



## Compliance & Ethics Notice

The Way We Do Business Worldwide

# Applicant and Employee Privacy Notice

Effective January 1, 2023

## Scope

This Privacy Notice applies to personal information of applicants and employees (including contractors) that Bloom Energy collects and processes in the course of our Human Resources Operations, from submission of an application, throughout the course of an individual's employment, and following employment (collectively, the "Human Resources Operations").

The terms "Bloom Energy," "we," "us," and "our" include Bloom Energy Corporation and our affiliates and subsidiaries. This Privacy Notice explains the kinds of information we may collect, how we intend to use and share that information, and how you may be able to opt-out of a use or correct or change such information. Bloom Energy is the controller for the personal data we process, unless otherwise stated.

## Personal Information We Collect

The personal information we collect may include:

**Personal Identifiers**, such as name, alias, signature, telephone number, postal address, email address, unique personal identifier, online identifier, internet protocol address, account name, social security number or other government issued identification number, driver's license number, passport number, financial account number or information, medical information or other similar identifiers.

**Demographic Information**, such as age, race, color, religion, national origin, citizenship, veteran or military status, marital status, sex, gender, gender identity, gender expression, sexual orientation, physical or mental disability or union membership, to the extent you choose to disclose this information or are required under applicable employment laws.

**Internet and Technical Information**, such as internet protocol address, data from cookies, data from web beacons, device identifiers, server log records, browsing history, search history, interaction with a website, application or advertisement, interaction with marketing emails, geolocation, etc.

**Employment and education information**, such as prior or current employer, department, work location, job title, dates of employment, work status, references, skills, educational history, professional qualifications, any other information you may choose to include in your resume, tax status and filing elections, compensation, benefits elections, training information and any other information included in an employee personnel file.

**Screening information**, such as aptitude assessments or information necessary to complete background checks, drug and/or alcohol tests, medical check report, health declaration, salary, remuneration package, and other screenings permitted by law.

**Employment verification information**, such as immigration status and other work authorization information that would allow us to verify your employment eligibility; if you have a disability and would like us to consider an accommodation, you may provide that information during the recruiting process as well.

**Communications**, such as content of communications you send to us;

**Social Media Content**, such as community discussions and comments on our Sites and any other information that is publicly available or that you consent to making available on corporate social sharing sites.

**Audio, Video, or Visual Information**, such as call recordings, teleconference or videoconference recordings of interviews, meetings, trainings and other events, photographs, voicemails, closed-circuit monitoring (CCTV), etc.

**Contest and Survey Information**, such as information and responses you provide when participating in contests or responding to survey information.

**Individual profiles**, such as assessments of references, interviewers, recruiters, managers and inferences drawn from any of that information to create a profile reflecting abilities, aptitude, tendencies, professional interests and performance.

**Travel and expense information**, such as details of travel that you undertake and reimbursable expenses you incur in connection with the interview process or your employment with us.

**Sensitive Personal Information**, we may also collect sensitive personal information, including:

- Government identifiers;
- Optional demographic information such as race, ethnic origin, religious or philosophical beliefs and union membership;
- Genetic data;
- Health, sex life, or sexual orientation;

- Account login information (financial account or credit card numbers in combination with any required access codes or passwords);
- Precise geolocation information;
- Biometric information; and
- Contents of mail, email, and text messages unless Bloom Energy is the intended recipient of the communication.

Sensitive personal information may be collected for a position with Bloom Energy and/or to comply with applicable laws. You consent to Bloom Energy's processing of such data in accordance with this Notice.

**Miscellaneous information**, such as other information you choose to provide during the application or performance review process, such as information regarding partners and dependents, emergency contact details, disclosure statements, restrictive covenants, opinions, etc.

Providing applicant data to us is voluntary; however, if you do not provide sufficient information, we may be unable to consider your application or, if you are hired, your subsequent promotion, transfer or relocation.

## Use of Bloom Energy Information Technology Systems and Networks

Bloom Energy may collect certain information about activities you engage in on Bloom Energy property, equipment, accounts, systems and networks, such as your IP address, device identifiers, mobile carrier and related information. Bloom Energy may monitor and review employees' uses of Bloom Energy equipment, accounts, information technology systems and networks, including its phone networks, computer networks, including those used to access the Internet, videoconferencing systems and other company-provided electronic communications tools. Bloom Energy may access and review electronic files, messages, and emails sent or stored on its information technology systems, including accounts, computers and devices provided to employees.

Bloom Energy may offer intra-company accessible sites, pages, messaging channels, blogs, or forums ("**Intra-Company Sites**"). Bloom Energy and other individuals who use the Intra-Company Sites may collect the information you submit or make available through these sites. If you choose to submit content to any public area of the Intra-Company Sites, such content will be considered "public" and will not be subject to the privacy protections set forth herein.

*Please note that you have no expectation of privacy while using Bloom Energy information technology systems, networks and electronic communication tools.*

## How Bloom Energy Collects Your Information

We collect personal information directly from you or your representative, external recruiters or from publicly available sources, such as search engines, career networking sites, public

databases, etc. We also collect personal information through automated means, such as cookies and web beacons.

In addition, Bloom Energy employs software programs to identify unauthorized access or access to nonpublic information, detect computer viruses and other software that might damage Bloom Energy's computers or the network, and monitor and fine-tune the performance of our network. These programs may detect additional information from your computer such as your IP address and other technical information. This information is used only for the purpose of maintaining the security and performance of our networks and computer systems.

It is your responsibility to obtain consent from any references, family members or dependents before providing their personal information to us.

## How Bloom Energy Uses Your Information

We process personal information for a variety of human resources, business management and other lawful purposes, including:

- To assess your suitability, aptitude, skills, qualifications, and interests for employment with Bloom Energy;
- To communicate with you about the application process and/or your application;
- To assist you with obtaining an immigration visa or work permit (where required and requested by you);
- To take steps at your request prior to entering into an employment contract with you (for example, after we have sent you an offer, we need to process certain personal information in order to enter into and then perform the contract of employment);
- Workflow management, including assigning, managing and administering projects;
- Human Resources Operations administration and communication;
- Payroll and the provision of benefits;
- Compensation, including bonuses and long-term incentive administration, stock plan administration, compensation analysis, including monitoring overtime and compliance with labor laws, and company recognition programs;
- To pursue our legitimate interests as a company (for example, fraud prevention, network and information security, disclosure to affiliated organizations for administrative tasks, employee monitoring for safety or management, whistleblowing schemes, enforcement of legal claims, management of our intellectual property and research purposes);
- Job grading activities;
- Performance and employee development management;
- Organizational development and succession planning;
- Benefits and personnel administration;
- Absence management;
- Helpdesk and IT support services;
- Internal and/or external or governmental compliance investigations;
- Internal or external audits;

- Where it is necessary for the establishment, exercise or defense of legal claims;
- Diversity and inclusion initiatives;
- Restructuring and relocation;
- Emergency contacts and services;
- Employee safety;
- To comply with our legal obligations;
- Processing of employee expenses and travel charges;
- Acquisitions, divestitures, and integrations; and
- As you otherwise agree or consent.

## Who We Share Your Information With

Bloom Energy will not disclose, share, sell, or otherwise use your personal information without your consent, except to the extent required by law, in accordance with your instructions, or as identified in this Privacy Notice. We may share your information with the following groups:

**Vendors and Service Providers.** We may share any information we receive with vendors and service providers. The types of service providers to whom we entrust personal information include service providers for: (i) provision of IT and related services; and (ii) processing to maintain our Human Resources Operations.

**Affiliates and Subsidiaries.** We may share personal information with our affiliates and subsidiaries for our and our affiliates' and subsidiaries' internal business purposes.

**Public and Government Entities.** We may share personal information with public and government entities as required to comply with local employment and tax laws.

**Other Individuals.** When you post content to the Intra-Company Site, other individuals may be able to see some information about you, such as your name and/or picture in addition to the content you post. We are not responsible for practices of the individuals who view and use your information.

**Disclosures to Protect Us or Others.** We may access, preserve, and disclose your personal information if we believe doing so is required or appropriate to: (i) comply with law enforcement or national security requests and legal process, such as a court order or subpoena; (ii) protect your, our or others' rights, property, or safety; (iii) to enforce Bloom Energy policies and contracts; (iv) to collect amounts owed to us; (v) when we believe disclosure is necessary or appropriate to prevent financial loss or in connection with an investigation or prosecution of suspected or actual illegal activity; or (vi) if we, in good faith, believe that disclosure is otherwise necessary or advisable.

**Merger, Sale, or Other Asset Transfers.** If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, sale of company assets, or transition of service to another entity, then your information may be transferred as part of such a transaction as permitted by law and/or contract.

We disclose the following categories of personal information to the following categories of third parties where necessary, appropriate, or required:

Category of Personal Information Collected by Bloom Energy	Category of Third Parties Information is Disclosed to for a Business Purpose
<b>Personal Identifiers</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> <li>• Public and governmental entities</li> </ul>
<b>Demographic Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> <li>• Public and governmental entities</li> </ul>
<b>Internet and Technical Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Employment and Education Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> <li>• Public and governmental entities</li> </ul>
<b>Screening Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Employment Verification Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Communications</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Social Media Content</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>

Category of Personal Information Collected by Bloom Energy	Category of Third Parties Information is Disclosed to for a Business Purpose
	<ul style="list-style-type: none"> <li>• Other individuals</li> </ul>
<b>Audit, Video, or Visual Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Contest and Survey Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Individual Profiles</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Travel and Expense Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>
<b>Sensitive Personal Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> <li>• Public and governmental entities</li> </ul>
<b>Miscellaneous Information</b>	<ul style="list-style-type: none"> <li>• Data analytics and advertising providers</li> <li>• Vendors and service providers</li> <li>• Affiliates and subsidiaries</li> </ul>

## Sale of Personal Information

We allow certain third parties to use cookies and other online tracking technologies to collect personal information on our Sites to support our business purposes. These third parties may analyze activity and help us personalize your experience. These third parties may also provide free or enhanced add-on services to our company, and they may use your personal information for purposes beyond the services they provide to our company (for example, building consumer profiles to help other clients with their targeted advertising or enriched analytics). These types of online exchanges of personal information may be defined as “sales” or “sharing” under applicable law(s), with some exceptions. We may “sell” or “share” (as defined by the law) the following categories of personal information to third party online analytics and

advertising providers: personal identifiers; internet and technical information; corporate affiliation information (to the extent it can be derived from your activity on our website).

You have the right to opt-out of the “sale” or “sharing” of your personal information for cross context behavioral advertising or targeting purposes. To do so, you may manage your cookie preferences using the “help” menu of each browser on each device that you wish to opt-out or block some or all cookies.

You may also implement a browser setting or extension to communicate your selling and sharing preferences automatically to the websites you visit. The current “opt out preference signal” is called the Global Privacy Control (GPC). GPC is available on many browsers and browser extensions. To use GPC, download and enable it via a participating browser or browser extension. More information about the GPC is available [here](#).

## International Data Transfers

All information collected via or by Bloom Energy may be transferred, processed, and stored anywhere in the world, including but not limited to, the United States, in order to carry out our Human Resources Operations.

## Your Choices

In some instances, you may have the right to opt out of and object to certain uses and disclosures of your personal information.

If you are an applicant or employee located in the European Economic Area, United Kingdom, Switzerland, or Brazil, Bloom Energy relies on your consent in order to process your personal data. Where Bloom Energy requires your consent in order to collect and process your personal data, we seek your consent at the time of collection, and such processing will only be performed where consent is secured. Where the legal basis for us processing your personal data is that you have provided your consent, you may withdraw your consent at any time. You will not suffer any detriment for withdrawing your consent. If you withdraw your consent, this will not make unlawful any processing which we undertook prior to your withdrawal.

For more information on the choices you may have and how to exercise them, please contact us as set forth below.

## Individual Rights in Personal Information

Only you, or someone legally authorized to act on your behalf (an “authorized agent”), may make a verifiable request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

An authorized agent must provide a power of attorney or written permission, signed by you, when submitting a verifiable consumer request on your behalf. We may require you to verify your identity directly with us and confirm you provided the authorized agent permission to submit the request.

You may have the following rights regarding your personal information under applicable laws, subject to a number of exceptions and limitations:

### **Right to Access Information**

You may have the right to request access to the specific personal information we have collected about you, or to request:

- The categories of personal information we have collected and the purpose for which it was collected.
- The categories of sources for the personal information we collected.
- If we disclosed your personal information to a third party, the categories of third parties we disclose your personal information to, and the personal information types disclosed.
- If we sold your personal information and a list of the types of personal information sold to each category of recipient.

### **Right of Rectification or Correction**

You may have the right to have your personal information rectified or corrected if that personal information is inaccurate or incomplete. Users are able to edit and update most of their personal information held by Bloom Energy on the Site, and if you have any queries or complaints, we encourage you to contact us at [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com).

Alternatively, if you do not wish to do this you may make a formal request to have Bloom Energy rectify any inaccurate personal information on your behalf.

### **Right to Limit or Restrict**

You may have the right to object to or restrict the processing of your personal information under certain circumstances, including if we have no legitimate reasons to do so and in connection to direct marketing. If you have any queries or complaints about how we process your personal information, we encourage you to contact us at [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com).

Alternatively, if you do not wish to do this you may make a formal request to object to or restrict the processing of your personal information by Bloom Energy.

### **Right of Data Portability**

You may have the right to be provided with a copy of the information we have on you in a structured, machine-readable and commonly used format (or have this transferred to a third party). Users are able to access most of their personal information held by Bloom Energy on the Site, and if you have any queries or complaints, we encourage you to contact us at [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com).

Alternatively, you may make a formal request to access your personal information held by Bloom Energy. Bloom Energy will provide your personal information to you in a portable format to allow it to be transmitted to third parties.

### **Right of Deletion, Anonymization, or Blocking**

You may have the right to request that we delete, anonymize, or block your personal information under certain conditions, such as when processing is based on your consent or when processing is unnecessary, excessive, or noncompliant. Users are able to access most of

their personal information held by Bloom Energy on the Site, and if you have any queries or complaints, we encourage you to contact us at [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com).

Alternatively, if you do not wish to do this, you may make a formal request delete your personal information held by Bloom Energy. Once your request has been confirmed, Bloom Energy will initiate the necessary steps to execute this procedure.

### **Right to Opt-Out of Automated Decision Making and Profiling**

You may have the right to not be subject to a decision solely based on automated processing, including profiling.

### **Right to Opt-In or Opt-Out of Sale or Sharing**

You may have the right to opt-in or opt-out of the sale or sharing of your personal information, as defined under applicable law.

### **Right to Withdraw Your Consent**

You may have the right to withdraw your consent to our processing of your personal information. If you refrain from providing personal information or withdraw your consent to processing, some features of our services may not be available.

### **Right of Non-Discrimination**

You have the right not to receive discriminatory treatment by us when you exercise your rights

### **Right to Appeal**

You have the right to appeal if we deny your privacy request. Please contact [privacy@bloomenergy.com](mailto:privacy@bloomenergy.com) if you wish to appeal. We will consider your request and applicable law and notify you of our decision.

### **Right to File a Complaint**

You have the right to report concerns about our privacy practices, including the way we've handled your personal information, to the relevant supervisory or regulatory authority. If you would like to receive contact information for your local authority, you may contact us as provided below.

### **Other Rights**

Under privacy and data protection legislation, an individual may have various other rights, such as the right to be informed about third parties with which your personal information has been shared and the right to request the review of decisions taken exclusively based on automated processing that could affect your rights. You also have the right to complain to a data protection authority about our collection and use of your personal information.

### **Some Limitations**

Such rights of rectification, objection, restriction, access, portability, and deletion are subject to certain limitations, as provided for by applicable laws. Individual requests will be completed within the time allotted by relevant regulations, which starts to run from the point at which Bloom Energy confirms your request. Where permitted, please note there may be a charge for

subsequent requests from the same individual, which will be determined by Bloom Energy and only imposed to the extent permitted by applicable law.

**Verification.** To protect your privacy, we will take the following steps to verify your identity before fulfilling your request. When you make a request, we will ask you to provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include your name, email address, phone number, or other personal information associated with your account.

### **Exercise Your Rights**

To exercise the rights listed above:

- Submit a [privacy inquiry form](#)
- Send an email to [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com) from the email address associated with your account
- Mail your written request to Attn: Compliance, Bloom Energy, 4353 North First Street, San Jose, CA 95134

We will process such requests in accordance with applicable laws.

### **CHILDREN'S PRIVACY**

Our Site is intended for a general audience, and we do not knowingly collect information about children or sell products or services to children. We do not knowingly collect personal information from anyone under the age of 13. If you are under the age of 13, you must ask your parent or guardian to assist you in using the Site. If you are a parent or guardian and you are aware that your child has provided us with personal information, please email us at [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com). If we become aware that we have collected personal information from children without verification of parental consent, we will take steps to remove that information from our servers.

If you are 16 years of age or older, you have the right to opt-out of the sale or sharing of your personal information. However, we never knowingly sell or share the personal information of minors under 16 years of age and would not do so in the future without affirmative authorization from you, if you are between 13 to 16 years of age, or from your parent or guardian if less than 13 years of age.

## **Data Retention**

Bloom Energy retains the personal information we receive as described in this Privacy Notice for as long as necessary to fulfill the purpose(s) for which it was collected, carry out our Human Resources Operations, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

## **Security of Your Information**

We take steps to ensure that your information is treated securely and in accordance with this Privacy Notice. We follow generally accepted industry standards to safeguard personal data, including physical, technical, and administrative measures to protect the information submitted

to us, both during transmission and once we receive it. Unfortunately, we cannot ensure or warrant the security of any information you provide to us. To the fullest extent permitted by applicable law, we do not accept liability for unauthorized disclosure.

By providing personal data to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to our Human Resources Operations. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on our site, by mail or by sending an email to you.

## Third Party Websites / Applications

Various resources and sites at Bloom Energy may contain links to third party websites/applications and other websites/applications may reference or link to Bloom Energy. These third-party services are not controlled by us. We encourage our applicants and employees to read the privacy policies of each website and application with which they interact. We do not endorse, screen or approve, and are not responsible for the privacy practices or content of such other websites or applications. Visiting these other websites or applications is at your own risk.

## Supervisory Authority

If you are an applicant or employee located in the European Economic Area, United Kingdom, Switzerland, or Brazil, you have the right to lodge a complaint with a supervisory authority if you believe our processing of your personal information violates applicable law.

## Offers and Employment with Bloom Energy

This Privacy Notice does not provide binding offers, or terms or conditions of employment. Any employment offer that may result from you submitting information or an application in response to an opportunity on Bloom Energy's career site is in accordance with the specific terms of that offer and not based in any way on the description of the opportunity on Bloom Energy's career site.

Employment at Bloom Energy within the United States and where permitted under applicable law is 'At Will,' for an indefinite and unspecified duration. There are no exceptions to this 'At Will' policy unless they are agreed to in writing by an authorized officer of Bloom Energy.

## Changes to Our Privacy Notice and Practices

We may revise this Privacy Notice from time to time in our sole discretion. If there are any material changes to this Privacy Notice, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Notice if you continue your employment with Bloom Energy after the new Privacy Notice takes effect. If at any point you do not agree to any portion of the Privacy Notice in effect, you must immediately contact Human Resources.

## Contact Us

If you have any questions about our privacy practices or this Privacy Notice, or if you would like to exercise any of your rights, please:

- Submit a [privacy inquiry form](#).
- Send an email to [privacy@Bloomenergy.com](mailto:privacy@Bloomenergy.com) from the email address associated with your account.
- Mail your written request to Attn: Compliance, Bloom Energy, 4353 North First Street, San Jose, CA 95134.