

OpenAI Global Privacy Notice for Employees, Applicants and Candidates

Last updated: October 4, 2023

This Privacy Statement informs you of how OpenAI LLC and its affiliates (“Company” / “we”/ “our”/ “us”) collect, use, disclose, store, and otherwise processes personal data in the context of your candidacy for employment or employment with OpenAI and its subsidiaries/affiliates (collectively, referred to as “OpenAI”).

The OpenAI entity to which you submit an application for employment or with which you have your contract, along with OpenAI OpCo, LLC and OpenAI Ireland Limited, act as joint controllers of your personal data - which means OpenAI and its affiliates jointly determine how to use your personal data in connection with your application and employment - but only as described in this Policy. The entity which is your employer or prospective employer will be primarily responsible for providing you with any information to which you are entitled, and responding to your requests, under data protection law.

If you have any questions about this Data Privacy Notice or would like to access the information it contains in a different format please contact us at hr@OpenAI.com.

Purely for the purposes of this Data Privacy Notice, references to employment include engagement where you do work for us and you are not an employee.

We hold and process data on all current and former employees, workers, individual contractors, contingent workers, applicants, interview candidates, interns, agency workers, consultants, directors, members (ie partners) ("**staff**" or "**you**" or "**your**"), and third parties whose information you provide to us in connection with the employment or other working relationship (eg next-of-kin, emergency contact information and/or dependents).

We take your data protection rights and our legal obligations seriously. Your personal data will be treated in a secure and confidential manner and only as set out below or otherwise notified to you in writing.

Please read the following carefully to understand our views and practices regarding your personal data and how we treat it. The following Data Privacy Notice describes the categories of personal data we may process, how your personal data may be processed, for what purposes we process your data and how your privacy is safeguarded in the course of our relationship with you. It is intended to comply with our obligations to provide you with information about the Company's processing of your personal data under privacy laws. It does not form part of your contract of employment or engagement.

OpenAI’s processing of personal data is in all cases subject to the requirements of applicable local law, internal policy, and where applicable or appropriate, any consultation requirements with worker representatives. To the extent this notice conflicts with local law in your jurisdictions, local law controls.

For further information regarding your rights, or to exercise any of your rights, please contact your local Human Resources contact or hr@OpenAI.com.

1.0 PROCESSING OF PERSONAL DATA

OpenAI collects and processes your personal data for the purposes described in this Data Privacy Notice. As set out in our Data Privacy Policy, personal data means any information describing or relating to an identified or identifiable individual. An identifiable individual is one who can be identified, directly or

indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental,

We collect various types of personal data about you for the purposes described in this Data Privacy Notice including:

Personal details	Your title and name, birth name, preferred name, any additional names, gender, nationality, second nationality, civil/marital status, date of birth, age, home contact details (eg address, telephone or mobile number, e-mail), social security number, immigration and eligibility to work information, driving licence, languages spoken; next-of-kin/dependent/emergency contact information, details of any disability and any reasonable adjustments required as a result;
Recruitment and selection data	skills and experience, qualifications, references, CV and application, record of interview, interview notes and assessment, vetting and verification information (eg results of credit reference check, financial sanction check and a basic disclosure criminal record check relating to unspent convictions where carried out and permitted by applicable law), right to work verification, information related to the outcome of your application, details of any offer made to you;
Data related to your engagement	Contract of employment or engagement, work contact details (eg corporate address, telephone number, e-mail), employee or payroll number, photograph, work location default hours, default language, time zone and currency for location, your worker ID and various system IDs, your work biography, your assigned business unit or group, your reporting line, your employee/contingent worker type, your hire/contract begin and end dates, terms and conditions of engagement, your cost centre, your job title and job description, your working hours and patterns, whether you are full or part time; your termination/contract end date; the reason for termination; your last day of work; exit interviews, references to be provided to prospective employers, status (active/inactive/terminated); position title; the reason for any change in job and date of change;
Regulatory data	Records of your registration with any applicable regulatory authority, your regulated status and any regulatory certificates and references;
Remuneration and benefits data	Your remuneration information (including salary/hourly plan/contract pay/fees information as applicable, allowances, overtime, bonus and commission plans), payments for leave/absence (eg holiday pay, sick pay, family leave pay), bank account details, grade, social security number, tax information, third party benefit recipient information (eg expression of wish and dependents information), details of any benefits you receive or are eligible for, benefit coverage start date, expense claims and payments, loans, deductions, salary sacrifice arrangements, childcare vouchers, share scheme participation, information and agreements;
Leave data	Attendance records, absence records (including dates and categories of leave/time-off requests and approvals), holiday dates, requests and approvals and information related to family leave (maternity, paternity, parents, adoption,

	parental), information related to special leave (eg bereavements, jury service, force majeure, compassionate);
Absence management data	Absence history, fit notes, details of incapacity, details of work impact and adjustments, details of treatment and prognosis, manager and HR communications, return to work interviews, meeting records, medical reports, occupational health reports;
Flexible working procedure data	Requests, consideration, correspondence, meeting notes and outcome records
Restructuring and redundancy records	Change plans, organisation charts, consultation records, selection and redeployment data;
Performance management data	Colleague and manager feedback; your appraisals and performance review information, outcomes and objectives; talent programme assessments and records; succession plans; formal and informal performance management process records;
Training and development data	Data relating to training and development needs or training received or assessments completed;
Disciplinary and grievance data	Allegations, complaints, investigation and proceeding records and outcomes;
Health and safety data	Health and safety audits, health and safety screening requests and results, risk assessments, incident reports;
Monitoring data (to the extent permitted by applicable laws)	Closed circuit television footage, system and building login and access records, keystroke, download and print records, call or meeting recordings, data caught by IT security programmes and filters;
Employee claims, complaints and disclosures information	Subject matter of employment or contract based litigation and complaints, pre-claim conciliation, communications, settlement discussions, claim proceeding records, employee involvement in incident reporting and disclosures;
Equality and diversity data	Where permitted by law and provided voluntarily, data regarding gender, age, race, nationality, religious belief and sexuality (stored anonymously for equal opportunities monitoring purposes);

Other	<p>Any other personal data which you choose to disclose to Company personnel during the course of your engagement whether verbally or in written form (for example in work emails); and informal opinion data generated in the course of your engagement relating to the administration or management of the Company's relationship with you.</p> <p>Certain additional information will sometimes be collected where this is necessary and permitted by local applicable laws.</p>

SPECIAL CATEGORIES OF DATA

To the extent permitted by applicable laws, OpenAI collects and processes a limited amount of personal data within the above data listed falling into special categories, sometimes called "sensitive personal data". This term means information relating to: racial or ethnic origin; political opinions; religious or philosophical beliefs; physical or mental health (including details of accommodations or adjustments); trade union membership; sex life or sexual orientation; biometric and genetic data; and criminal records and information regarding criminal offences or proceedings.

2.0 HOW IS DATA COLLECTED

OpenAI collects and records your personal data from a variety of sources, but mainly directly from you. You will usually provide this information directly to your managers or local Human Resources contact or enter it into our systems (for example, through your self-service access to our HR systems, your participation in HR processes, emails, Slack, and instant messages you send or through verbal information which may be recorded electronically or manually). In addition, further information about you will come from your managers or Human Resources or occasionally your colleagues.

We also obtain some information from third parties: for example, references from a previous employer, medical reports from external professionals, information from tax authorities, benefit providers or where we employ a third party to carry out a background check (where permitted by applicable law).

In some circumstances, data will sometimes be collected indirectly from monitoring devices or by other means (for example, building and location access control and monitoring systems, CCTV, telephone logs and recordings, instant message logs and email and Internet access logs), if and to the extent permitted by applicable laws. In these circumstances, the data may be collected by OpenAI or a third party provider of the relevant service. This type of data is generally not accessed on a routine basis but access is possible. Access can occur, for instance, in situations where OpenAI is investigating possible violations of Company policies such as those relating to travel and expense reimbursement, use of the telephone system and the Internet, or employee conduct generally, or where the data are needed for compliance or billing purposes. More frequent access to such data may occur incidental to an email surveillance program, if and to the extent permitted by applicable laws.

Where we ask you to provide personal data to us on a mandatory basis, we will inform you of this at the time of collection and in the event that particular information is required by the contract or statute this will be indicated. Failure to provide any mandatory information will mean that we cannot carry out certain HR processes. For example, if you do not provide us with your bank details, we will not be able to pay you. In some cases it may mean that we are unable to continue with your employment or engagement as

OpenAI will not have the personal data we believe to be necessary for the effective and efficient administration and management of our relationship with you.

Apart from personal data relating to you, you may also provide OpenAI with personal data of third parties, notably your dependents and other family members, for purposes of HR administration and management, including the administration of benefits and to contact your next-of-kin in an emergency. Before you provide such third party personal data to OpenAI you must first inform these third parties of any such data which you intend to provide to OpenAI and of the processing to be carried out by the Company, as detailed in this Data Privacy Notice.

3.0 WHAT ARE THE PURPOSES FOR WHICH DATA ARE PROCESSED?

Your personal data are collected and processed for business purposes, in accordance with applicable laws and any applicable collective bargaining agreements. Data may occasionally be used for purposes not obvious to you where the circumstances warrant such use (eg in investigations or disciplinary proceedings).

We collect and process your personal data for purposes including:

- a) recruitment and selection
- b) to assess your suitability to work for us including short listing, agreements and interviews;
- c) to conduct pre-employment checks including verification of your identity, checking your legal right to work and checking references; financial sanction check in limited circumstances and if and to the extent permitted by applicable laws to protect the business from the risk of dishonesty, malpractice or improper conduct;
- d) to consider any reasonable adjustments either for the recruitment process or if you were to commence employment with us in the event you have a disability;
- e) to make a job offer and provide a contract of employment;
- f) to prepare to bring you on board as an employee where you accept an offer of employment from us. In this case we will customise to make sense of the information gathered during recruitment for the purpose of your employment and will transfer some of this to our employment systems and files;
- g) to deal with any query, challenge or request for feedback received in relation to our recruitment decision;
- h) training, development, promotion, career and succession planning and business contingency planning;
- i) providing and administering remuneration, benefits and incentive schemes and reimbursement of business costs and expenses and making appropriate tax and social security deductions and contributions;
- j) allocating and managing duties and responsibilities and the business activities to which they relate, including business travel;
- k) managing and operating appraisal, conduct, performance, capability, absence and grievance related reviews, allegations, complaints, investigations and processes and other informal and formal HR processes and making related management decisions;
- l) conducting surveys for benchmarking and identifying improved ways of working and employee relations and engagement at work (these will often be anonymous but may include data such as age to support analysis of results);
- m) processing information about absence or medical information regarding physical or mental health or condition in order to: assess eligibility for incapacity or permanent disability related remuneration or benefits; determine fitness for work; facilitate a return to work; make adjustments or accommodations to duties or the workplace; make management decisions regarding employment or engagement or continued employment or engagement or redeployment; and conduct related management processes;

- n) for planning, managing and carrying out restructuring or redundancies or other change programmes including appropriate consultation, selection, alternative employment searches and related management decisions;
- o) operating email, IT, internet, social media, HR related and other company policies and procedures. To the extent permitted by applicable laws, OpenAI carries out monitoring of the Company's IT systems to protect and maintain the integrity of the Company's IT systems and infrastructure; to ensure compliance with the Company's IT policies and to locate information through searches where needed for a legitimate business purpose;
- p) satisfying our regulatory obligations to supervise the persons employed or appointed by OpenAI to conduct business on its behalf, including preventing, detecting and investigating a wide range of activities and behaviours, whether relating to specific business dealings or to the workplace generally and liaising with regulatory authorities;
- q) complying with applicable laws and regulation (for example maternity or parental leave legislation, working time and health and safety legislation, taxation rules, worker consultation requirements, other employment laws and regulation to which OpenAI is subject in the conduct of its business);
- r) monitoring programmes to ensure equality of opportunity and diversity with regard to personal characteristics protected under applicable anti-discrimination laws;
- s) planning, due diligence and implementation in relation to a commercial transaction or service transfer involving OpenAI that impacts on your relationship with OpenAI for example mergers and acquisitions or a transfer of your employment under applicable automatic transfer rules;
- t) for business operational and reporting documentation such as the preparation of annual reports or tenders for work or client team records including the use of photographic images;
- u) to operate the relationship with third party customer and suppliers including the disclosure of relevant vetting information in line with the appropriate requirements of regulated customers to those customers, contact or professional CV details or photographic images for identification to clients or disclosure of information to data processors for the provision of services to the Company;
- v) where relevant for publishing appropriate internal or external communications or publicity material including via social media in appropriate circumstances;
- w) to support HR administration and management and maintaining and processing general records necessary to manage the employment, worker or other relationship and operate the contract of employment or engagement;
- x) to comply with reference requests where OpenAI is named by the individual as a referee;
- y) to enforce our legal rights and obligations, and for any purposes in connection with any legal claims made by, against or otherwise involving you;
- z) to comply with lawful requests by public authorities (including without limitation to meet national security or law enforcement requirements), discovery requests, or where otherwise required or permitted by applicable laws, court orders, government regulations, or regulatory authorities (including without limitation data protection, tax and employment), whether within or outside your country.

In addition, personal data will be collected for other purposes permitted by applicable laws, including legitimate interests pursued by OpenAI where these are not overridden by the interests or fundamental rights and freedoms of staff and where these have been explained to you before the relevant data is collected or the processing is carried out.

Special categories of data may be collected and processed by OpenAI for the following purposes:

- a) documentation such as work permits, details of residency, proof of citizenship will be processed to assess and review eligibility to work for OpenAI in the jurisdiction in which you work;
- b) your racial or ethnic origin, religion, philosophical or political belief, sexual orientation or disability status may be used for the collection of statistical data subject to local laws, or where required to record such characteristics to comply with equality and diversity requirements of applicable local legislation or to keep the Company's commitment to equal opportunity under review;

- c) health and medical information may be used to comply with employment, health and safety or social security laws. For example to provide statutory incapacity or maternity benefits, avoid breaching legal duties to you, to ensure fair and lawful management of your employment, avoid unlawful termination of your employment, to administer the Company's private medical and long term disability schemes, to make reasonable accommodations or adjustments and avoid unlawful discrimination or dealing with complaints arising in this regard;
- d) trade union membership may be recorded to ensure that you receive any relevant rights that you may have in connection with any Trade Union membership, as required to enable us to meet our obligations under employment law;
- e) information regarding your racial or ethnic origin, religion, philosophical or political belief, sexual orientation, sexual life and sexual orientation may be used in the event of a complaint under the Company's grievance, whistleblowing, anti-bullying and harassment or similar policies where such characteristics or information are relevant to the particular complaint, in order to comply with employment law obligations; and
- f) biometric data for purposes of building access and security.

Additional information regarding specific processing of personal data may be notified to you locally or as set out in applicable policies.

4.0 DISCLOSURES OF PERSONAL DATA

Within the Company, your personal data can be accessed by or will be disclosed internally on a need-to-know basis to:

- local and global Human Resources, including managers and team members;
- local, regional and executive management responsible for managing or making decisions in connection with your relationship with OpenAI or when involved in an HR process concerning your relationship with OpenAI (including, without limitation, staff from Compliance, Legal, Employee Relations and Information Security);
- system administrators; and
- where necessary for the performance of specific tasks or system maintenance by staff in OpenAI teams such as the Finance and IT Department and the Global HR information systems support team.

In addition, we may share personal data with the following:

Other employees	Certain basic personal data, such as your name, location, job title, contact information, employee number and any published skills and experience profile may also be accessible to other employees. The security measures in place within OpenAI to protect your data are set out below.
Third parties whom we work with (including without limitation, OpenAI, L.L.C. and their associated companies and sub-contractors)	For providing us with services, such as hosting, supporting and maintaining the framework of our HR information systems. Examples of third parties with whom your data will be shared include tax authorities, regulatory authorities, the Company's insurers, bankers, IT administrators, lawyers, auditors, investors, consultants and other professional advisors, payroll providers, and administrators of the Company's benefits programs. OpenAI expects such third parties to process any data disclosed to them in accordance with applicable law, including with respect to data confidentiality and security. Where these third parties act as a "data processor" (for example a payroll provider) they carry out their tasks on our behalf and upon our instructions for the above mentioned purposes. In this case your personal data will

	only be disclosed to these parties to the extent necessary to provide the required services.
Certain interconnecting systems such as local payroll and benefits systems.	Data contained in such systems may be accessible by providers of those systems, their associated companies and sub-contractors.
National authorities	In order to comply with a legal obligation to which we are subject. This is for example the case in the framework of imminent or pending legal proceedings or a statutory audit.

5.0 SECURITY OF DATA

OpenAI is committed to protecting the security of the personal data you share with us. In support of this commitment, we have implemented appropriate technical, physical and organisational measures to ensure a level of security appropriate to the risk. OpenAI uses a variety of technical and organisational methods to secure your personal data in accordance with applicable laws.

A number of the measures that we use to protect information are set out in the Technology Use Policy, which sets out the applicable Company policies.

If you are in possession of personal data of any kind (eg data collected in emails, address books, Excel spreadsheets or contained in curricula vitae or elsewhere) you must ensure that the data are kept in a safe place where unauthorised access cannot occur. Where data is retained in hard copy, storage in a locked drawer or cabinet, accessible only to authorised individuals, is generally the most effective means of securing the data. Where data is kept in electronic form, appropriate password protection and appropriately secured areas should be used. You must comply with the security obligations contained in the Company's Technology Use Policy and in any other policies or procedures communicated to you.

You should not create, copy or export personal data relating to any other person outside of official company storage locations and systems except where necessary for a specific authorised and lawful purpose under this Data Privacy Notice. In this event appropriate measures must be taken to protect the confidentiality and integrity of the data during the processing. Once the relevant processing is complete, steps should be taken to store or return the relevant data within the official storage locations/systems with all less formally held records (eg local folders, hard copies, emails saved outside of formal managed folders) securely erased.

6.0 RETENTION OF PERSONAL DATA

Subject to applicable law, OpenAI endeavors to ensure that personal data are kept as current as possible and that irrelevant or excessive data are deleted or made anonymous as soon as reasonably practicable.

OpenAI's general approach is to only retain personal data for as long as is required to satisfy the purpose for which it was collected by us or provided by you. This will usually be the period of your employment/contract with us plus the length of any applicable statutory limitation period following your departure, although some data, such as pension information, may need to be kept for longer. We may keep some specific types of data, for example, tax records, for different periods of time, as required by

applicable law. However, some personal data may be retained for varying time periods in order to comply with legal and regulatory obligations and for other legitimate business reasons.

7.0 ADDITIONAL DATA PRIVACY NOTICES

We may undertake certain processing of personal data which are subject to additional Data Privacy Notices and we shall bring these to your attention where relevant.

8.0 NOTICE OF CHANGES

OpenAI may change or update this Data Privacy Notice at any time. Should we change our approach to data protection, you will be informed of these changes or made aware that we have updated the Data Privacy Notice in accordance with applicable law so that you know which information we process and how we use this information.

COUNTRY/JURISDICTION SPECIFIC ADDENDUMS

[European Union and UK Addendum](#)

[US and Canada Addendum](#)

[California Addendum](#)

[Japan Addendum](#)

EUROPEAN UNION AND UNITED KINGDOM DATA PRIVACY/FAIR PROCESSING NOTICE

RESPONSIBILITY FOR DATA PRIVACY

We have a Data Protection Officer ("DPO") who is responsible for compliance with data protection law. You may contact the Company's Data Protection Officer at any time if you have any concerns about the processing of your personal data or any data protection issue. The DPO's contact details are privacy@OpenAI.com

If you have any questions regarding the processing of your personal data or if you believe your privacy rights have been violated, please contact your local Human Resources contact hr@OpenAI.com or, where applicable, the Data Protection Officer. If you are aware of an unauthorised disclosure of data, please report this immediately to legal@OpenAI.com.

LEGAL BASES FOR PROCESSING

Personal data

Whenever OpenAI processes your personal data we do so on the basis of a lawful condition for processing. Processing of special categories of data is always justified on the basis of an additional lawful condition.

In the majority of cases, the processing of your personal data will be justified on one of the following bases:

- the processing is **necessary for compliance with a legal obligation** to which OpenAI is subject (for example, disclosing the information to tax authorities, making statutory payments, avoiding unlawful termination, avoiding unlawful discrimination, meeting statutory record keeping requirements or health and safety obligations);
- where there is no legal obligation we will process your data where the processing is **necessary for the performance of a contract** to which you are a party or in order to take steps at your request prior to entering into such a contract (for example collecting bank details to pay your salary or processing information to provide you with the contractual benefits you are entitled to);
or
- where the above two grounds do not apply, we may process your personal data where the processing is necessary for the **legitimate interests pursued by OpenAI** (being those purposes described in the section above), except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of personal data (for example reviewing your performance at work).

We will on occasion process your personal data for the purpose of legitimate interests pursued 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 exceptional circumstances where we have no legitimate interest in processing but you ask us to process data for a particular purpose we will occasionally carry out the processing on the basis of your consent (for example if you ask us to provide pay information to a bank for a mortgage application made by you). Where we rely on your consent we will make this clear at the time.

In some circumstances, data will sometimes be collected indirectly from monitoring devices or by other means (for example, building and location access control and monitoring systems, CCTV, telephone logs and recordings, instant message logs and email and Internet access logs), if and to the extent permitted by applicable laws. In these circumstances, the data may be collected by OpenAI or a third party provider of the relevant service. This type of data is generally not accessed on a routine basis but access is

possible. Access can occur, for instance, in situations where OpenAI is investigating possible violations of Company policies such as those relating to travel and expense reimbursement, use of the telephone system and the Internet, or employee conduct generally, or where the data are needed for compliance or billing purposes. More frequent access to such data may occur incidental to an email surveillance program, if and to the extent permitted by applicable laws.

Special categories of data

The special categories of personal data that may be processed by OpenAI are set out in this Data Privacy Notice. Where we process special categories of data it will be justified by a condition set out above and also by one of the following additional conditions:

- the processing is necessary for the purposes of carrying out the obligations and exercising the rights of you or OpenAI in the field of employment law, social security and social protection law, to the extent permissible under applicable laws;
- the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of your working capacity, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services, to the extent permitted by applicable laws;
- the processing is necessary to protect your vital interests or of another person where you are physically or legally incapable of giving consent (for example in exceptional emergency situations, such as a medical emergency);
- the processing is necessary for purposes authorised by applicable law.
- the processing is necessary for the establishment, exercise or defence of legal claims; or
- in exceptional circumstances the processing is carried out subject to your explicit consent (as explained below).

We will occasionally seek your consent to certain processing which is not otherwise justified under one of the above bases. If consent is required for the processing in question, it will be sought from you separately to ensure that it is freely given, informed and explicit. Information regarding such processing will be provided to you at the time that consent is requested, along with the impact of not providing any such consent. You should be aware that it is not a condition or requirement of your employment to agree to any request for consent from the Company.

Processing data relating to criminal convictions and offences - will only be processed where authorised by applicable laws. For example, an allegation of a criminal offence or conviction arising during your relationship with OpenAI may be processed where required or authorised by applicable law where we have a legal or regulatory requirement to report an offence; or where applicable laws authorise OpenAI to process information about the offence (eg in a disciplinary process) for the purpose of making decisions regarding your relationship with the Company.

INTERNATIONAL TRANSFER OF PERSONAL DATA

From time to time your personal data (including special categories of personal data) will be transferred to associated companies of OpenAI to process for the purposes described in this Data Privacy Notice. This will be applicable for example where the relevant company or a manager from that company is responsible for conducting or approving the relevant process or the data is part of a global directory where other individuals need to have access.

These associated companies or managers are located within the European Union and elsewhere in the world (for example, OpenAI OpCo, LLC based in the United States).

Personal data may also be transferred to third parties (eg service providers or regulators as set out above), who may have systems or suppliers located outside the European Union.

As a result, in some circumstances your personal data will be transferred to countries outside of the country in which you work or outside of the European Union to countries whose data protection laws may be less stringent than yours.

OpenAI will ensure that appropriate or suitable safeguards are in place to protect your personal information and that transfer of your personal information is in compliance with applicable data protection laws.

Where required by applicable data protection laws, OpenAI has ensured that service providers (including other Company associated companies) sign standard contractual clauses as approved by the European Commission or other supervisory authority with jurisdiction over the relevant Company exporter. You can obtain a copy of any standard contractual clauses in place which relate to transfers of your personal data by contacting hr@OpenAI.com.

OpenAI Group has an intra-group data transfer agreement in place which regulates cross-border transfers of your data within the Group.

You have a right to request a copy of any data transfer agreement under which your personal data is transferred, or to otherwise have access to the safeguards used. Any data transfer agreement made available to you may be redacted for reasons of commercial sensitivity.

YOUR RIGHTS AS A DATA SUBJECT

Right	Description
Right to access, correct and delete your personal data	<p>OpenAI aims to ensure that all personal data are correct. You also have a responsibility to ensure that changes in personal circumstances (for example, change of address and bank accounts) are notified to OpenAI so that we can ensure that your data is up-to-date.</p> <p>You have the right to request access to any of your personal data that OpenAI may hold, and to request correction of any inaccurate data relating to you. You furthermore have the right to request deletion of any irrelevant data we hold about you.</p> <p>You can see and update some of this data yourself via your applicable HR system account. However, to correct/update certain information, you will need to contact hr@OpenAI.com.</p>
Data portability	<p>Where we are relying upon your consent or the fact that the processing is necessary for the performance of a contract to which you are party as the legal basis for processing, and that personal data is processed by automatic means, you have the right to receive all such personal data which you have provided to OpenAI in a structured, commonly used and machine-readable format, and also to require us to transmit it to another controller where this is technically feasible.</p>
Right to restriction of processing	<p>You have the right to restrict our processing of your personal data where:</p>

	<p>you contest the accuracy of the personal data until we have taken sufficient steps to correct or verify its accuracy;</p> <p>where the processing is unlawful but you do not want us to erase the data;</p> <p>where we no longer need the personal data for the purposes of the processing, but you require them for the establishment, exercise or defence of legal claims; or</p> <p>where you have objected to processing justified on legitimate interest grounds (see below) pending verification as to whether OpenAI has compelling legitimate grounds to continue processing.</p> <p>Where personal data is subjected to restriction in this way we will only process it with your consent or for the establishment, exercise or defence of legal claims.</p>
<p>Right to withdraw consent</p>	<p>Where we have relied on your consent to process particular information and you have provided us with your consent to process data, you have the right to withdraw such consent at any time. You can do this by:</p> <p>in some cases deleting the relevant data from the relevant HR system (although note that in this case it may remain in back-ups and linked systems until it is deleted in accordance with our data retention policy);</p> <p>or</p> <p>contacting your local Human Resources contact. It will only however be rarely that we rely on your consent to process personal data for your employment or engagement.</p>
<p>Right to object to processing justified on legitimate interest grounds</p>	<p>Where we are relying upon legitimate interest to process data, then you have the right to object to that processing. If you object, we must stop that processing unless we can either demonstrate compelling legitimate grounds for the processing that override your interests, rights and freedoms or where we need to process the data for the establishment, exercise or defence of legal claims. Where we rely upon legitimate interest as a basis for processing we believe that we can demonstrate such compelling legitimate grounds, but we will consider each case on an individual basis.</p>
<p>Right to complain</p>	<p>You also have the right to lodge a complaint with a supervisory authority, which in Ireland is the Data Protection Commissioner (“DPC”) whose website is here, if you consider that the processing of your personal data infringes applicable law. We would request that you contact us in the first instance, before contacting the DPC in order to allow us to remedy any complaints.</p> <p>For a list of other supervisory authorities please see here</p>

U.S. / CANADA

OpenAI U.S. and Canada Privacy Policy for Employees, Applicants, Contractors, and Guests

Last Updated: February 1, 2023

OpenAI, D.B.A. Summerlight Technologies Ltd (“OpenAI”, “we”, “us”, or “our”) respects your privacy and is committed to protecting your personal information.

This Privacy Policy (“Policy”) outlines how we collect and use personal information about you during and after your employment, contractual engagement, or other relationship you may have with us. This Policy applies to current and former employees, job applicants, current or former independent contractors, and guests (“you”).

This Policy describes the categories of personal information that we collect, how we use your personal information, how we secure your personal information, and when we may share your personal information with third parties. This Policy also describes your rights regarding the personal information that we hold about you and how you can access your personal information. We will only use your personal information in accordance with this Policy, unless otherwise required by applicable law. To the extent this Policy conflicts with applicable law in your jurisdiction, applicable law will control.

This Policy does not cover your use of OpenAI products as a user or customer, or outside of your employment or assignment with OpenAI . To learn more about OpenAI’s data collection practices that cover your use of OpenAI ’s website, products, and services, please read our Privacy Policy, available at <https://OpenAI.com/privacy>.

This Policy is not intended and shall not be read to create any express or implied promise or contract for employment, for any benefit, or for specific treatment in specific situations. Canadian employees should review the section below “*Additional Information for Canadian Residents*” that is specific to Canadian residents. Nothing in this notice should be construed to interfere with OpenAI’s ability to process your data for purposes of complying with our legal obligations, or for investigating alleged misconduct or violations of company policy or law, subject to compliance with local legal requirements.

Collection of Personal Information

In this Policy “Personal Information” means information that directly identifies an individual (such as a name) or that is associated with an identified individual (such as a home address in combination with a name), or information that can be used to identify a specific individual (such as a mobile phone number or home address).

We collect, use, and store (collectively “process”) different types of Personal Information about you in the operation of our business. For example, if you are an employee, we process Personal Information about you primarily for managing our employment relationship with you and managing your interactions with workplace facilities/information systems. If you are a former employee, we process Personal Information about you primarily for legal compliance. If you are an independent contractor, we process your Personal Information to manage your engagement with OpenAI and access to our facilities and information systems. If you are a candidate, we process your Personal Information to engage with you about OpenAI career opportunities and consider your application for employment.

The Personal Information we process includes the following:

Categories of Personal Information	Examples of Personal Information	Categories of Collection Sources
Identifiers	First and last name, mailing address, employee or contractor ID, photo, signature, telephone number, email address, tax information, payroll information, withholdings, and other similar identifiers.	You, service providers, public sources.
Professional or employment-related information	Current or past job history or performance evaluations, resume, cover letter, job title, wage and benefit information, compensation, disciplinary or employment records, job restrictions, payroll information, and workplace illness and injury information.	You, your references, other employees, service providers, public sources.
Education information	Educational history, academic degrees, professional qualifications, certifications, and skills.	You, service providers, public sources.
Internet or other electronic network activity	Application data, such as emails sent and received from your work email address, OpenAI systems and software usage data, OpenAI device information and activity; and cookies when you interact with our recruiting website as described more fully in our Privacy Policy at www.OpenAI.com/privacy .	You, service providers, your devices.
Sensitive Personal Information	Social Security number or social insurance number driver's license number, passport number, state identification number, racial or ethnic origin, religious or philosophical beliefs, medical information, financial account information, and health insurance information.	You.
Protected classification characteristics	<p>Age (40 years or older), race, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, and veteran or military status.</p> <p>If you are employed in Canada, these characteristics may differ by province and are any characteristic protected by applicable provincial human rights legislation. This may</p>	You.

	include but is not limited to: indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment.	
Biometric information	Fingerprint and handprint scans for employee-only access to OpenAI office.	You.
Geolocation data	Physical location or building access data.	You, service providers.
Electronic, visual, and audio information	Video conference or call recordings or video surveillance for security purposes	You, service providers.
Inferences drawn from other Personal Information	Summary about an employee's abilities, job performance, or preferences.	You.

The categories above include categories of Personal Information we have collected in the preceding 12 months. It is important that the Personal Information we hold about you is accurate and current. Please keep us informed if your information changes during your employment by emailing HR@OpenAI.com.

How We Collect Personal Information

We will collect information from the following sources:

- Directly from you. For example, if you visit our office, respond to our employment offer, submit information via our websites or applications, complete forms or surveys that we provide to you, exercise your employment rights, provide documents, or otherwise voluntarily provide Personal Information to us.
- From other employees or third parties. For example, when collecting feedback from colleagues as part of regular employee reviews or information on your past employment performance or conduct from your references.
- From our service providers. For example, we hire vendors to conduct background checks in accordance with applicable law. We also use staffing agencies to manage our contingent workforce who may collect Personal Information from personnel on our behalf.
- From your activities at work based on office building entry, OpenAI systems and software usage, your work computer, and Internet logs.

- We may also collect publicly available information about you from third parties who have a legal right to share the information with us.

How We Use Your Personal Information

We only use Personal Information as needed in performance of our employment or other relationship with you or to comply with our legal obligations, including for the following legitimate business purposes:

- Managing our employment relationship with you including:
 - evaluating an applicant's qualifications and suitability for employment;
 - administering pre- and post-employment tests and training activity;
 - conducting criminal and other background checks;
 - completing the employment onboarding process;
 - timekeeping, payroll, direct deposit authorization, and expense report administration;
 - administration of benefits, leaves of absence, and maintaining emergency contact information;
 - employee training and development;
 - workers' compensation claims management;
 - performing workforce analytics, data analytics and benchmarking; or
 - other human resource purposes.
- Preparing and maintaining legally required records, such as I-9 forms, EEO-1 forms, and affirmative action plans, or, if you are employed in Canada, T4s or other tax or regulatory reporting forms.
- Conducting accounting activities, workplace investigations, and internal audits.
- Meeting tax obligations, complying with applicable law, and complying with health and safety obligations.
- Maintaining commercial insurance policies and coverages, including for workers' compensation and other liability insurance.
- Managing and monitoring employee access to company facilities, equipment, and systems.
- Preventing and detecting unlawful and inappropriate use of company credit cards, systems and assets and countering loss of company data.
- Investigating and enforcing compliance with company policies and procedures.
- Detecting and preventing unlawful and inappropriate use of company resources and countering loss of company data.
- Detecting, protecting against, responding to, and security incidents, malicious, deceptive, fraudulent, or illegal activity; and then prosecuting those responsible for that activity.
- Exercising or defending the legal rights of the company, its employees or affiliates.
- Conducting business management and planning including internal administration with our affiliated entities.
- Engaging in corporate transactions, such as evaluating potential mergers and acquisitions, which require review of employee records.

We use Personal Information for the purposes it was collected and for purposes described in this Policy. If we need to use information for an unrelated purpose, we will provide a form of notification and seek consent when required to by law.

We do not use your Personal Information for automated decision making.

Data Sharing

We may share your Personal Information with our trusted affiliates, contractors, and vendors (collectively, “service providers”) who provide services to us or on our behalf, or otherwise support our relationship with you. These service providers include, but are not limited to, payroll processors and benefits or leave administration providers.

As part of protecting your Personal Information, we require all our service providers to implement appropriate security measures consistent with our policies and data security obligations. We do not permit our providers to use your Personal Information for purposes unrelated to the terms of their engagement with us. As such, we only permit them to use your Personal Information for those purposes specified in accordance with our instructions.

We may also share your Personal Information for the following additional purposes where permitted or required by applicable law:

- Complying with court orders, subpoenas, lawful discovery requests and as otherwise permitted or required by law or regulation. We may be required by law at times, to provide certain information to government or law enforcement agencies, or to parties to civil lawsuits.
- Detecting and preventing fraud or other illegal or unauthorized activities.
- During emergency situations or where necessary to protect the safety of persons.
- Where the Personal Information is publicly available.
- If a business transfer or change in ownership occurs.
- For additional purposes with your consent where such consent is required by law.

Data Storage, Retention and Disposal

The information we collect may be processed and stored in the United States or in other countries where we or our affiliates or service providers process our data. We take steps to ensure that data is processed according to this Policy and to ensure Personal Information is adequately protected in accordance with applicable law. Your personal information may be subject to access by local government authorities in accordance with applicable law.

Except as otherwise permitted or required by applicable law or regulation, we will only retain your information for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Under some circumstances we may anonymize your information so that it can no longer be associated with you. We reserve the right to use such anonymous and de-identified data for any legitimate business purpose without further notice to you or your express consent. Once you are no longer an employee of OpenAI we will retain or destroy your Personal Information in accordance with our records retention policy and applicable laws and regulations.

Additional Information for California Residents

This section supplements the above Policy and applies solely to California residents. We have issued this notice to comply with the California Consumer Privacy Act of 2018 (CCPA), as amended by the California Privacy Rights Act (CPRA) and implementing regulations.

How we Share Your Personal Information

We do not sell your Personal Information and do not share your Personal Information for targeted advertising purposes. We have not sold or shared your Personal Information for targeted advertising purposes in the preceding 12 months. We do not share your sensitive Personal Information for purposes other than for the purposes of managing and facilitating your employment or contract relationship with us or as otherwise authorized by you.

Your California Rights

The California law provides California residents with specific rights regarding their Personal Information.

- **Right to Know:** you may have the right to request information about the Personal Information we have collected about you, the purpose of our collection, and the source of the data. You may also have the right to know with whom we have shared your Personal Information, for what purpose, and what Personal Information has been shared.
- **Right to Access:** you may have the right to request information about how we process your Personal Information and to obtain a copy of that Personal Information.
- **Right to Portability:** you may have Personal Information and to obtain a copy of that Personal Information in a structured, commonly used, and machine-readable format and to have that information transmitted to another organization in certain circumstances.
- **Right to Correction:** you may have the right to request that we modify or correct errors in the Personal Information that we have collected from you. However, please note that we may not accommodate a request to change Personal Information if we believe that doing so would violate any law, legal requirement or rights of another person, or cause the information to be incorrect.
- **Right to Deletion:** you may have the right to request the deletion of your Personal Information that we have collected from you.

1. Rights around Automated Decision-Making Technology

Automated decision-making technology may be used to infer information about your work performance, economic situation, health, personal preferences, interests, reliability, behavior, location, and movement. You have the right to request information about such automated decision-making technology and processing, and its results. You also have the right to opt-out of decision-making technology and profiling and the right to opt-out of cross-context behavioral advertising. However, please know that we do not use your Personal Information for automated decision making.

2. How to Exercise Your Rights

If you have any questions regarding the information contained in this Policy or would like to exercise your California rights, please contact us using either method below:

Send an email to: hr@OpenAI.com

Call us at: 1 (844) 534-9165

You can also reach out to our Privacy Officer at privacy@OpenAI.com.

When submitting a request, we may require additional information from you or take other steps to verify your identity and your right to access the Personal Information we hold about you. This is done to protect your privacy and maintain security. We may charge you a reasonable fee in instances that require a disproportionate effort, but we will advise you of any fee in advance. We may decline to process requests that are frivolous or unreasonably repetitive or burdensome, risk the privacy or impact the rights of others, or are extremely impractical. An authorized agent may also submit a request on your behalf.

3. *Non-Discrimination*

California law ensures that you are free from discrimination or retaliation when you exercise your California privacy rights, and we will not discriminate or retaliate against you for exercising any rights.

Additional Information for Canadian Residents

This information supplements the above policy and applies to Canadian residents. In general, the employer is permitted under Canadian law to collect, use and disclose personal information about employees without consent but with notice where reasonable to establish, manage or terminate the employment relationship. We process the personal information of applicants and employees in accordance with this notice. In circumstances where consent may be required by applicable law, we will seek your consent.

If you are a contractor or guest, by sharing your personal information with us you consent to the processing of that personal information in accordance with this policy.

We will retain your personal information for the period required as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. If we use your personal information to make a decision that affects you, we will retain it for at least one year so you may exercise your right to access it.

4. *Rights under Canadian Law*

- **Right to Access:** you may have the right to request information about how we process your Personal Information and to obtain a copy of that Personal Information.
- **Right to Correction:** you may have the right to request that we correct errors in the Personal Information that we have collected from you.

An individual's right to access or seek correction of their personal information is not absolute but is subject to limitations permitted or required by applicable law.

5. *Questions, Complaints and Requests for Access or Correction*

Questions regarding the information contained in this Policy, requests to access or correct your personal information or complaints can be directed to:

Send an email to: hr@OpenAI.com

Call us at: 1 (844) 534-9165

You can also reach out to our Privacy Officer at privacy@OpenAI.com.

When submitting a request, we may require additional information from you or take other steps to verify your identity Personal Information we hold about you. This is done to protect your privacy and maintain security. We will respond to any requests in accordance with applicable law.

JAPAN Additional Clauses Applicable to Employees, Applicants and Candidates

Special Categories of Personal Data

The special categories of personal data of you and your family member that may be processed by us are set out in this Privacy Notice. We will obtain your consent to collect special categories of personal data. You shall ensure to obtain consent upon providing the special categories of personal data of your family members to us.

International data transfer

Due to the global nature of our operations, we may transfer or disclose your personal data to personnel, servers or organizations outside of Japan, including the United States, Canada, the UK, and Ireland. Where we share your personal information, we will put in place contractual measures to ensure they process your personal data in accordance with our instructions and have in place technical and organizational measures to protect your personal data with a level of protection comparable to that required under the Act on the Protection of Personal Information (“APPI”).

Data Subject Rights

In Japan, you have rights under the APPI such as:

- the right to access to, or obtain a copy of your personal data;
- the right to request deletion or cessation of processing of your personal data if your personal data has been used beyond the scope necessary to achieve the purpose(s) for which they were collected, processed or obtained by deceit or in violation of the APPI, if our use of your personal data triggers illegal acts, is no longer necessary in relation to the purposes for which they were collected, compromised or otherwise processed in a manner which could harm the rights or legitimate interest of you;
- the right to request cessation of transferring of your personal data if your personal data is transferred to a third party in violation of the APPI or the transfer could harm your rights or legitimate interest;
- the right to request disclosure of the following information (we may refuse your request to the extent we are permitted to do so in accordance with APPI):
 - data security measures we have implemented; and
 - in case where your personal data has been shared with foreign companies including our subsidiaries and affiliates and external foreign service providers, (i) measures to ensure the data recipients take sufficient data security measures (the “Measures”) and the details of the Measures, (ii) measures and frequency that we audit the data recipients’ implementation of the Measures, (iii) name of the recipient country and rules of the country that could hinder the implementation of the Measures, and (iv) other obstacles that could hinder the implementation of the Measures and measures that we have conducted to solve such obstacles.

Processing of My Numbers

We may directly obtain from you and process your (including your family member’s) Individual Number prescribed in Article 2 (5) of Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure (the “My Number Act”) (“Individual Number”) for the purpose of tax, social insurance or disaster recovery purposes in accordance with the My Number Act and other relevant laws and regulations.

Contact Information

If you have any complaints regarding our processing of your personal data, questions on this Privacy Notice, our use of your personal data, international transfer or our data protection measures implemented, and/or want to confirm the measures to exercise your privacy rights above, please contact Privacy@OpenAI.com.

