, passport details, photograph, health information, Covid-19 vaccination status and associated details, pregnancy and/or disability status;
 - personal data that we collect through your use of our email system, phones or IT systems (including but not limited to your full name, email address, the content, date and time of your email correspondence or phone call and details of your use of our IT systems);
 - CV details (including previous experience and qualifications); and
 - diversity monitoring information (including race, ethnic origin, gender and sexual orientation)
 - Business records containing information that may refer to you in an identifiable manner, including but not limited to emails (including private emails which were received on or sent by your business email address), minutes, reports, forms, memorandums, notes to file, contracts, presentations and further documents, audit trails in systems, etc.
- **Information we obtain from other sources.** This may include:
 - personal data (including health data) which we receive from third party providers who carry out occupational health assessments;
 - personal data that we collect from screening, background and/or reference checks we may perform on you as part of the Application or recruitment process, which may include your address history, your credit history, your qualifications (both academic and professional), your previously held directorships (if any); and
 - a criminal records check.

Uses of your personal data

Your personal data may be stored and processed by us (subject to us having a legal basis to do so where a legal basis is required by applicable law) in the following ways and for the following purposes:

- to consider your application (including, in some cases, verifying your qualifications and references with those third parties you name);
- to maintain consistent practices and procedures with respect to the recruitment of personnel across Energy Vault, including the performance of human resources and other functions of Energy Vault,

- in order to promote Energy Vault's business to clients and prospective clients and generally in order to run our business;
- in order to carry out diversity monitoring and other activities if required by law and / or permitted by law; and
- further purposes according to separate information as evident from the circumstances.

We are entitled to use your personal data in these ways because:

- we need to in order to take steps in preparation for entering into a contract with you, in particular to consider you for a position at Energy Vault;
- we have legal and regulatory obligations that we have to discharge;
- we may need to in order to establish, exercise or defend our legal rights or for the purpose of legal proceedings; or
- the use of your personal data as described may be necessary for our legitimate business interests (or the legitimate interests of one or more of our affiliates), provided that our legitimate interest does not override your rights and freedoms and is in compliance with local law. Our legitimate interests might include:
 - allowing us to effectively assess your skills, qualifications and/or the strength and merits of your application and your suitability for the role applied for;
 - allowing us to effectively and efficiently administer, manage and promote the operation of our business; or
 - maintaining compliance with internal policies and procedures; or
- we may rely on your consent if required under applicable law and only where such consent can be validly obtained (including by meeting the requirement that such consent it is freely given by you).

Special categories of personal data

"Special categories personal data" (or "sensitive information" in Australia) are subject to specific protection or restriction by law in certain territories, including the EU, UK, Switzerland and Australia. For these purposes, "special categories of personal data" relate to: racial or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic data; biometric data; data concerning health; or data concerning sexual preferences, sex life or sexual orientation. There are also special rules surrounding data relating to criminal convictions or offences. We will only process special categories of personal data or data relating to your criminal records if permitted by law and only if one of the following conditions is met:

- the processing is necessary for carrying out obligations and specific rights of Energy Vault in the field of employment law, social security or social protection law (including obligations in relation to public health, health and safety and disability discrimination, the legality of personnel working in a particular jurisdiction, which will involve processing data in relation to nationality, work permits and visas, monitoring equality of racial or ethnic opportunity or treatment, and vetting (where necessary));

- the data in question has been made public by you;
- the processing is necessary for the purpose of, or in connection with, any actual or prospective legal proceedings, for the purpose of obtaining legal advice or otherwise for the purposes of establishing, exercising or defending legal rights subject to applicable local legislation or where courts are acting in their judicial capacity;
- the processing is necessary for reasons of substantial public interest on the basis of local law which is proportionate to the aim pursued and which contains appropriate safeguarding measures; or
- as otherwise permitted by law.

Disclosure of your information to third parties

We may process and disclose your personal data to our affiliates (details of which are available on our website and on request by contacting us as below), in compliance with local law, for the purposes of:

- the management and administration of our business and our affiliates' business;
- complying with the functions that each of them may perform relating to regional or global HR decisions;
- benchmarking employee salaries and benefits with similar organisations;
- assessing compliance with applicable laws, rules and regulations, and internal policies and procedures across our business and our affiliates' businesses;
- where your personal data are held as part of an internal directory, enabling adequate communication with you; and
- the administration and maintenance of the databases storing personal data relating to our employees or to employees of our affiliates.

We will take steps to ensure that the personal data is accessed only by employees of our affiliates that have a need to do so for the purposes described in this notice.

We may also process and share your personal data with third parties (including data processors) outside of Energy Vault for the following purposes:

- Tax Advice;
- Immigration Advice;
- Legal Advice;
- Screening of applicants;
- to the extent required by law, for example if we are under a duty to disclose your personal data in order to comply with any legal obligation, establish, exercise or defend our legal rights.

If we engage data processors, these affiliates or third parties will only use your personal data under our instruction and for no other purpose than as described in this privacy notice.

International Transfers of personal data

The personal data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area (“**EEA**”), United Kingdom (“**UK**”), Switzerland or Australia, for example, the United States of America and in any other country in the world, in particular to all countries in which Energy Vault is represented by group companies, branches or other offices and representatives (which are listed at: <https://www.energyvault.com/contact>) as well as to the countries in which Energy Vault's service providers process its data (such as the United States). It may also be processed by individuals operating outside of the EEA, UK, Switzerland, or Australia who work for our affiliates or for one of our suppliers.

Where we transfer your personal data outside the EEA, UK, Switzerland or Australia, we will ensure that it is protected in a manner that is consistent with how your personal data will be protected by us in the EEA, UK, Switzerland or Australia, as applicable. This can be done in a number of ways, for instance:

- the country that we send the data to might be approved by the European Commission, UK or Switzerland (as applicable) as offering a sufficient level of protection;
- the recipient might have signed up to a contract based on “model contractual clauses” approved by the European Commission, Information Commissioners Office or Swiss Federal Data Protection and Information Commissioner (as applicable), obliging them to protect your personal data; or
- the recipient may be party to binding corporate rules that cover the data being transferred to or within their organisation.

In other circumstances the law may permit us to otherwise transfer your personal data outside the EEA, UK, Switzerland, or Australia (for example, if you give your consent, or if the transfer is necessary for the conclusion or performance of contract or the establishment, exercise or defense of legal claims etc.). In all cases, however, we will ensure that any transfer of your personal data is compliant with applicable data protection law.

You can obtain more details about the protection given to your personal data when it is transferred outside the EEA, UK, Switzerland or Australia (including a copy of the standard data protection clauses which we have entered into with recipients of your personal data) by contacting us in accordance with the “Contacting us” section below. Energy Vault reserves the right to redact such copies for reasons of data protection or secrecy reasons.

How long we keep your personal data

How long we hold your personal data for will vary upon the location of the position. We will retain your personal data in accordance with the following table:

Location	Retention Period	Storage Beyond the Retention Period	Future Opportunities Job
EEA, UK and Switzerland	6 months from time of hire/no hire decision on job application	Requires explicit consent	Requires explicit consent
Australia	6 months from time of hire/no hire decision on job application	Requires explicit consent	Requires explicit consent
United States	1 year from time of hire/no hire decision on job application	Does not require explicit consent	Does not require explicit consent

Your rights

You have a number of legal rights in relation to the personal data that we hold about you. These rights include:

- the right to obtain information regarding the processing of your personal data and access to the personal data which we hold about you;
- where you have actively provided your consent for us to process your personal data, the right to withdraw your consent at any time. Please note, however, that we may still be entitled to process your personal data if we have another legitimate reason (other than consent) for doing so;
- in some circumstances, the right to receive some personal data in a structured, commonly used and machine-readable format and/or request that we transmit those data to a third party where this is technically feasible. Please note that this right only applies to personal data which you have provided to us;
- the right to request that we rectify your personal data if it is inaccurate or incomplete;
- the right to request that we erase your personal data in certain circumstances. Please note that there may be circumstances where you ask us to erase your personal data but we are legally entitled to retain it;
- the right to request that we restrict our processing of your personal data in certain circumstances. Again, there may be circumstances where you ask us to restrict our processing of your personal data but we are legally entitled to refuse that request; and

- the right to lodge a complaint with the data protection regulator (details of which are provided below) if you think that any of your rights have been infringed by us.
- If we make an automated decision that affects you as an individual person and that has legal effects to you or significantly affects you in a similar way, you may speak to a competent person at Energy Vault and request that the decision be reconsidered, or request that it be assessed by a person from the outset, to the extent provided for by applicable law. In this case, you may no longer be able to use certain automated services. You will be informed of such decisions in advance.

You can exercise your rights by contacting us using the details set out in the “Contacting us” section below. Energy Vault reserves the right to restrict your rights in accordance with applicable law and e.g. not to disclose comprehensive information or not to delete data.

Contacting us

If you would like further information on the collection, use, disclosure, transfer or processing (including location) of your personal data or the exercise of any of the rights listed above, please email questions, comments and requests to: legal@energyvault.com

EEA, UK and Switzerland	Australia	United States
Energy Vault SA	Energy Vault Pty Ltd	Energy Vault, Inc.
Via Cantonale 19	Suite 7 & 8	4165 East Thousand Oaks Blvd., Suite 100
6900 Lugano	425 Docklands Drive	Westlake Village, CA 91362
Switzerland	Victoria, Australia 3008	United States

You can find out more information about your rights by contacting the data protection regulator in your jurisdiction, as appropriate:

- **Germany** - the data protection authority of your habitual residence or your place of work. A list of the data protection authorities can be found here: https://www.bfdi.bund.de/DE/Service/Anschriften/anschriften_table.html
- **Switzerland** - Federal Data Protection and Information Commissioner’s Office, or by searching their website at <https://www.edoeb.admin.ch/edoeb/en/home.html>.
- **UK** - the Information Commissioner’s Office, or by searching their website at <https://ico.org.uk/>
- **Australia** – Office of the Australia Information Commissioner, or by searching their website at: <https://www.oaic.gov.au/>