

## **APPENDIX 1 - THIRD PARTY BENEFICIARY RIGHTS**

Total's BCRs grant rights to Data Subjects to enforce the Rules as third-party beneficiaries, as detailed in the various chapters of these BCRs.

More specifically, they may enforce the following principles according to the terms and conditions set out in these BCRs:

- That any processing operation carried out within the Group must have a legal basis as provided for by Applicable Law;
- That Total must collect and process Personal Data for legitimate, specified and explicit purposes and must not further process any Personal Data in a way incompatible with the purpose for which they were collected;
- That Total must process Personal Data that are relevant and not excessive in relation to the purposes for which they are collected, and that these Data must be accurate and, where necessary, kept up to date;
- That Data Subjects must be provided with easy and permanent access to the information relating to their rights under these BCRs;
- That Data Subjects whose Personal Data originate from the EEA must have a right of access, of rectification and of objection to the processing of their Personal Data in accordance with Applicable Law;
- That Data Subjects whose Personal Data originate from the EEA must not be subject to a decision that produces legal effects concerning them or significantly affects them and that is based solely on automated processing of Personal Data intended to evaluate certain personal aspects relating to them, unless that decision:
  - Is taken in the course of the entering into or performance of a contract, provided the request for the entering into or the performance of the contract, lodged by the Data Subject, has been satisfied or that there are suitable measures to safeguard his/her legitimate interests, such as arrangements allowing him/her to express his/her point of view; or
  - Is authorized by Applicable Law, which also lays down measures to safeguard the Data Subject's legitimate interests;
- That Total must implement appropriate measures to guarantee the security and confidentiality of the Personal Data, having regard to the state of art and the cost of their implementation;
- That Total must conclude a written processing agreement with any service provider used to process Personal Data, specifying that the service provider shall act only under Total's instructions and shall implement appropriate security and confidentiality measures;
- That Total must not transfer Personal Data from a Member State of the EEA or originating from the EEA to a company not belonging to the Group and located in a Third Country which does not provide an adequate level of data protection (either an External Data Controller or Processor) without a legal basis under Applicable Law and instruments providing for sufficient safeguards;
- That a Total Subsidiary must immediately inform the Data exporter if this Total Subsidiary deems that the legislation applicable in its jurisdiction is likely to prevent it from fulfilling its obligations pursuant to Total's BCRs, and have a detrimental effect on the guarantees offered by these BCRs, unless where prohibited by a law enforcement authority, in particular as a result of a prohibition under criminal law to preserve the confidentiality of a law enforcement investigation;

- That any Data Subject may lodge a complaint with Total through the internal complaint mechanism in accordance with the terms set out in the Chapter "Complaint handling";
- That any Total Subsidiaries that have subscribed to the BCRs must cooperate with the competent supervisory authorities, follow their recommendations regarding the international Transfers of Data in the event of a complaint or of a particular request from such authorities and accept to be audited by the supervisory authority of their country of establishment;
- That any Data Subject may lodge a complaint with the National Supervisory Authorities or bring an action before the court of the EEA Member State where the Data exporter is established in order to enforce the above principles, and, where appropriate, to receive compensation for the damage suffered as a result of a breach of Total's BCRs. If, in the course of a transfer of Personal Data outside the EEA, the Data importer fails to observe Total's BCRs, the Data exporter will defend any claim, establish that the Data importer has not violated the BCRs, and pay compensation to the Data Subject for the damage suffered as a result of that violation.

## **APPENDIX 2 - INTERNAL COMPLAINT HANDLING PROCEDURE**

If a Data Subject believes that a Total Subsidiary has not complied with Total's BCRs, he/she may file a complaint in accordance with the complaint procedure set forth in the relevant privacy policy or contract or pursuant to the procedure described below.

### 1. HOW TO MAKE A COMPLAINT

Data Subjects may file a complaint by sending:

- An e-mail to: [data-protection@total.com](mailto:data-protection@total.com); or
- A letter to TOTAL – DATA PROTECTION, Tour Coupole, 2 place Jean Millier, Arche Nord Coupole/Regnault, 92078 PARIS LA DEFENSE CEDEX.

The complaint should clearly provide as much detail as possible about the issue raised, including:

- The country and the Total Subsidiary concerned, the Data Subject's understanding of the violation of the BCRs, the redress requested;
- The Data Subject's full name and contact details as well as a copy of his/her identity card or any other identifying document;
- Any previous correspondence on this specific issue.

### 2. TOTAL'S RESPONSE

Within three months of Total receiving a complaint, the appropriate Branch Data Privacy Lead ("BDPL") shall inform the Data Subject in writing of the admissibility of the complaint; and if the latter is admissible, of the corrective actions that Total has taken or will take in response. The appropriate BDPL shall ensure that, if necessary, appropriate corrective actions are taken to achieve compliance with Total's BCRs if necessary.

The appropriate BDPL shall send a copy of the complaint and any written reply to the Corporate Data Privacy Lead ("CDPL").

### 3. RECOURSE PROCESS

If the Data Subject is not satisfied with the response from the appropriate BDPL (e.g., the complaint has been rejected), he/she may refer to the CDPL by sending an e-mail or letter as indicated above. The CDPL will review the complaint and reach a decision within three months of the data the request was received. Following this period, the CDPL will inform the Data Subject whether the initial response has been upheld or communicate a new response.

The fact that Data Subjects may file a complaint with Total does not affect their right to lodge a complaint with the competent National Supervisory Authority or bring an action before the court of the EEA Member State where the Data exporter is established.