

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

Last Updated: February 1, 2023

OpenAI (“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 Section IX for information 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.

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## **I. 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 <a href="http://www.openai.com/privacy">www.openai.com/privacy</a> .	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.

**II. 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.

### **III. 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.

#### **IV. 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.

#### **V. Data Security**

Protecting your information is one of our top priorities. We have implemented reasonable and appropriate physical, administrative, and technical safeguards and security measures to protect against the loss, misuse, or alteration of Personal Information under our control. In addition, we limit access to Personal Information to those employees, agents, contractors, and other third parties who have a legitimate business need for such access. In the event your information is compromised, we will notify you in the most expedient time reasonable under the circumstances and where required by law.

#### **VI. 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 the company we will retain or destroy your Personal Information in accordance with our records retention policy and applicable laws and regulations.

## **VII. Policy Changes**

We reserve the right to make changes to this Policy from time to time without prior notice. If we modify this Policy, we will update the “Last updated” date at the top of this Policy. We may take other steps to notify you of any updates, including if other steps are required by applicable law. We encourage you to periodically review this Policy.

If at some time in the future, we wish to use your information for new unanticipated uses not previously disclosed in our Policy, we will provide a more direct way of notifying you of changes to this Policy and obtain your consent as required by law.

## **VIII. 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.

### ***1. 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.

### ***2. 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.

### ***3. 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.

### ***4. 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](mailto:hr@openai.com)

Call us at: 1 (844) 534-9165

You can also reach out to our Privacy Officer at [privacy@openai.com](mailto: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.

### ***5. 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.

## **IX. 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.

### ***1. 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.

### ***2. 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](mailto:hr@openai.com)

Call us at: 1 (844) 534-9165

You can also reach out to our Privacy Officer at [privacy@openai.com](mailto: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.