

Effective Date: January 1, 2020

United States Privacy Notice

1. Overview and Scope

We comply with the provisions of the California Consumer Privacy Act (“CCPA”), as well as other applicable privacy and/or data protection laws (“Applicable Law”) with respect to the Processing of Personal Information. This Privacy Notice applies to all Personnel of Cree, Inc. (“Cree” or “the Company”) retained by us from time to time, and summarizes the categories of Personal Information we may collect from time to time and the business purposes for Processing such information.

2. Definitions

“**Individual**” means any identified or identifiable natural person.

“**Personal Information**” means any information relating to an identified or identifiable Individual.

“**Personnel**” means job applicants, directors, employees, executives, interns, co-ops, consultants, temporary resources, and independent contractors.

“**Process,**” “**Processed,**” or “**Processing**” means any operation or operations performed on Personal Information or on sets of Personal Information, whether or not by automated means, including but not limited to use, collection, storage, alteration, disclosure, erasure, or destruction.

3. Purposes for Collecting Your Personal Information

We collect and process your Personal Information for our business purposes, including the following:

1. Assessing your qualifications and/or capability for a particular job, role, or task;
2. Processing background checks and drug screening;
3. Managing and tracking work and performance relevant to employment or placement decisions;
4. Conducting performance reviews or determining performance requirements;
5. Developing training requirements and/or establishing or conducting training;
6. Gathering evidence for disciplinary action or termination;
7. Managing and tracking the performance of our business;
8. Administering pay and benefits;
9. Processing employee work-related claims (e.g., workers’ compensation, insurance claims, etc.);
10. Establishing an emergency contact in the event of an emergency;
11. Complying with applicable labor or employment laws or obligations, including wage and hour laws, tax and withholding obligations, immigration and work authorization laws, or our commitment to equal opportunities, or complying with any other local, state, or federal law;
12. Invoicing and billing our contractors, suppliers, vendors, and/or customers;
13. Monitoring compliance with Company policies;
14. Ensuring the security of Personnel, facilities, and/or Company-held information;
15. Complying with any duties or obligations that we may owe our Personnel as an employer or any other third parties; and
16. Other purposes reasonably required by Cree.

4. Personal Information We May Collect About You

Throughout the recruitment and hiring process, and during your time as a job applicant, employee, executive, intern, co-op, consultant, temporary resource, and/or independent contractor of Cree, the following categories of Personal Information may be collected about you:

#	Category of Personal Information Collected	Examples of Personal Information Collected	Purposes for Use (See #1-16 above)
1.	Identifiers	Real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver's license number, passport number, or other similar identifiers.	1-6, 8-15
2.	Personal information categories listed in the California Customer Records statute (Cal. Civ. Code 1798.80(e))	Name, signature, social security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.	1-6, 8-11, 15
3.	Characteristics of protected classifications under California or federal law	Age, race, color, ancestry, 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, veteran or military status.	1-6, 8-11, 15
4.	Internet or other electronic network activity information	Browsing history, search history, and information regarding interaction with internet websites, applications, or confidential/proprietary Cree data.	13-16
5.	Geolocation data	Physical location of Company devices and software.	13-16
6.	Audio, electronic, visual, thermal, olfactory, or similar information	Voicemails left on Company voicemail systems; Skype messages.	13-16
7.	Professional or employment-related information	Employment history and information regarding your work performance provided by references; education information, such as schools attended, degrees, GPA; references; attendance records, including records of leave taken and the reasons for such leave (e.g., vacation, sick leave, family leave, military service/emergency responder leave, and/or jury service); information relating to any suspected disciplinary matter; Personnel performance (e.g., we keep copies of an employee's appraisal, notes of any meetings about an appraisal and reports from your manager as well as records of absences and relating to benefits in your file).	1-13, 15-16
8.	Education information (as defined in 20 U.S.C. section 1232g, 43 C.F.R. Part 99)	Educational history, documentation of educational history (e.g., diploma, transcripts, etc.), including such information for interns and co-ops.	1, 4-5
9.	Inferences	Documents such as interview notes, and for select individuals, various assessment materials.	1-6, 8, 15

5. Additional Information About Personal Information We Collect



5.1 Other Records

Your file is also likely to contain a variety of other records depending on your position and relationship with us. It is not possible to set out an exhaustive list of the types of records contained in your file, but our policy is to ensure that the Personal Information we Process about you is relevant, accurate, and not excessive.

Access to your file and the Personal Information kept there is restricted to the Human Resources Department, select members of the Legal Department (when appropriate), and when reasonably necessary for management purposes, any manager.

5.2 Criminal Offenses

If we learn (from any source) that Personnel have been convicted of a criminal offense, we will Process this information only in limited circumstances. For example, we may use it as permitted by applicable law in certain employment decisions in situations when it is job-related and consistent with business necessity to do so.

6. Your Rights

You may have access to your personnel file in accordance with applicable state law.

7. Questions or Complaints

If you have questions or concerns about the way we have Processed your Personal Information, please contact the Human Resources Department at #CREE_HR_Employee_Relations@cree.com.

EMEA Privacy Notice

EMPLOYEE DATA PROTECTION NOTICE

This Employee Data Protection Notice ("**Notice**") explains our practices as the responsible controller regarding the processing of personal data relating to our employees in connection with their employment at Cree Europe GmbH / Cree Sweden AB ("**Cree**"). This document is not part of the employment contract, and we may update it from time to time in accordance with applicable law (e.g., if we implement new systems or processes that involve the use of personal data).

This Notice applies to you if you are a full or part-time, current or former employee of Cree.

1. **Data controller and contact details for questions**

Controller is:

Cree Europe GmbH, Einsteinstrasse 12, Unterschleißheim, 85716 Germany

OR

Cree Sweden AB, Kistagången 20B, 164 40 Kista, Stockholm, 16422, Sweden

"Company or Cree."

Our Chief Compliance Officer can be contacted at:

Mike Pollard, Associate General Counsel; mpollard@cree.com.

2. **Categories of Personal Data and Sources:**

Cree processes the following categories of personal data about you (collectively, "**Employee Data**"):

- **identification data**, such as your name, employee/Staff ID, citizenship, date of birth, national insurance number, and tax reference;
- **contact details**, such as your work and home addresses, telephone numbers, email addresses, and emergency contact details;
- **information about your job**, such as job title and code, work location, division, department, position level, employment contract, assigned tasks and projects, manager's name, business travel data, ethics and compliance training data, start and end date, and reason for leaving;
- **information about your salary and benefits**, such as your basic salary, bonus and commission entitlements, insurance benefits (including information about you and your dependents that we provide to the insurer), tax code, accrued salary information, and information relating to your pension;
- **information about your equity compensation**, such as units of stock or directorships held, details of all restricted stock units or any other entitlement to shares of stock awarded, cancelled, exercised, vested, unvested or outstanding in your favor;

- **communication data/IT information**, such as IP address and user login name, emails, telephone connections; and
- **performance and disciplinary information**, such as performance reviews, evaluations and ratings, information about disciplinary allegations, the disciplinary process and any disciplinary warnings, details of grievances, and any outcome.

In addition, Cree processes the following special categories of personal data about you (collectively, "Sensitive Employee Data"):

- **number of sick days** for purposes of administering and providing compensation, administering the workforce (e.g., workforce planning), and compliance with applicable laws and employment-related requirements (e.g., statutory wage tracking);
- **information on work-related accidents** for purposes of administering and providing compensation (e.g., insurance compensation), and compliance with applicable laws and employment-related requirements (e.g., work safety, reporting obligations);
- **information on disability** (if provided voluntarily) for purposes of administering the workforce (e.g., accommodating the work place) and compliance with applicable laws and employment-related requirements;
- **information on maternity leave** for purposes of administering the workforce (e.g., workforce planning), and compliance with applicable laws and employment-related requirements; and
- **religious affiliation** for purposes of administering and providing compensation, and compliance with applicable laws and employment-related requirements (e.g., tax compliance).

Cree processes such Employee Data and Sensitive Employee Data that Cree received from you in connection with the employment relationship. To the extent necessary, Cree also processes such Employee Data and Sensitive Employee Data that Cree lawfully received from public sources, other group companies, and/or other authorized third parties (e.g., public authorities).

3. Processing Purposes, Legal Basis, and Consequences

Sensitive Employee Data is collected, processed, and used for the purposes mentioned above, and Employee Data is collected, processed, and used for the following purposes (collectively, "Processing Purposes"):

Processing Purposes	Categories of Employee Data Involved
administering and providing compensation , including administering and providing payroll bonus, stock options, and other applicable incentives	identification data, contact details, information about your job, information about your salary and benefits, information about your equity compensation, and performance and disciplinary information
administering and providing applicable benefits and other work-related allowances , including reporting of benefit entitlements and use	identification data, contact details, information about your job, information about your salary and benefits, and performance and disciplinary information
administering the workforce , including managing work activities, providing performance evaluations and promotions, producing and maintaining corporate organization charts, matrix management, entity and intra-entity staffing and team management, managing and monitoring business travel, carrying out workforce analysis,	identification data, contact details, information about your job, information about your salary and benefits, and performance and disciplinary information



conducting talent management and career development, leave management/approvals, providing references as requested, and administering ethics and compliance trainings	
complying with applicable laws and employment-related requirements along with the administration of those requirements, such as income tax, national insurance deductions, and employment and immigration laws	identification data, contact details, information about your job, information about your salary and benefits, and performance and disciplinary information
ensuring compliance with applicable Cree and/or Cree group procedures	identification data, contact details, information about your job, information about your salary and benefits, communication data/IT information, and performance and disciplinary information
communicating with you, other Cree and/or Cree group employees, and third parties (such as existing or potential business partners, suppliers, customers, end-customers or government officials)	identification data, contact details, communication data/IT information and information about your job
communicating with your designated contacts in case of an emergency	identification data and contact details
responding to and complying with requests and legal demands from regulators or other authorities in or outside of your home country	identification data, contact details, information about your job, information about your salary and benefits, communication data/IT information, and performance and disciplinary information
complying with corporate financial responsibilities , including audit requirements (both internal and external) and cost/budgeting analysis and control	identification data, contact details, information about your job, information about your salary and benefits, communication data/IT information, and performance and disciplinary information

Cree relies on the following legal grounds for the processing of personal data:

3.1 Employee Data¹

- Performance of the employment contract with you pursuant to Art. 6 (1) lit. b GDPR;
- legitimate interests of Cree, Cree's affiliates or other third parties (such as existing or potential business partners, suppliers, customers, end-customers, governmental bodies, or courts) pursuant to Art. 6 (1) lit. f GDPR where the legitimate interests could be in particular:
 - implementation and operation of a group-wide matrix structure and group-wide information sharing,
 - measures to maintain operational activity (e.g., succession planning),
 - measures for personnel development planning (e.g., evaluation),
 - prevention of fraud, misuse of company IT systems, or money laundering,
 - physical security, IT, intellectual property, proprietary/confidential information, and network security, and

¹ See Appendix A.



- measures due to organizational changes, e.g., mergers and acquisitions
- (more information on the balancing test is available upon request);
- consent pursuant to Art. 6 (1) lit. a GDPR, if provided by you for certain purposes and permitted under local data protection law, e.g., pictures of events, employee surveys;
 - compliance with legal obligations pursuant to Art. 6 (1) lit. c GDPR, in particular in the area of labor and employment law, social security and protection law, data protection law, tax law, and corporate compliance laws;
 - protection of the vital interests of you or of another individual pursuant to Art. 6 (1) lit. d GDPR; and
 - performance of a task carried out in the public interest pursuant to Art. 6 (1) lit. e GDPR.

3.2 Sensitive Employee Data

- Explicit consent pursuant to Art. 9 (2) lit. a GDPR if provided by you for certain purposes and to the extent permitted by EU law or local data protection law;
- carrying out the obligations and exercising the specific rights of Cree or you in the field of employment and social security and social protection law as permitted by EU law or local data protection law pursuant to Art. 9 (2) lit. b GDPR;
- protection of the vital interests of you or of another individual where you are physically or legally incapable of giving consent pursuant to Art. 9 (2) lit. c GDPR;
- public data as made public manifestly by you pursuant to Art. 9 (2) lit. e GDPR;
- establishing, exercising, or defending legal claims pursuant to Art. 9 (2) lit. f GDPR;
- for substantial public interest, as permitted by EU law pursuant to Art. 9 (2) lit. g GDPR; and
- for the assessment of the working capacity of the employee pursuant to Art. 9 (2) lit. h GDPR

The provision of Employee Data and Sensitive Employee Data as described in the Notice is partly a statutory requirement, partly a contractual requirement under your employment contract, and partly a requirement to carry out the employment relationship with you. In general, you are obliged to provide the Employee Data and Sensitive Employee Data, except in limited instances when we indicate that certain information is voluntary (e.g., in connection with employee satisfaction surveys). Not providing the Employee Data and Sensitive Employee Data may prevent Cree from carrying out the employment relationship with you and may require Cree to terminate your employment.

4. Categories of Recipients

Within Cree, access to Employee Data and Sensitive Employee Data will be granted to departments and persons on a need to know basis and to the extent required to comply with a contractual or statutory obligation, e.g., superiors, HR Department, Legal Department, works council, and other control functions. Cree may transfer your Employee Data and Sensitive Employee Data to third parties for the Processing Purposes as follows:

- **Within the Group:** Other Cree entities within the global Cree group may receive your personal data as necessary for the Processing Purposes, in particular to administer the workforce, to operate in the matrix structure, monitor and ensure compliance with applicable Cree group procedures, and



respond to and comply with requests and legal demands. The transfer to other group companies is based on our legitimate interests, such as personnel management (more information on the balancing test is available upon request).

- **With certain external third parties:** Existing or potential business partners, suppliers, customers, end-customers may receive your identification data, contact detail, and information about your job, and, in addition, independent external advisors (e.g., auditors), insurance carriers, tax authorities, government authorities, benefits providers, and other third parties may also receive information about your salary and benefits, and information about your equity compensation as necessary in connection with our business operations, in particular to administer and provide compensation, administer and provide applicable benefits and other work-related allowances, administer the workforce, comply with applicable laws and employment-related requirements, communicate with you and third parties, and respond to and comply with requests and legal demands. The transfer to third parties is based on legal requirements or our legitimate interests (more information on the balancing test is available upon request).
- **With data processors:** Certain third parties, whether affiliated or unaffiliated, may receive your personal data to process such data under appropriate instructions ("**Data Processors**") as necessary for the Processing Purposes, in particular to administer and provide compensation, administer and provide applicable benefits and other work-related allowances, administer the workforce, comply with applicable laws and employment-related requirements, and other activities. The Data Processors will be subject to contractual obligations to implement appropriate technical and organizational security measures to safeguard the personal data, and to process the personal data only as instructed.

Any access to your personal data is restricted to those individuals that have a need to know in order to fulfill their job responsibilities.

5. **Retention Period**

Your personal data is stored by Cree and/or our service providers, to the extent necessary for the performance of our obligations and strictly for the time necessary to achieve the purposes for which the information is collected, in accordance with applicable data protection laws. Please note that the employment relationship is a continuing obligation existing for a longer period. When Cree no longer needs to use your personal data to comply with contractual or statutory obligations, we will remove it from our systems and records and/or take steps to properly anonymize it so that you can no longer be identified from it, unless we need to keep your information, including personal data, to comply with legal or regulatory obligations to which Cree is subject, e.g., statutory retention periods which can result from e.g., German Commercial Code and the Tax Code and usually contain retention periods from 6 to 10 years, or if we need it to preserve evidence within the statutes of limitation, which is usually three years but can be up to thirty years, according to applicable law.

6. **Automated Decision-Making**

Company does not engage in automated decision-making in the context of the employment relationship.

7. **Your Rights**

If you have declared your consent for any personal data processing activities, you can withdraw this consent at any time with future effect. Such a withdrawal will not affect the lawfulness of the processing prior to the consent withdrawal.

Pursuant to applicable data protection law you may have the right to: request access to your personal data, request rectification of your personal data; request erasure of your personal data, request restriction of processing of your personal data; request data portability, and object to the processing of your personal data. Please note that these aforementioned rights might be limited under the applicable national data protection law. For further information on these rights please refer to Exhibit Your Rights.

You also have the right to lodge a complaint with a data protection supervisory authority. To exercise your rights please contact us as stated in Section 8.

8. Questions

If you have any questions about this Notice or your rights, please contact Mike Pollard at mpollard@cree.com.

Your Rights

1. Right of access

You may have the right to obtain from us confirmation as to whether or not personal data concerning you is processed, and, where that is the case, to request access to the personal data. The access information includes – inter alia – the purposes of the processing, the categories of personal data concerned, and the recipients or categories of recipients to whom the personal data have been or will be disclosed. However, this is not an absolute right and the interests of other individuals may restrict your right of access. The right of access is limited pursuant to Section 34 FDPA (Federal Data Protection Act). The right of access does not, for example, apply if the data (a) were recorded only because they may not be erased due to legal or statutory provisions on retention, or (b) only serve the purposes of monitoring data protection or safeguarding data, and providing information would require a disproportionate effort, and appropriate technical and organizational measures make processing for other purposes impossible.²

You may have the **right to obtain a copy of the personal data undergoing processing**. For further copies requested by you, we may charge a reasonable fee based on administrative costs.

2. Right to rectification

You may have the right to obtain from us the rectification of inaccurate personal data concerning you. Depending on the purposes of the processing, you may have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

3. Right to erasure ("right to be forgotten")

Under certain circumstances, you may have the right to obtain from us the erasure of personal data concerning you and we may be obliged to erase such personal data. Such right to erasure pursuant to Section 35 FDPA, for instance, does not apply if in the case of a non-automated processing erasure would be impossible or would involve disproportionate effort due to the specific mode of storage and if your interest in erasure can be regarded as minimal. In such case, you may have the right to restriction of processing.³

² Only applicable in Germany.

³ Only applicable in Germany.

4. Right to restriction of processing

Under certain circumstances, you may have the right to obtain from us restriction of processing your personal data. In this case, the respective data will be marked and may only be processed by us for certain purposes.

5. Right to data portability

Under certain circumstances, you may have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you may have the right to transmit those data to another entity without hindrance from us.

6. Right to object

Under certain circumstances, you may have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal data by us and we can be required to no longer process your personal data.

Moreover, if your personal data is processed for direct marketing purposes, you have the right to object at any time to the processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing. In this case your personal data will no longer be processed for such purposes by us.

Appendix A – Germany

Sections 3.1 and 3.2 of the EMEA Privacy Notice read as follows for those employees who are employed by Cree in Germany:

- conclusion, performance or termination of the employment contract with you pursuant to Art. 88 GDPR and Section 26 (1) 1 FDPA;
- legitimate interests of Cree, Cree's affiliates or other third parties (such as existing or potential business partners, suppliers, customers, end-customers, governmental bodies, or courts) pursuant to Art. 6 (1) lit. f GDPR in connection with Art. 88 GDPR and Section 26 (1) FDPA where the legitimate interests could be in particular:
 - implementation and operation of a group-wide matrix structure and group-wide information sharing,
 - measures to maintain operational activity (e.g., succession planning),
 - measures for personnel development planning (e.g., evaluation),
 - prevention of fraud, misuse of company IT systems, or money laundering,
 - physical security, IT, and network security, and
 - measures due to organizational changes, e.g., mergers and acquisitions(more information on the balancing test is available upon request);
- detection of crimes if there is documented reason to believe the data subject has committed a crime while employed, the processing of such data is necessary to investigate the crime and is not outweighed by the data subject's legitimate interests and the processing is not disproportionate pursuant to Art. 88 in connection with Section 26 (1) sentence 2 FDPA;
- (explicit) consent pursuant to Art. 6 (1) lit. a GDPR, Art. 9 (2) lit. a GDPR in connection with Art. 88 GDPR and Section 26 (2) and (3) sentence 2 FDPA if provided by you for certain purposes and permitted under EU law or local data protection law, e.g., pictures of events, employee surveys;
- compliance with legal obligations pursuant to Art. 6 (1) lit. c GDPR in connection with Art. 88 GDPR and Section 26 FDPA, in particular in the area of labor and employment law, social security and protection law, data protection law, tax law, and corporate compliance laws;
- protection of the vital interests of you or of another individual pursuant to Art. 6 (1) lit. d GDPR;
- performance of a task carried out in the public interest pursuant to Art. 6 (1) lit. e GDPR; and
- to exercise rights or to comply with legal obligations derived from labor law, social security, and social protection law and there is no reason to believe that the data subject has an overriding legitimate interest pursuant to Art. 88 GDPR, Art. 9 (1) GDPR and Section 26 FDPA.