

# Merck & Co., Inc. (Kenilworth, NJ, USA) Notice of Data Practices for Employment-Related Purposes

<b>FACTS</b>	<p>This Notice provides a comprehensive overview of the practices of Merck &amp; Co., Inc. (Kenilworth, NJ, USA) and its affiliates with respect to the collection, use and disclosure of data for employment-related purposes about employees, their family members, and other individuals about whom the company and its affiliates have Personal Information as a result of the relationships those individuals have with employees.</p> <p><i>This Notice is not intended to replace other notices or consents provided by our company or its affiliates to employees, contingent workers or others in accordance with national and local laws and regulations or for specific programs. In the event of any conflict between notices or consents required by local law and this Notice, the notices or consents required by local law will prevail.</i></p>
<b>Our Approach</b>	<p>At Merck &amp; Co., Inc. (Kenilworth, NJ, USA) – also known as Merck Sharp &amp; Dohme (MSD) outside of the U.S. and Canada, our approach to privacy begins with our values. Consistent with our tradition of upholding high ethical standards across our business practices, we have demonstrated our commitment to privacy by establishing a global privacy program to support compliance with applicable privacy laws and standards for protecting personal information around the world.</p>
<b>Why?</b>	<p>As a global company, we continue to determine that important business efficiencies can be achieved by consolidating information about our employees, family members, and other individuals about whom the company has Personal Information as a result of the relationships those individuals have with employees (the "human resources data"), in centralized databases and systems located at our facilities in the USA or with third parties who host applications for us. The primary company system of record for human resources data is Hire-to-Retire (HtR), which is located in the USA. HtR will soon be replaced by a system called Workday, and the information below about HtR equally applies to Workday. HtR also shares human resources data with other systems and databases hosted by or on behalf of our company, however, HtR and those other systems and databases will only collect, receive, use and share human resources data in accordance with and as permitted by applicable laws, our Global Cross Border Privacy Rules Policy, which is available at <a href="https://www.msdprivacy.com/us/en/cross-border-privacy-policy-rules.html">https://www.msdprivacy.com/us/en/cross-border-privacy-policy-rules.html</a> (and includes our Binding Corporate Rules), and, where applicable, as authorized by applicable government authorities, in connection with employment-related activities, which may include:</p> <ul style="list-style-type: none"><li>• staffing (e.g., headcount planning, recruitment, termination, succession planning)</li><li>• organizational planning and development and workforce management</li><li>• budget planning and administration</li><li>• compensation, payroll, and benefit planning and administration (e.g., salary, tax withholding, tax equalization, awards, insurance and pension)</li><li>• workforce development, talent management, education, training and certification</li><li>• background checks</li><li>• performance management</li><li>• problem resolution (e.g., internal reviews, grievances), internal investigations, auditing, compliance, risk management and security purposes</li><li>• authorizing, granting, administering, monitoring and terminating access to or use of company systems, facilities, records, property and infrastructure</li><li>• business travel (e.g., limousines, commercial flights, company aviation services, hotels, rental cars)</li><li>• expense management (e.g., corporate card, expense and grant of authority administration, procurement)</li><li>• project management</li><li>• conflict of interest reporting</li><li>• employee communications</li><li>• flexible work arrangements</li></ul>

Effective Date: 08 February 2019.

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<p><b>Why? (cont.)</b></p>	<ul style="list-style-type: none"> <li>• administration of employee enrollment and participation in activities and programs offered to eligible employees (e.g., matching donations to non-profit organizations, political action committee contributions, wellness activities)</li> <li>• work-related injury and illness reporting</li> <li>• monitoring and surveillance for industrial hygiene, public health and safety</li> <li>• legal proceedings and government investigations, including preservation of relevant data</li> <li>• as required or expressly authorized by laws or regulations applicable to our business globally or by government agencies that oversee our business globally</li> </ul> <p>Depending on the location in which you live, local laws may require that you provide specific consent for the collection, use and disclosure of human resources data for some of these purposes. Where required, you may be asked to provide your consent by appropriate and permitted means.</p> <p>In order to ensure the integrity and security of the Company's IT system, protect Company assets and persons including employees' own privacy, certain monitoring will occur in order to prevent cyber-attacks or the introduction of malware or spyware. In addition, certain processing of personal information may take place by way of either persistent and/or session cookies in order to enhance the quality and simplify the use of our IT systems. Such processing is allowed by most legislation, including the EU General Data Protection Regulation (EC (No.) 2016/679), on the basis of legitimate interest.</p>																								
<p><b>What?</b></p>	<p>The types of human resources data we collect (directly from you or from public or third-party information sources) and share depend on the nature of your position and role within our company and the requirements of applicable laws. Examples of this information, the legal basis for holding such information, and a description of why it is needed, may include, among other things:</p> <table border="1" data-bbox="318 989 1552 1787"> <thead> <tr> <th data-bbox="318 989 781 1083">Employee Personal Information Collected</th> <th data-bbox="781 989 1029 1083">Legal basis for holding the information</th> <th data-bbox="1029 989 1552 1083">Description of why the information is needed</th> </tr> </thead> <tbody> <tr> <td data-bbox="318 1083 781 1234">Contact information (e.g., name, home and business addresses, telephone, fax and pager numbers, e-mail addresses)</td> <td data-bbox="781 1083 1029 1234">Performance of employment contract</td> <td data-bbox="1029 1083 1552 1234">To enable contact and communications between you and your employer</td> </tr> <tr> <td data-bbox="318 1234 781 1329">Date of birth</td> <td data-bbox="781 1234 1029 1329">Performance of employment contract</td> <td data-bbox="1029 1234 1552 1329">For minimum wage purposes, redundancy calculations, rest break requirements and pension related purposes</td> </tr> <tr> <td data-bbox="318 1329 781 1392">Terms and conditions of your employment</td> <td data-bbox="781 1329 1029 1392">Legal obligation</td> <td data-bbox="1029 1329 1552 1392"></td> </tr> <tr> <td data-bbox="318 1392 781 1486">Bank account details</td> <td data-bbox="781 1392 1029 1486">Performance of employment contract</td> <td data-bbox="1029 1392 1552 1486">To enable payroll</td> </tr> <tr> <td data-bbox="318 1486 781 1581">National identity number</td> <td data-bbox="781 1486 1029 1581">Performance of employment contract</td> <td data-bbox="1029 1486 1552 1581">To enable payroll, and various national insurance and medical plan deductions</td> </tr> <tr> <td data-bbox="318 1581 781 1675">Details of period of sick leave</td> <td data-bbox="781 1581 1029 1675">Compliance with a legal obligation</td> <td data-bbox="1029 1581 1552 1675">To enable payment of governmental statutory sick leave, where appropriate</td> </tr> <tr> <td data-bbox="318 1675 781 1787">Details of periods of sickness</td> <td data-bbox="781 1675 1029 1787">Performance of employment contract</td> <td data-bbox="1029 1675 1552 1787">To enable payment of Company-funded sick leave, where appropriate</td> </tr> </tbody> </table>	Employee Personal Information Collected	Legal basis for holding the information	Description of why the information is needed	Contact information (e.g., name, home and business addresses, telephone, fax and pager numbers, e-mail addresses)	Performance of employment contract	To enable contact and communications between you and your employer	Date of birth	Performance of employment contract	For minimum wage purposes, redundancy calculations, rest break requirements and pension related purposes	Terms and conditions of your employment	Legal obligation		Bank account details	Performance of employment contract	To enable payroll	National identity number	Performance of employment contract	To enable payroll, and various national insurance and medical plan deductions	Details of period of sick leave	Compliance with a legal obligation	To enable payment of governmental statutory sick leave, where appropriate	Details of periods of sickness	Performance of employment contract	To enable payment of Company-funded sick leave, where appropriate
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What (cont.)	Nationality	Compliance with a legal obligation	Confirm of eligibility status of employees
	Disability status upon commencement of employment	Legitimate interests	In order to make reasonable adjustments to support the employee and tracking of equal opportunities
	Equal opportunities monitoring information (e.g., ethnic origin, sexual orientation, religion, gender, etc.)	Compliance with a legal obligation	Tracking of equal opportunities and diversity targets, where required
	Details of qualifications / skills or employment history, including references from previous employers	Legitimate interests	To record competencies and qualifications obtained relating to one's job
	Disciplinary records	Legitimate interests	To record any investigations that have been carried out in relation to the employee in the employment context
	Grievance records	Legitimate interests	To record any grievances or grievance investigations that have been carried out in relation to the employee (or raised by the employee), and to record agreed outcomes in the employment context
	Performance management records	Legitimate interests	To record any performance discussion held and to feed into pay and promotion discussions
	Timekeeping and attendance	Legal obligation	Ensure compliance with time recording requirements, where applicable
	Contact details of next of kin and / or emergency contacts	Legitimate interests	To make contact in case of emergency
	Monitoring in furtherance of health and safety (e.g., industrial hygiene exposure assessment, noise dosimetry results, etc.)	Legitimate interests	To help monitor the safety of our staff on-site, where applicable
	Contact details and personal data related to the use of IT systems (email, ISID, IP address, other online identifiers, etc.)	Legitimate interests	Administering our applications, software, and systems to ensure that our systems are secure and are fit for use
	Contact details and personal data related to the use and access to IT systems (name, email, ISID, etc.)	Performance of employment contract	Authorizing, granting, administering, monitoring and terminating access to or use of Company systems, facilities, records, property and infrastructure
	Note on sensitive data: (e.g., data that reveal race, ethnic origin, religious or philosophical beliefs, health, sexual orientation, political opinions or trade union membership) are collected only where required by law and are used and disclosed only to fulfill legal requirements or upon your specific request.		

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How?	<p>In the section below, we list the reasons that we typically may share human resources data for employment-related purposes, the reasons that we may share this information, and whether you can limit this sharing. We implement reasonable and appropriate security measures to protect personal information in accordance with its sensitivity from loss, misuse and unauthorized access, disclosure, alteration or destruction.</p>		
	Reasons personal information about you could be shared for employment-related purposes	Do we share?	Can you limit this sharing?
	Reporting to government authorities	Yes, for example, to report safety information about our products.	No
	To parties in relevant legal proceedings as authorized by the presiding court or tribunal and otherwise to the extent required or explicitly authorized by applicable law.	Yes	No, except where required by local law.
	In the event that for business reasons we decide to divest part or all of our business through sale, merger or acquisition, to actual or prospective purchasers	Yes, based on written agreements that personal information will be protected appropriately in these circumstances.	Generally, no, except where local law permits you to opt-out or requires your express consent.
	With companies globally that provide services on our behalf and in accordance with our instructions (for example, to deliver specific information you have requested)	Yes, if the business operation is supported by another company. As a global company, we may work with companies around the world to provide services for or on our behalf, and we will require those companies to protect personal information in accordance with applicable laws, rules and regulations and Company privacy policies.	<p>Generally, no. We have instituted policy, contractual and administrative mechanisms requiring protection of personal information by other companies that process personal information on our behalf globally. However, where local law provides a right for you to limit this sharing, we will comply with such requirements.</p> <p>In circumstances where our business operations are supported by other companies, such as a company that we contract with to mail the materials you request, you will not be able to limit this sharing and still receive the service.</p>
<p>To affiliates* within the Merck &amp; Co., Inc. (Kenilworth, NJ, USA) family of companies globally for everyday business purposes as described in this notice</p> <p><i>*Affiliates are companies</i></p>	Yes, as a global company, we generally share personal information across our offices globally for the purposes described in this notice, however,	Generally, no. We have instituted policy, contractual and administrative mechanisms requiring protection of personal information across our business globally. One example of this is obtaining approval within the	

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How (cont)	<p><i>related by common ownership or control. Outside of the United States and Canada, affiliates of Merck &amp; Co., Inc. (Kenilworth, NJ, USA) generally operate under the names "MSD" or "Merck Sharp &amp; Dohme"</i></p>	<p>only those individuals with a legitimate business need to access personal information for these purposes are granted such access. For example, HR data about you will be available to your management, who may be located in another country, the HR Business Partners responsible for your country and the HR centers located in the U.S.A. or regionally that are responsible for certain HR functions, such as compensation and benefits planning.</p>	<p>European Union of our Binding Corporate Rules. In exchange for internally applying the provisions of the General Data Protection Regulation, the Company is permitted to transfer information among all of its affiliates globally. However, where local law provides a right for you to limit this sharing, we will comply with such requirements.</p>
	<p>To companies we collaborate with: to use for their own products and services</p>	<p>In rare cases, companies with whom we collaborate, but who are not acting on our behalf, may request that we share human resources data so that they can provide information about their own products and services to you. In such a case we would only share information about you if you provide your express (opt-in) permission for this sharing.</p>	<p>Yes</p>
	<p>To other companies we collaborate with solely for activities related to products or services jointly offered or developed by us and that company.</p>	<p>Yes, subject to written agreements between us and those companies, which require those companies to protect confidential information provided to them by us.</p>	<p>Yes, where permitted by law. If you request to opt-out of this sharing, however, you will not be able to work on co-development projects that we undertake with such companies.</p>

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<b>How we ensure security of your personal information?</b>	We will take reasonable steps to protect your personal information, according to its sensitivity, how it is collected and transmitted between your computer or device and our online resources and servers, as well as to protect personal information in our possession from unauthorized access, disclosure, alteration or destruction. It is your personal responsibility to secure your own copies of your passwords and related access codes for our online resources. The <a href="#">Information Security Standards Handbook</a> sets forth the specific requirements for ensuring that the type and level of security is appropriate to the sensitivity of the information and the risk level of the activity, taking into account current technology best practices and the cost of implementation.
<b>How long do we retain your personal information?</b>	We generally retain personal information for as long as reasonably needed for the specific business purpose or purposes for which it was collected and the duration of your employment, use of company systems, apps and other relevant information assets. In some cases, we may be required to retain information for a longer period of time based on laws or regulations that apply to our business, such as applicable rules on statute of limitations or for other necessary business purposes. Where possible, we aim to anonymize the information or remove unnecessary identifiers from records that we may need to keep for periods beyond the original retention period. Details about retentions can be found in <a href="#">Company Retention Policy</a> .
<b>What rights do you have over the personal information we hold about you?</b>	In addition to the right to access or correct information, you may be entitled, in accordance with applicable law, to object to or request the restriction of processing of your personal information, and to request erasure of your own personal information. Requests should be submitted by contacting the Global Privacy Office.  If you have additional concerns with our use of your personal information or our response to any exercise of your rights, you have the possibility to lodge a complaint to your local data protection Supervisory authority.

### Contact Us



If you have questions regarding this notice or the personal information we collect, use and share about you, or if you would like to access or update personal information about you in our databases in accordance with your rights under applicable law, please contact us.

To contact the Global Privacy Office:

*Write to:*  
Global Privacy Office  
Merck & Co., Inc.  
UG4B-24  
351 N. Sumneytown Pike North  
Wales, PA, USA 19454

*Send an e-mail to:*  
Global [Privacy Office](#)

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